

17 NCAC 07B .0104 RETURNS

(a) General -- G.S. 105-164.16 establishes the filing frequency of sales and use tax returns and the content of the returns. G.S. 105-164.4(c) requires a retailer and a wholesale merchant to register with the Department and obtain a certificate of registration. G.S. 105-164.6 requires a retailer who delivers property for storage, use, or consumption but does not have a place of business in this State to register with the Department and obtain a certificate of registration. A person who is engaged in business, is not otherwise required to file a sales and use tax return, and, on two or more occasions within a twelve-month period, purchases property subject to use tax must register with the Department and begin filing sales and use tax returns. A person who is engaged in business, is not otherwise required to file a sales and use tax return, and purchases property subject to use tax only once in a twelve-month period must file a return and pay the tax due within 20 days after the end of the month in which the purchase was made.

(b) Schedules. -- A retailer who files a return that reports tax payable by more than one location in the State must attach two schedules to the return. One schedule must list the amount of State tax due for each location in the State and the other must list the amount of local tax due for each county.

(c) No Sales or Purchases By Business -- A retailer who does not make any sales during a reporting period must file a return for that period and enter 0.00 (zero) on the Total Due line on the return. Similarly, a person who is not a retailer but is engaged in business, purchases tangible personal property for the business that is subject to use tax, and does not make any taxable purchases during a reporting period must file a return for that period and enter 0.00 (zero) on the Total Due line on the return.

(d) Seasonal Business. -- A retailer who engages in business for six or fewer consecutive months in each year may register as a seasonal filer and indicate the months in which the retailer engages in business. A retailer who is registered as a seasonal filer is not required to file a return for an off-season reporting period in which the retailer did not engage in business.

(e) Wholesale Merchant -- A person who engages exclusively in the business of making wholesale sales is not required to file a return. A person who, on two or more occasions within a twelve-month period, either makes taxable sales to users, consumers, or nonregistered merchants or makes purchases subject to use tax is not engaged exclusively in the business of making wholesale sales and must begin filing sales and use tax returns. A wholesale merchant who is not required to file a sales and use tax return and who, on only one occasion within a twelve-month period, either makes taxable sales to users, consumers, or nonregistered merchants or makes purchases subject to use tax must file a return and pay the tax due within 20 days after the end of the month in which the sale or purchase was made.

(f) Non-Business Use Tax -- An individual who is not engaged in the business of selling tangible personal property at retail and who purchases for a non-business purpose tangible personal property that is subject to use tax must report the tax due on an annual basis. An individual who is required to file an individual income tax return must pay the use tax with the individual income tax return for that year. An individual who is not required to file an individual income tax return must report the tax due on Form E-554. Form E-554 is due annually by the date set under G.S. 105-164.16.

*History Note: Authority G.S. 105-164.3; 105-164.16; 105-262; 105-269.14;
Eff. February 1, 1976;
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