GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2005

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SENATE DRS85454-LYx-285B* (1/23)

Short Title:	Motorsports Incentives.	(Public)
Sponsors:	Senator Hoyle.	
Referred to:		

1		A DU L TO DE ENTITI ED		
1 2	A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A SALES AND USE TAX INCENTIVE FOR THE			
2	MOTORSPORTS INDUSTRY AS RECOMMENDED BY THE GOVERNOR'S			
4	MOTORSPORTS ADVISORY COUNCIL.			
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	7 "§ 105-164.3. Definitions.			
8	The following definitions apply in this Article:			
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10		essional motorsports racing team. – A racing team that satisfies all		
11	<u>of th</u>	e following conditions:		
12	<u>a.</u>	<u>The team is operated for profit.</u>		
13	<u>b.</u>	A majority of the revenues of the team is derived from		
14		sponsorship of the racing team and prize money.		
15	<u>C.</u>	The team competes in at least sixty-six percent (66%) of the		
16		races sponsored in a single season by a motorsports sanctioning		
17		body.		
18	<u>(30b)</u> Pros	thetic device A replacement, corrective, or supporting device		
19	worn	n on or in the body that meets one of the conditions of this		
20	subd	livision. The term includes repair and replacement parts for the		
21	devi	ce.		
22	a.	Artificially replaces a missing portion of the body.		
23	b.	Prevents or corrects a physical deformity or malfunction.		
24	с.	Supports a weak or deformed portion of the body.		
25	"			
26	SECTION	2. G.S. 105-164.14(1) reads as rewritten:		

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1 "(1) Aviation Fuel for Motorsports Events. – A professional motorsports racing 2 team or a motorsports sanctioning body is allowed a refund of the sales and use tax paid 3 by it in this State on aviation fuel that is used to travel to or from a motorsports event in 4 this State, to travel to a motorsports event in another state from a location in this State, 5 or to travel to this State from a motorsports event in another state. For the purposes of 6 this subsection, a "motorsports event" includes a motorsports race, a motorsports 7 sponsor event, and motor sports testing. A request for a refund must be in writing and 8 must include any information and documentation the Secretary requires. A request for a 9 refund is due within six months after the end of the State's fiscal year. Refunds applied 10 for after the due date are barred. This subsection is repealed for purchases made on or after January 1, 2007." 11 12 SECTION 3. G.S. 105-164.14 is amended by adding a new subsection to 13 read: 14 "(m) <u>Professional Motor Racing Vehicles. – A professional motorsports racing</u> 15 team is allowed a refund of the sales and use tax paid by it in this State on tangible personal property, other than tires or accessories, that comprises any part of a 16 17 professional motor racing vehicle. For the purposes of this subsection, 'accessories' 18 includes instrumentation, telemetry, consumables, and paint. A request for a refund must be in writing and must include any information and documentation the Secretary 19 20 requires. A request for a refund is due within six months after the end of the State's 21 fiscal year. Refunds applied for after the due date are barred."

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SECTION 4. Section 62 of S.L. 2005-435 reads as rewritten:

"SECTION 62. This part becomes effective January 1, 2005, and applies to purchases made on or after that date. This partSection 61 is repealed effective for purchases made on or after January 1, 2007. This part does not affect the rights or liabilities of the State, a taxpayer, or another person arising under a statute amended or repealed by this part before the effective date of its amendment or repeal; nor does it affect the right to any refund or credit of a tax that accrued under the amended or repealed statute before the effective date of its amendment or repeal."

30 **SECTION 5.** This act becomes effective January 1, 2006, and applies to 31 purchases made on or after that date. This act does not affect the rights or liabilities of 32 the State, a taxpayer, or another person arising under a statute amended or repealed by 33 this act before the effective date of its amendment or repeal; nor does it affect the right 34 to any refund or credit of a tax that accrued under the amended or repealed statute 35 before the effective date of its amendment or repeal.