

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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HOUSE BILL 421

Short Title: Fuel Tax Refund for Marinas. (Public)

Sponsors: Representative Iler (Primary Sponsor).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Commerce and Job Development, if favorable, Finance.

March 22, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO ALLOW A MARINA TO OBTAIN A QUARTERLY REFUND OF THE  
3 EXCISE TAX ON GASOLINE SOLD FOR USE IN A BOAT OR OTHER MARINE  
4 VESSEL.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Part 5 of Article 36C of Chapter 105 of the General Statutes is  
7 amended by adding a new section to read:

8 "**§ 105-106A. Quarterly refunds for marinas and special mobile equipment.**

9 (a) Marina. – A marina may obtain a quarterly refund of the excise tax paid by the  
10 marina on gasoline purchased for use in a boat or another marine vessel during the preceding  
11 quarter. The refund applies only to gasoline delivered at the time of purchase into a storage  
12 facility that is marked "For Boat Use Only" or another phrase that clearly indicates the fuel is  
13 not to be used to operate a highway vehicle.

14 (b) Special Mobile Equipment. – A person who purchases and uses motor fuel to  
15 operate special mobile equipment off-highway may receive a quarterly refund for the excise tax  
16 paid during the preceding quarter on the fuel used for this purpose.

17 (c) Refund Amount. – The amount of a refund allowed under this section is the amount  
18 of excise tax paid during the preceding quarter, at a rate equal to the flat cents-per-gallon rate  
19 plus the variable cents-per-gallon rate in effect during the quarter for which the refund is  
20 claimed, less the amount of sales and use tax or privilege tax due on the motor fuel under this  
21 Chapter, as determined in accordance with G.S. 105-449.107(c)."

22 **SECTION 2.** The catch line of G.S. 105-449.106 reads as rewritten:

23 "**§ 105-449.106. Quarterly refunds for nonprofit organizations, taxicabs, and special**  
24 **mobile equipment, organizations and taxicabs.**"

25 **SECTION 3.** G.S. 105-449.106(c) is repealed.

26 **SECTION 4.** G.S. 105-164.13(11) reads as rewritten:

27 "(11) Any of the following fuel:

28 a. Motor fuel, as defined in G.S. 105-449.60, except motor fuel for  
29 which a refund of the per gallon excise tax is allowed under  
30 G.S. 105-449.105A or G.S. 105-449.107.  
31 G.S. 105-449.105A,  
32 105-449.106A, or 105-449.107.

33 b. Alternative fuel taxed under Article 36D of this Chapter, unless a  
34 refund of that tax is allowed under G.S. 105-449.107."

35 **SECTION 5.** This act becomes effective July 1, 2011, and applies to motor fuel  
purchased on or after that date.

