

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 306  
Committee Substitute Favorable 4/16/91

Short Title: Extend Military State Tax Filing Date.

(Public)

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Sponsors:

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Referred to:

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March 25, 1991

A BILL TO BE ENTITLED

1 AN ACT TO ALLOW AN ADDITIONAL 180-DAY PERIOD FOR DEPLOYED  
2 ARMED FORCES PERSONNEL AND SUPPORT PERSONNEL TO FILE STATE  
3 TAX RETURNS AND TO CONFORM THE STATE INCOME TAX  
4 ABATEMENT PROVISIONS CONCERNING MILITARY PERSONNEL TO  
5 FEDERAL LAW.  
6

7 The General Assembly of North Carolina enacts:

8 Section 1. G.S. 105-249.2 reads as rewritten:

9 "**§ 105-249.2. State Due date and penalties for State taxes owed by certain members**  
10 **of the armed forces; no interest or penalty to accrue while in combat zone.**  
11 **forces or individuals serving in support of the armed forces.**

12 ~~Whenever any tax imposed by the State under the provisions of this Chapter is owed~~  
13 ~~by any member of the armed forces of the United States who is serving in a combat~~  
14 ~~zone, as the same is hereinafter defined, or who is hospitalized as a result of wounds,~~  
15 ~~disease or injury incurred by serving in a combat zone during a period of induction,~~  
16 ~~there shall be no interest or penalty assessed for taxes due during the period in which~~  
17 ~~such member of the armed forces is in such combat zone, or is hospitalized as a result of~~  
18 ~~wounds, disease or injury incurred while serving in such combat zone.~~

19 ~~Combat zone is hereby defined as an area which the President of the United States~~  
20 ~~by executive order has designated as an area in which the armed forces of the United~~  
21 ~~States are, or have been, engaged in combat. The provisions of this section shall apply~~  
22 ~~to any month or months during any part of which such member of the armed services~~  
23 ~~served in a combat zone during an induction period; except that this section shall not~~

1 ~~apply for any month during any part of which there was no combat activities in the~~  
2 ~~combat zone. The Secretary may not assess interest or a penalty against a taxpayer for~~  
3 ~~any period that is disregarded under section 7508 of the Code, as amended by Pub. L.~~  
4 ~~No. 102-2, in determining the taxpayer's liability for a federal tax. A taxpayer is~~  
5 ~~granted an extension of time to file a return or take another action concerning a State tax~~  
6 ~~for any period during which the Secretary may not assess interest or a penalty under this~~  
7 ~~section."~~

8 Sec. 2. G.S. 105-158 reads as rewritten:

9 "**§ 105-158. Abatement of income taxes of certain members of the armed forces upon**  
10 **death. Taxation of certain armed forces personnel and other individuals**  
11 **upon death.**

12 In the case of any individual

13 (1) ~~Who dies~~

14 a. ~~On or after January 1, 1964,~~

15 b. ~~While in active service as a member of the armed forces of the~~  
16 ~~United States, and~~

17 c. ~~While serving in a combat zone; or~~

18 (2) ~~Who dies~~

19 a. ~~On or after January 1, 1964, and~~

20 b. ~~As a result of wounds, disease, or injury incurred while in~~  
21 ~~active service as a member of the armed forces of the United~~  
22 ~~States, and while serving in a combat zone on or after January~~  
23 ~~1, 1964,~~

24 ~~No individual income tax imposed by this Division shall apply with respect to the~~  
25 ~~taxable year in which falls the date of the individual's death, or with respect to any prior~~  
26 ~~taxable year ending on or after the first day the individual so served in a combat zone;~~  
27 ~~and any tax under this Division and under the corresponding provisions of prior revenue~~  
28 ~~laws for taxable years preceding those above specified which is unpaid at the date of the~~  
29 ~~individual's death (including interest, additions to the tax, and additional amounts) shall~~  
30 ~~not be assessed and if assessed the assessment shall be abated, and if collected shall be~~  
31 ~~credited or refunded as an overpayment. As used in this section, the term "combat~~  
32 ~~zone" means an area which the President of the United States by executive order~~  
33 ~~designates as an area in which the armed forces of the United States are or have been~~  
34 ~~engaged in combat.~~

35 An individual is not subject to the tax imposed by this Division for a taxable year if,  
36 under section 692 of the Code, the individual is not subject to federal income tax for  
37 that same taxable year."

38 Sec. 3. This act is effective upon ratification and applies retroactively as of  
39 August 2, 1990.