

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE BILL 524

Short Title: Aggregates & Asphalt Tax Uniformity. (Public)

Sponsors: Senator Rand.

Referred to: Finance.

March 25, 2003

1 A BILL TO BE ENTITLED
2 AN ACT TO EQUALIZE THE SALES TAX ON AGGREGATES AND ON
3 ASPHALT AND CONCRETE.

4 The General Assembly of North Carolina enacts:

5 SECTION 1.(a) G.S. 105-164.3 is amended by adding two new subdivisions
6 to read:

7 "§ 105-164.3. Definitions.

8 The following definitions apply in this Article:

9 (1) Aggregates. – Stone, sand, gravel, recycled concrete, and recycled
10 asphalt. The term includes stone material that has been crushed,
11 screened, washed, or processed in any way.

12 (1b) Asphalt and concrete. – Bituminous asphalt, hot mix asphalt,
13 Superpave mix asphalt, and unhardened concrete, however
14 manufactured."

15 SECTION 1.(b) The Revisor of Statutes is authorized to renumber the
16 existing subdivisions in G.S. 105-164.3 to retain alphabetical order.

17 SECTION 2. G.S. 105-164.13(3) reads as rewritten:

18 "§ 105-164.13. Retail sales and use tax.

19 The sale at retail, the use, storage or consumption in this State of the following
20 tangible personal property is specifically exempted from the tax imposed by this Article:

21 ...

22 (3) Products of forests and mines in their original or unmanufactured state
23 when ~~such sales are made~~ sold by the producer in the capacity of
24 producer. This subdivision does not apply to sales of aggregates."

25 SECTION 3. G.S. 105-164.13, as amended by this act, is amended by
26 adding two new subdivisions to read:

27 "§ 105-164.13. Retail sales and use tax.

28 The sale at retail, the use, storage or consumption in this State of the following
29 tangible personal property is specifically exempted from the tax imposed by this Article:

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(40a) Sales of aggregates to contractors or subcontractors for use by them in the performance of contracts with the Department of Transportation or with a governmental entity listed in G.S. 105-164.14(c).

(51) Asphalt and concrete."

SECTION 4. This act becomes effective July 1, 2003. This act does not apply to aggregates purchased to fulfill a lump-sum or unit-price contract entered into or awarded before the effective date of this act or entered into or awarded pursuant to a bid made before the effective date of this act.