

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE DRS95049-MC-119C* (03/07)

Short Title: Correct Taxation of Computer Software. (Public)

Sponsors: Senators Gunn, Barefoot, and Walters (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO CORRECT ERRORS IN CALCULATING PROPERTY TAX LIABILITY ON
3 COMPUTER SOFTWARE.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 105-275(40) reads as rewritten:

6 "§ 105-275. Property classified and excluded from the tax base.

7 The following classes of property are designated special classes under Article V, Sec. 2(2),
8 of the North Carolina Constitution and are excluded from tax:

9 ...

10 (40) Computer software and any documentation related to the computer software.
11 As used in this subdivision, the term "computer software" means any
12 program or routine used to cause a computer to perform a specific task or set
13 of tasks. The term includes system and application programs and database
14 storage and management programs.

15 The exclusion established by this subdivision does not apply to computer
16 software and its related documentation if the computer software ~~meets one~~
17 ~~or more of the following descriptions:~~

18 a. ~~It is embedded software. "Embedded software" means computer~~
19 ~~instructions, known as microcode, that reside permanently in the~~
20 ~~internal memory of a computer system or other equipment and are~~
21 ~~not intended to be removed without terminating the operation of the~~
22 ~~computer system or equipment and removing a computer chip, a~~
23 ~~circuit, or another mechanical device.~~

24 b. ~~It is purchased or licensed from a person who is unrelated to the~~
25 ~~taxpayer and it is capitalized on the books of the taxpayer in~~
26 ~~accordance with generally accepted accounting principles, including~~
27 ~~financial accounting standards issued by the Financial Accounting~~
28 ~~Standards Board. A person is unrelated to a taxpayer if (i) the~~
29 ~~taxpayer and the person are not subject to any common ownership,~~
30 ~~either directly or indirectly, and (ii) neither the taxpayer nor the~~
31 ~~person has any ownership interest, either directly or indirectly, in the~~
32 ~~other.~~

33 This subdivision does not affect the value or taxable status of any property
34 that is otherwise subject to taxation under this Subchapter.



1 The provisions of the exclusion established by this subdivision are not
2 severable. If any provision of this subdivision or its application is held
3 invalid, the entire subdivision is repealed.

4 "

5 **SECTION 2.** This act is effective for taxes imposed for taxable years beginning on
6 or after July 1, 2013.