

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE DRS35279-MC-91 (3/5)

Short Title: Expand Fuel Tax Refund. (Public)

Sponsors: Senator Rand.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO ALLOW A FUEL TAX REFUND FOR FUEL USE BY COMMERCIAL
TIRE SERVICE VEHICLES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 105-449.107(b) reads as rewritten:

"(b) Certain Vehicles. – A person who purchases and uses motor fuel in one of the vehicles listed below may receive an annual refund for the amount of fuel consumed by the vehicle:

- (1) A concrete mixing vehicle.
- (2) A solid waste compacting vehicle.
- (3) A bulk feed vehicle that delivers feed to poultry or livestock and uses a power takeoff to unload the feed.
- (4) A vehicle that delivers lime or fertilizer in bulk to farms and uses a power takeoff to unload the lime or fertilizer.
- (5) A tank wagon that delivers alternative fuel, as defined in G.S. 105-449.130, or motor fuel or another type of liquid fuel into storage tanks and uses a power takeoff to make the delivery.
- (6) A commercial vehicle that delivers and spreads mulch, soils, composts, sand, sawdust, and similar materials and that uses a power takeoff to unload, blow, and spread the materials.
- (7) A commercial vehicle that uses a power takeoff to remove and dispose of septage and for which an annual fee is required to be paid to the Department of Environment and Natural Resources under G.S. 130A-291.1.
- (8) A sweeper.

1 (9) A commercial tire service vehicle that pumps air for compressors to
2 operate machinery necessary to repair and replace tires of vehicles and
3 off-road equipment in the field.

4 The amount of refund allowed is thirty-three and one-third percent (33 1/3%) of the
5 following: the sum of the flat cents-per-gallon rate in effect during the year for which
6 the refund is claimed and the average of the two variable cents-per-gallon rates in effect
7 during that year, less the amount of sales and use tax or privilege tax due on the fuel
8 under this Chapter. An application for a refund allowed under this section must be made
9 in accordance with this Part. This refund is allowed for the amount of fuel consumed by
10 the vehicle in its mixing, compacting, or unloading operations, as distinguished from
11 propelling the vehicle, which amount is considered to be one-third of the amount of fuel
12 consumed by the vehicle."

13 **SECTION 2.** This act is effective when it becomes law and applies to motor
14 fuel and alternative fuel consumed on or after January 1, 2007.