

1 development of tangible personal property manufactured by the
2 industry or plant.

- 3 (3) A software publishing company that is included in the industry group
4 5112 of NAICS and that purchases equipment or an attachment or
5 repair part for equipment that meets all of the following requirements:
6 a. Is capitalized by the company for tax purposes under the Code.
7 b. Is used by the company in the research and development of
8 tangible personal property.
9 c. Would be considered mill machinery under G.S. 105-187.51 if
10 it were purchased by a manufacturing industry or plant and used
11 in the research and development of tangible personal property
12 manufactured by the industry or plant.

13 (4) An industrial machinery refurbishing company that is included in
14 industry group 811310 of NAICS and that purchases equipment or an
15 attachment or repair part for equipment that meets all of the following
16 requirements:

- 17 a. Is capitalized by the company for tax purposes under the Code.
18 b. Is used by the company in repairing or refurbishing tangible
19 personal property.
20 c. Would be considered mill machinery under G.S. 105-187.51 if
21 it were purchased by a manufacturing industry or plant and used
22 by the industry or plant to manufacture tangible personal
23 property.

24 (b) Rate. – The tax is one percent (1%) of the sales price of the equipment or
25 other tangible personal property. The maximum tax is eighty dollars (\$80.00) per
26 article."

27 **SECTION 2.** A person that paid tax on or after September 1, 2001, in an
28 amount that is greater than the amount required under G.S. 105-187.51B(a)(4), as
29 enacted by this act, may obtain a refund of the difference between the amount paid and
30 the amount due under that subdivision by filing a claim for refund with the Secretary of
31 Revenue in accordance with G.S. 105-241.7. The claim for refund must be filed within
32 the later of the following:

- 33 (1) One year after the effective date of this act.
34 (2) The end of the statute of limitations period set in G.S. 105-241.6 for
35 filing a claim for refund.

36 **SECTION 3.** This act is effective when it becomes law and applies
37 retroactively to purchases made on or after September 1, 2001.