## GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

H HOUSE DRH80386-MC-218 (04/22)

Short Title:	Aggregates & Asphalt Tax Uniformity.	(Public)
Sponsors:	Representative Crawford.	
Referred to:		

1			A BILL TO BE ENTITLED			
2	AN ACT TO EQUALIZE THE SALES TAX ON AGGREGATES AND ON ASPHALT AND					
3	CONCRETE.					
4	The General Assembly of North Carolina enacts:					
5						
6	"§ 105-164.3. De	finitio	ns.			
7	· ·					
8	(1)		egates. – Stone, sand, gravel, recycled concrete, and recycled asphalt.			
9	<del></del>		erm includes stone material that has been crushed, screened, washed, or			
10			ssed in any way.			
11	<del>(1)</del> <u>(1a)</u>		rtical services. – Testing laboratories that are included in national			
12	, , <del></del>	•	ry 541380 of NAICS or medical laboratories that are included in			
13			al industry 621511 of NAICS.			
14	<del>(1a)</del> (1b)	Ancil	lary service. – A service associated with or incidental to the provision			
15		of a	telecommunications service. The term includes detailed			
16		comm	nunications billing, directory assistance, vertical service, and voice mail			
17			e. A vertical service is a service, such as call forwarding, caller ID,			
18		three-	way calling, and conference bridging, that allows a customer to			
19		identi	fy a caller or manage multiple calls and call connections.			
20	<u>(1c)</u>	<u>Aspha</u>	alt and concrete Bituminous asphalt, hot mix asphalt, Superpave mix			
21		aspha	lt, and unhardened concrete, however manufactured.			
22	<del>(1b)</del> <u>(1d)</u>	Bundl	ed transaction. – A retail sale of two or more distinct and identifiable			
23		produ	cts, at least one of which is taxable and one of which is exempt, for			
24		one ne	onitemized price. Products are not sold for one nonitemized price if an			
25		invoic	ee or another sales document made available to the purchaser separately			
26		identi	fies the price of each product. A bundled transaction does not include			
27		the re	tail sale of any of the following:			
28		a.	A product and any packaging item that accompanies the product and			
29			is exempt under G.S. 105-164.13(23).			
30		b.	A sale of two or more products whose combined price varies, or is			
31			negotiable, depending on the products the purchaser selects.			
32		c.	A sale of a product accompanied by a transfer of another product			
33			with no additional consideration.			
34		d.	A product and the delivery or installation of the product.			
35		e.	A product and any service necessary to complete the sale.			



Business. – Includes any activity engaged in by any person or caused to be 1 <del>(1d)</del> (1e) 2 engaged in by him with the object of gain, profit, benefit or advantage, either 3 direct or indirect. The term "business" shall not be construed in this Article 4 to include occasional and isolated sales or transactions by a person who does 5 not hold himself out as engaged in business. 6 7 **SECTION 2.** G.S. 105-164.13 reads as rewritten: 8 "§ 105-164.13. Retail sales and use tax. 9 The sale at retail, the use, storage or consumption in this State of the following tangible 10 personal property is specifically exempted from the tax imposed by this Article: 11 12 (3) Products of forests and mines in their original or unmanufactured state when 13 such sales are madesold by the producer in the capacity of producer. This subdivision does not apply to sales of aggregates." 14 15 (40a) Sales of aggregates to contractors or subcontractors for use by them in the 16 17 performance of contracts with the Department of Transportation or with a governmental entity listed in G.S. 105-164.14(c). 18 19 (40b) Asphalt and concrete. 20 **SECTION 3.** This act becomes effective July 1, 2009. This act does not apply to 21 22 aggregates purchased to fulfill a lump-sum or unit-price contract entered into or awarded before 23 the effective date of this act or entered into or awarded pursuant to a bid made before the 24 effective date of this act.

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