



## States' Biofuels Statutes

### STATE OF NORTH CAROLINA

*This project was undertaken in partnership with the USDA Office of the Chief Economist, The Office of Energy Policy and New Uses. For information on the full project, visit [States' Biofuels Statutory Citations](#).*

*Current through the 2013 Legislative Session of the North Carolina General Assembly.*

#### **§ 119-18. Inspection tax and distribution of the tax proceeds**

(a) Tax.--An inspection tax of one fourth of one cent ( $\frac{1}{4}$  of 1¢) per gallon is levied upon all of the fuel listed in this subsection regardless of whether the fuel is exempt from the per-gallon excise tax imposed by Article 36C or 36D of Chapter 105 of the General Statutes. The inspection tax on motor fuel is due and payable to the Secretary of Revenue on the date the per gallon excise tax on motor fuel is due and payable under Article 36C of Chapter 105 of the General Statutes. The inspection tax on alternative fuel is due and payable to the Secretary of Revenue on the date the excise tax on alternative fuel is due and payable under Article 36D of Chapter 105 of the General Statutes. The inspection tax on kerosene is payable monthly to the Secretary by a supplier that is licensed under Part 2 of Article 36C of Chapter 105 of the General Statutes and by a kerosene supplier. A monthly report is due on the date a monthly return is due under G.S. 105-449.90 and applies to kerosene sold during the preceding month by a supplier licensed under that Part and to kerosene received during the preceding month by a kerosene supplier. A kerosene terminal operator must file a return in accordance with the provisions of G.S. 105-449.90. The inspection tax on jet fuel and aviation gasoline is payable as specified by the Secretary of Revenue.

- (1) Motor fuel.
- (2) Alternative fuel used to operate a highway vehicle.
- (3) Kerosene.
- (4) Jet fuel.
- (5) Aviation gasoline.

(a1) Deferred Payment. -- A licensed kerosene distributor that buys kerosene from a supplier licensed under Part 2 of Article 36C of Chapter 105 of the General Statutes has the right to defer payment of the inspection tax until the supplier is required to remit the tax to this State or another state. A licensed

kerosene distributor that pays the tax due a supplier licensed under that Part by the date the supplier must pay the tax to the State may deduct from the amount due a discount in the amount set in G.S. 105-449.93.

(b) Proceeds.--The proceeds of the inspection tax levied by this section shall be applied first to the costs of administering this Article and Subchapter V of Chapter 105 of the General Statutes. The remainder of the proceeds shall be credited on a monthly basis to the Highway Fund to be used for system preservation under the Department of Transportation in the highway maintenance program.

(c) No Local Tax.--No county, city, or town shall impose any inspection charge, tax, or fee, in the nature of the charge prescribed by this section, upon kerosene and motor fuel.

**Credits:** Amended by Laws 1967, c. 1110, § 12; Laws 1973, c. 476, § 193; Laws 1985, c. 602, § 2; Laws 1991, c. 636, § 12; Laws 1991 (Reg. Sess., 1992), c. 913, § 12; Laws 1993, c. 402, § 8, eff. July 1, 1993; Laws 1995, c. 390, § 23, eff. Jan. 1, 1996; Laws 1995 (Reg. Sess., 1996), c. 647, § 55, eff. July 1, 1996; S.L. 2003-349, §§ 10.15, 10.16, eff. Jan. 1, 2004; S.L. 2006-162, § 15(e), eff. Jan. 1, 2007; S.L. 2008-134, § 60, eff. Jan. 1, 2009; S.L. 2011-145, § 28.25A(b), eff. July 1, 2011.