

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 507

Short Title: Durham Privilege License Tax. (Local)

Sponsors: Representatives Luebke, Michaux, L. Hall, and Meyer (Primary Sponsors).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Local Government, if favorable, Finance.

April 2, 2015

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE CITY OF DURHAM TO LEVY A LOCAL PRIVILEGE LICENSE TAX.

The General Assembly of North Carolina enacts:

SECTION 1. This act applies only to the City of Durham.

SECTION 2. Privilege license tax. (a) Levy and Scope. – A city council may, by ordinance, after not less than 10 days' public notice and a public hearing held pursuant thereto, levy an annual privilege license tax on each business located and operating within the city unless the business is engaged in an activity listed in G.S. 160A-206. The tax applies to each business location and does not apply to each individual employed by or affiliated with that business.

(b) Amount. – The maximum tax levied on each business is based on the total number of full-time and part-time employees at the business location as of June 30. An employee who performs more than fifty percent (50%) of the employee's duties at a business location other than the business' principal place of business is sourced to that location. All other employees are sourced to the business' principal place of business. The maximum tax amounts are as follows:

Number of Employees	Maximum Tax
0-25 employees	\$50.00
26-100 employees	\$500.00
More than 100 employees	\$5,000.00

(c) Administration. – The tax is due by July 1 of each year. The tax is imposed for the privilege of engaging in business during the fiscal year that begins on the July 1 due date of the tax. A business must pay the tax before it begins to operate within the city. The full amount of the tax applies to a business that begins to operate at any time during the fiscal year. If a business is discontinued during the fiscal year, the business is not entitled to a refund.

(d) Penalties and Collection. – The penalties in G.S. 105-236 apply to this section. A city may collect a tax due in any manner allowed under Article 9 of Chapter 160A of the General Statutes.

(e) Definitions. – The following definitions apply in this section:

(1) Business. – A retailer, wholesale merchant, service provider, manufacturer, nonprofit other than a 501(c)(3), or franchise, whether it is a sole proprietorship, partnership, LLC, or corporation; whether it is home-based or at another location, whether it is full-time, part-time, or seasonal, and regardless of size.



- 1 (2) Location. – A uniquely identifiable geographic site or place from which one
2 or more business units wholly or partly operate on a permanent or temporary
3 basis. A business location does not include either of the following:
4 a. For purposes of a business that manages rental property or engages in
5 real estate brokering, the location of the rental property or brokered
6 real estate does not constitute a separate business location.
7 b. An automated teller machine or a cash dispenser.

8 **SECTION 3.** This act is effective when it becomes law and applies to taxable years
9 beginning on or after July 1, 2015.