CHAPTER 105

ARTICLE 4 - INCOME TAX

N.C.G.S. § 105-130.2.

# Definitions.

| SOURCE | LAST AMENDMENT IN THIS TEXT | RETRIEVED | SOURCE FINGERPRINT |
|---|---|---|---|
| General Statutes of North Carolina, as published by the General Assembly | S.L. 2013-157, s. 27 — twenty-third act in the lineage | 21 September 2026, 04:10 UTC | 2991b74b558c58319ef919dc - b8b61b3d61c6756d40563dd3 - e7159c3ce3fab0b4 |

The following definitions apply in this Part:

Affiliate. - A corporation is an affiliate of another corporation when both are directly or indirectly controlled by the same parent corporation or by the same or associated financial interests by stock ownership, interlocking directors, or by any other means whatsoever, whether the control is direct or through one or more subsidiary, affiliated, or controlled corporations.

Code. - Defined in G.S. 105-228.90.

Corporation. - A joint-stock company or association, an insurance company, a domestic corporation, a foreign corporation, or a limited liability company.

C Corporation. - A corporation that is not an S Corporation.

Department. - The Department of Revenue.

Domestic corporation. - A corporation organized under the laws of this State.

Fiscal year. - An income year, ending on the last day of any month other than December. A corporation that pursuant to the provisions of the Code has elected to compute its federal income tax liability on the basis of an annual period varying from 52 to 53 weeks shall compute its taxable income under this Part on the basis of the same period used by the corporation in computing its federal income tax liability for the income year.

Foreign corporation. - Any corporation other than a domestic corporation.

Gross income. - Defined in section 61 of the Code.

Income year. - The calendar year or the fiscal year upon the basis of which the net income is computed under this Part. If no fiscal year has been established, the income year is the calendar year. In the case of a return made for a fractional part of a year under the provisions of this Part or under rules adopted by the Secretary, the income year is the period for which the return is made.

Limited liability company. - Either a domestic limited liability company organized under Chapter 57D of the General Statutes or a foreign limited liability company authorized by that Chapter to transact business in this State that is classified for federal income tax purposes as a corporation. As applied to a limited liability company that is a corporation under this Part, the term "shareholder" means a member of the limited liability company and the term "corporate officer" means a member or manager of the limited liability company.

Parent. - A corporation is a parent of another corporation when, directly or indirectly, it controls the other corporation by stock ownership, interlocking directors, or by any other means whatsoever exercised by the same or associated financial interests, whether the control is direct or through one or more subsidiary, affiliated, or controlled corporations.

S Corporation. - Defined in G.S. 105-131(b).

Secretary. - The Secretary of Revenue.

State net income. - The taxpayer's federal taxable income as determined under the Code, adjusted as provided in G.S. 105-130.5 and, in the case of a corporation that has income from business activity that is taxable both within and without this State, allocated and apportioned to this State as provided in G.S. 105-130.4.

Subsidiary. - A corporation is a subsidiary of another corporation when, directly or indirectly, it is subject to control by the other corporation by stock ownership, interlocking directors, or by any other means whatsoever exercised by the same or associated financial interest, whether the control is direct or through one or more subsidiary, affiliated, or controlled corporations.

Taxable year. - Income year.

Taxpayer. - A corporation subject to the tax imposed by this Part.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
23 ACTS

## Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.


TICK HEIGHT = ACTS IN THAT YEAR    DASHED = RECODIFICATION, NOT AMENDMENT

| № | YEAR | ACT | CHARACTER |
|---|---|---|---|
| 01 | 1939 | c. 158, s. 302 | ENACTED |
| 02 | 1941 | c. 50, s. 5 | AMENDED |
| 03 | 1955 | c. 1331, s. 2 | AMENDED |
| 04 | 1957 | c. 1340, s. 4 | AMENDED |
| 05 | 1963 | c. 1169, s. 2 | AMENDED |
| 06 | 1967 | c. 1110, s. 3 | AMENDED |
| 07 | 1973 | c. 476, s. 193 | AMENDED |
| 08 | 1983 | c. 713, ss. 68, 82 | AMENDED |
| 09 | 1985 | c. 656, s. 7 | AMENDED |
| 10 | 1985 | 1985 (Reg. Sess., 1986), c. 853, s. 1 | AMENDED |
| 11 | 1987 | c. 778, s. 1 | AMENDED |
| 12 | 1987 | 1987 (Reg. Sess., 1988), c. 1015, s. 3 | AMENDED |
| 13 | 1989 | c. 36, s. 3 | AMENDED |
| 14 | 1989 | 1989 (Reg. Sess., 1990), c. 981, s. 3 | AMENDED |
| 15 | 1991 | c. 689, s. 257 | AMENDED |
| 16 | 1991 | 1991 (Reg. Sess., 1992), c. 922, s. 4 | AMENDED |
| 17 | 1993 | c. 12, s. 5 | AMENDED |
| 18 | 1993 | c. 354, s. 12 | AMENDED |
| 19 | 1995 | c. 17, s. 3 | AMENDED |
| 20 | 1998 | S.L. 1998-98, s. 69 | AMENDED |
| 21 | 2006 | S.L. 2006-162, s. 3(a) | AMENDED |
| 22 | 2012 | S.L. 2012-79, s. 1.14(b) | AMENDED |
| 23 | 2013 | S.L. 2013-157, s. 27 | AMENDED |

APPARATUS II
4 AUTHORITIES

## Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

| REFERENCE | APPEARS IN | OPERATIVE LANGUAGE IN THIS SECTION |
|---|---|---|
| G.S. 105-228.90 | (null)(2) | *"Code. - Defined in"* |

| | | |
|---|---|---|
| G.S. 105-131(b) | (null)(13) | *"S Corporation. - Defined in"* |
| G.S. 105-130.5 | (null)(15) | *"the Code, adjusted as provided in"* |
| G.S. 105-130.4 | (null)(15) | *"to this State as provided in"* |

APPARATUS III

## Citation

FULL SECTION

N.C. Gen. Stat. § 105-130.2 (2013).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

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## Provenance

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HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1939, c. 158, s. 302; 1941, c. 50, s. 5; 1955, c. 1331, s. 2; 1957, c. 1340, s. 4; 1963, c. 1169, s. 2; 1967, c. 1110, s. 3; 1973, c. 476, s. 193; 1983, c. 713, ss. 68, 82; 1985, c. 656, s. 7; 1985 (Reg. Sess., 1986), c. 853, s. 1; 1987, c. 778, s. 1; 1987 (Reg. Sess., 1988), c. 1015, s. 3; 1989, c. 36, s. 3; 1989 (Reg. Sess., 1990), c. 981, s. 3; 1991, c. 689, s. 257; 1991 (Reg. Sess., 1992), c. 922, s. 4; 1993, c. 12, s. 5; c. 354, s. 12; 1995, c. 17, s. 3; 1998-98, s. 69; 2006-162, s. 3(a); 2012-79, s. 1.14(b); 2013-157, s. 27.)

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