CHAPTER 105

ARTICLE 4A - WITHHOLDING; ESTIMATED INCOME TAX FOR INDIVIDUALS

N.C.G.S. § 105-163.1.

Definitions.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	S.L. 2020-58, s. 4.4(c) — thirty-third act in the lineage	21 September 2026, 06:38 UTC	af99c0a7f5adf27b618a77f5 - b767375a13b4f3f21e48efdf - 4a841af4dc62bf3f

The following definitions apply in this Article:

Compensation. - Consideration a payer pays a payee.

Repealed by Session Laws 2009-476, s. 1, effective for taxable years beginning on or after January 1, 2010.

Repealed by Session Laws 2014-3, s. 14.4(a), effective for taxable years beginning on or after January 1, 2014.

Employee. - An individual, whether a resident or a nonresident of this State, who performs services in this State for wages or an individual who is a resident of this State and performs services outside this State for wages. The term includes an ordained or licensed member of the clergy who elects to be considered an employee under G.S. 105-163.1A, an officer of a corporation, and an elected public official.

Employer. - A person for whom an individual performs services for wages. In applying the requirements to withhold income taxes from wages and pay the withheld taxes, the term includes a person who:

a.Controls the payment of wages to an individual for services performed for another.

b.Pays wages on behalf of a person who is not engaged in trade or business in this State.

c.Pays wages on behalf of a unit of government that is not located in this State.

d.Pays wages for any other reason.

Individual. - Defined in G.S. 105-153.3.

Individual Taxpayer Identification Number (ITIN). - A taxpayer identification number issued by the Internal Revenue Service to an individual who is required to have a U.S. taxpayer identification number but who does not have, or is not eligible to obtain, a Social Security number (SSN) from the Social Security Administration.

ITIN contractor. - An ITIN holder who performs services in this State for compensation other than wages.

ITIN holder. - A person whose taxpayer identification number is an Individual Taxpayer Identification Number (ITIN), including applied for and expired numbers.

Miscellaneous payroll period. - A payroll period other than a daily, weekly, biweekly, semimonthly, monthly, quarterly, semiannual, or annual payroll period.

Nonresident contractor. - Either of the following:

a.A nonresident individual who performs in this State for compensation other than wages any personal services in connection with a performance, an entertainment, an athletic event, a speech, or the creation of a film, radio, or television program.

b.A nonresident entity that provides for the performance in this State for compensation of any personal services in connection with a performance, an entertainment, an athletic event, a speech, or the creation of a film, radio, or television program.

Nonresident entity. - Any of the following:

a.A foreign limited liability company, defined using the same definition for the term "foreign LLC" in G.S. 57D-1-03, that has not obtained a certificate of authority from the Secretary of State pursuant to Article 7 of Chapter 57D of the General Statutes.

b.A foreign limited partnership as defined in G.S. 59-102 or a general partnership formed under the laws of any jurisdiction other than this State, unless the partnership maintains a permanent place of business in this State.

c.A foreign corporation, as defined in G.S. 55-1-40, that has not obtained a certificate of authority from the Secretary of State pursuant to Article 15 of Chapter 55 of the General Statutes.

Pass-through entity. - Defined in G.S. 105-228.90.

Payee. - Any of the following:

a.A nonresident contractor.

b.An ITIN contractor.

c.A person who performs services in this State for compensation that fails to provide the payer a taxpayer identification number.

d.A person who performs services in this State for compensation that fails to provide the payer a valid taxpayer identification number. The Secretary must notify a payer that a taxpayer identification number is not valid.

Payer. - A person who, in the course of a trade or business, pays compensation.

Payroll period. - A period for which an employer ordinarily pays wages to an employee of the employer.

Pension payer. - A payor or a plan administrator with respect to a pension payment under section 3405 of the Code.

Pension payment. - A periodic payment or a nonperiodic distribution as those terms are defined in section 3405 of the Code.

Taxable year. - Defined in section 441(b) of the Code.

Taxpayer Identification Number (TIN). - Defined in G.S. 105-228.90(b)(31).

Wages. - The term has the same meaning as in section 3401 of the Code, except the term does not include amounts paid to a nonresident employee for a business, trade, profession, or occupation carried on in this State to perform disaster-related work during a disaster response period at the request of a critical infrastructure company. The definitions and provisions of G.S. 166A-19.70A apply to this subdivision.

Withholding agent. - An employer, a pension payer, or a payer.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
33 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	1959	c. 1259, s. 1	ENACTED
02	1967	c. 716, s. 3	AMENDED
03	1973	c. 476, s. 193	AMENDED
04	1977	c. 657, s. 5	AMENDED
05	1979	c. 801, s. 70	AMENDED
06	1983	c. 713, ss. 79, 82	AMENDED
07	1985	c. 394, s. 1	AMENDED
08	1985	c. 656, s. 7	AMENDED
09	1985	1985 (Reg. Sess., 1986), c. 853, s. 1	AMENDED
10	1987	c. 778, s. 1	AMENDED

11	1987	1987 (Reg. Sess., 1988), c. 1015, s. 5	AMENDED
12	1989	c. 36, s. 5	AMENDED
13	1989	c. 728, s. 1.40	AMENDED
14	1989	1989 (Reg. Sess., 1990), c. 945, s. 5	AMENDED
15	1989	c. 981, s. 6	AMENDED
16	1991	c. 689, s. 255	AMENDED
17	1991	1991 (Reg. Sess., 1992), c. 922, s. 7	AMENDED
18	1993	c. 12, s. 9	AMENDED
19	1993	c. 354, s. 15	AMENDED
20	1997	S.L. 1997-6, s. 6	AMENDED
21	1997	S.L. 1997-109, ss. 1, 2, 4	AMENDED
22	1998	S.L. 1998-162, ss. 1, 2	AMENDED
23	1999	S.L. 1999-414, ss. 1, 2	AMENDED
24	2000	S.L. 2000-126, s. 2	AMENDED
25	2003	S.L. 2003-416, s. 4(b)	AMENDED
26	2009	S.L. 2009-476, s. 1	AMENDED
27	2013	S.L. 2013-157, s. 29	AMENDED
28	2014	S.L. 2014-3, s. 14.4(a)	AMENDED
29	2016	S.L. 2016-5, s. 2.3	AMENDED
30	2018	S.L. 2018-5, s. 38.1(d)	AMENDED
31	2019	S.L. 2019-169, s. 6.4(a)	AMENDED
32	2019	S.L. 2019-187, s. 1(l)	AMENDED
33	2020	S.L. 2020-58, s. 4.4(c)	AMENDED

APPARATUS II
8 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. 105-163.1A	(null)(4)	*"to be considered an employee under"*
G.S. 105-153.3	(null)(6)	*"Individual. - Defined in"*

G.S. 57D-1		*"for the term "foreign LLC" in"*
G.S. 59-102		*"foreign limited partnership as defined in"*
G.S. 55-1		*"A foreign corporation, as defined in"*
G.S. 105-228.90	(null)(9)	*"Pass-through entity. - Defined in"*
G.S. 105-228.90(b)(31)	(null)(12a)	*"Identification Number (TIN). - Defined in"*
G.S. 166A-19.70A	(null)(13)	*"company. The definitions and provisions of"*

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 105-163.1 (2020).

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.

COLOPHON

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HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1959, c. 1259, s. 1; 1967, c. 716, s. 3; 1973, c. 476, s. 193; 1977, c. 657, s. 5; 1979, c. 801, s. 70; 1983, c. 713, ss. 79, 82; 1985, c. 394, s. 1; c. 656, s. 7; 1985 (Reg. Sess., 1986), c. 853, s. 1; 1987, c. 778, s. 1; 1987 (Reg. Sess., 1988), c. 1015, s. 5; 1989, c. 36, s. 5; c. 728, s. 1.40; 1989 (Reg. Sess., 1990), c. 945, s. 5; c. 981, s. 6; 1991, c. 689, s. 255; 1991 (Reg. Sess., 1992), c. 922, s. 7; 1993, c. 12, s. 9; c. 354, s. 15; 1997-6, s. 6; 1997-109, ss. 1, 2, 4; 1998-162, ss. 1, 2; 1999-414, ss. 1, 2; 2000-126, s. 2; 2003-416, s. 4(b); 2009-476, s. 1; 2013-157, s. 29; 2014-3, s. 14.4(a); 2016-5, s. 2.3; 2018-5, s. 38.1(d); 2019-169, s. 6.4(a); 2019-187, s. 1(l); 2020-58, s. 4.4(c).)

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