



Important Notice: DOR to Adopt Rules Regarding Market-Based Sourcing

On July 14, 2016, Governor Pat McCrory signed into law House Bill 1030 (S.L. 2016-94). The bill requires the Department of Revenue (“DOR”), on or before January 20, 2017, to adopt and submit to the Rules Review Commission rules regarding the implementation and administration of market-based sourcing principles. Pursuant to the legislation and Chapter 150B of the General Statutes, before DOR adopts permanent rules for market-based sourcing, it must take the following actions:

- Publish a notice of text in the North Carolina Register
- Hold a public hearing on the rules if DOR receives a written request for a public hearing on the proposed rule within 15 days after the notice of text is published
- Accept comments on the text of the proposed rules for at least 90 days after the text is published

Generally, an agency must maintain a mailing list of persons who have requested notice of rule making. When an agency publishes in the North Carolina Register a notice of text of proposed rules, it must mail a copy of the notice or text to each person on the mailing list who has requested notice on the subject matter described in the notice. Because DOR is generally exempt from the notice and hearing provisions pursuant to N.C. Gen. Stat. 150B-1(d)(4), it has not maintained a mailing list. Therefore, any person desiring to receive notice of text on market-based sourcing rules must contact DOR and request to be added to a notification list. Interested persons should email DOR at MBSRulesNotification@ncdor.gov. DOR will send notification of rule making to the requester at the email address used to make the request.

Assistance

If you have any questions about this notice, you may call the Income Tax Division at 919-814-1163 (8:00 am until 5:00 pm EST, Monday through Friday), or write to Income Tax Division, PO Box 871, Raleigh, NC 27602.

To the extent there is any change to a statute or regulation, or new case law subsequent to the date of this notice, the provisions in this important notice may be superseded or voided. To the extent that any provisions in any other notice, directive, technical bulletin, or published guidance regarding the subject of this notice and issued prior to this notice conflict with this important notice, the provisions contained in this important notice supersede the previous guidance.