

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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SENATE DRS35194-MC-58 (02/20)

Short Title: Statute of Limitations Refund Modification. (Public)

Sponsors: Senator J. Davis (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO EXTEND THE STATUTE OF LIMITATIONS FOR OBTAINING A REFUND
3 OF THE INCOME TAX PAID ON AIRLINE PAYMENT AMOUNTS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Purpose. – The purpose of this section is to extend the statute of
6 limitations for requesting a refund of State income taxes to conform to federal tax treatment of
7 the rollover of an airline payment amount by a qualified airline employee to a traditional or
8 Roth IRA so as to prevent double taxation of the amount for State income tax purposes.

9 **SECTION 2.** Definitions. – The following definitions apply in this section:

10 (1) Airline payment amount. – Defined in section 1106(c)(1) of Public Law
11 112-95, as amended by Public Law 113-243.

12 (2) Qualified airline employee. – Defined in section 1106(c)(2) of Public Law
13 112-95, as amended by Public Law 113-243.

14 **SECTION 3.** Extension of Time to File Claim for Refund. – Notwithstanding the
15 general statute of limitations for obtaining a refund of an overpayment of tax under
16 G.S. 105-241.6(a), a qualified airline employee, or the surviving spouse of a qualified airline
17 employee, that meets all of the following conditions may apply to the Department of Revenue
18 for a refund of the State individual income tax paid on the airline payment amount that was
19 transferred to a traditional IRA:

20 (1) Received an airline payment amount in a taxable year beginning before
21 January 1, 2012, and included the amount in federal adjusted gross income.

22 (2) Transferred any portion of the airline payment amount to a traditional IRA,
23 either directly or indirectly from a Roth IRA, by August 13, 2012.

24 (3) Filed a claim for refund of federal individual income tax paid on the airline
25 payment amount by April 15, 2015, that was accepted by the Internal
26 Revenue Service.

27 **SECTION 4.** Late Refund Request. – A request for a refund under this section
28 must be made to the Secretary of Revenue on or before October 15, 2015. A request for a
29 refund received after that date is barred.

30 **SECTION 5.** This act is effective when it becomes law.



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