CHAPTER 69

Motorsports Entertainment Complex Investment

**SECTION 12‑69‑10.** Short title.

 This chapter may be cited as the "Motorsports Entertainment Complex Investment Act".

HISTORY: 2018 Act No. 257 (H.4009), Section 1, eff July 2, 2018.

Editor's Note

2018 Act No. 257, Section 2, provides as follows:

"SECTION 2. Except where specified otherwise, this act takes effect upon approval by the Governor and applies to tax years beginning after 2017."

**SECTION 12‑69‑20.** Definitions.

 For purposes of this chapter:

 (1) "Company" means any corporation, partnership, limited liability company, or other business entity.

 (2) "Department" means the Department of Revenue.

 (3) "Motorsports entertainment complex" has the same meaning as provided in Section 12‑21‑2425.

HISTORY: 2018 Act No. 257 (H.4009), Section 1, eff July 2, 2018.

Editor's Note

2018 Act No. 257, Section 2, provides as follows:

"SECTION 2. Except where specified otherwise, this act takes effect upon approval by the Governor and applies to tax years beginning after 2017."

**SECTION 12‑69‑30.** Exemption from state and local sales tax; qualified companies; exemption certificates; liability for sales and use taxes.

 (A) A company, upon making application for, meeting the requirements of, and receiving written certification of that designation from the department, as provided in subsection (B), is exempt from state and local sales tax on building materials, supplies, fixtures, and equipment for the construction, repair, or improvement of or that become a part of a motorsports entertainment complex.

 (B) A company shall become a qualified company by applying with the department. The director of the department shall approve the application so long as the application is accompanied by a practical plan to make a capital investment of at least ten million dollars on any motorsports entertainment complex in this State within the five‑year period immediately following the approval of the application. Upon receiving written certification from the department, a company may utilize the exemption specified in subsection (A).

 (C) Once a company has met the requirements of subsection (B), the department shall issue a sales and use tax exemption certificate to the company as evidence of the exemption. The exemption is effective upon receipt and shall remain effective until December thirty‑first of the fifth full calendar year after its issuance. Once the exemption certificate is ineffective, the company must return the exemption certificate to the department and submit a report to the department of the actual expenditures made in South Carolina in connection with the investment. The company must designate a member or representative of the company to work with the department on reporting of the investment.

 (D) A company that is approved and receives a sales and use tax exemption certificate but fails to meet the capital investment requirements within the five‑year period, is liable for the sales and use taxes that would have been paid had the approval not been granted in the same proportion as the actual capital investment failed to meet the required capital investment. The company must be given a sixty‑day period in which to pay the sales and use taxes without incurring penalties. The sales and use taxes are considered due as of the date the tangible personal property was purchased in or brought into South Carolina for use, storage, or consumption.

HISTORY: 2018 Act No. 257 (H.4009), Section 1, eff July 2, 2018.

Editor's Note

2018 Act No. 257, Section 2, provides as follows:

"SECTION 2. Except where specified otherwise, this act takes effect upon approval by the Governor and applies to tax years beginning after 2017."