

§ 116-143.3. Tuition of qualifying federal services members and their spouses and dependents.

(a) Definitions. – The following definitions apply in this section:

- (1) Abode. – The place where a person actually lives, whether temporarily or permanently; the term "abide" shall mean to live in a given place.
- (2) Armed Forces. – The United States Air Force, Army, Coast Guard, Marine Corps, and Navy; the North Carolina National Guard; and any reserve component of the foregoing.
- (2a) Dependent. – A spouse or dependent child.
- (3) Repealed by Session Laws 2007-484, s. 15, effective August 30, 2007.
- (4) Qualifying federal services member. – Any of the following:
 - a. A member of the Armed Forces who is on active duty for a period of more than 30 days, as defined in 10 U.S.C. § 101.
 - b. A member of the Foreign Service, as defined in 22 U.S.C. § 3903, who is on active duty for a period of more than 30 days.

(b) Any qualifying federal services member admitted to an institution of higher education, as defined in G.S. 116-143.1(a)(3), but not qualifying as a resident for tuition purposes under G.S. 116-143.1 shall be charged the in-State tuition rate and applicable mandatory fees for enrollments while the qualifying federal services member's permanent duty station is in this State. In the event the qualifying federal services member is reassigned outside of North Carolina or retires, the member shall continue to be eligible for the in-State tuition rate and applicable mandatory fees so long as the member is continuously enrolled in the degree or other program in which the member was enrolled at the time the member is reassigned. In the event the qualifying federal services member is an active duty member of the Armed Forces and receives an Honorable Discharge from military service, the member shall continue to be eligible for the in-State tuition rate and applicable mandatory fees so long as the member establishes residency in North Carolina within 30 days after the discharge and is continuously enrolled in the degree or other program in which the member was enrolled at the time the member is discharged.

(b1), (b2) Repealed by Session Laws 2004-130, s. 1, effective August 1, 2004.

(c) Any dependent of a qualifying federal services member with a permanent duty station in this State shall be eligible to be charged the in-State tuition rate, if the dependent qualifies for admission to an institution of higher education, as defined in G.S. 116-143.1(a)(3). In the event the qualifying federal services member is reassigned outside of North Carolina or retires, the dependent shall continue to be eligible for the in-State tuition rate and applicable mandatory fees so long as the dependent is continuously enrolled in the degree or other program in which the dependent was enrolled at the time the member is reassigned or retires. In the event the qualifying federal services member is an active duty member of the Armed Forces and receives an Honorable Discharge from military service, the dependent shall continue to be eligible for the in-State tuition rate and applicable mandatory fees so long as the dependent establishes residency within North Carolina within 30 days after the discharge and is continuously enrolled in the degree or other program in which the dependent was enrolled at the time the member is discharged.

(c1) A dependent child who resides with a member of the Armed Forces who is reassigned outside of the State incident to active military duty shall remain eligible to be charged the in-State tuition rate if all of the following are met:

- (1) At the time the dependent child applies for admission to the institution of higher education, as defined in G.S. 116-143.1(a)(3), the dependent child both:
 - a. Is enrolled in a North Carolina high school.
 - b. Meets the requirements of subsection (c) of this section.

(2) Upon admission, the dependent child enrolls in the institution of higher education no later than the fall academic semester immediately following notice of admission and remains continuously enrolled.

(d) The person applying for the benefit of this section has the burden of proving entitlement to the benefit.

(e) A person charged less than the out-of-state tuition rate solely by reason of this section shall not, during the period of receiving that benefit, qualify for or be the basis of conferring the benefit of G.S. 116-143.1(g), (h), (i), (j), (k), or (l). (1983 (Reg. Sess., 1984), c. 1034, s. 57; 1985, c. 39, s. 1; c. 479, s. 69; c. 757, s. 154; 1987, c. 564, s. 7; 1997-443, s. 10.2; 2003-284, s. 8.16(a); 2004-130, s. 1; 2005-276, s. 9.38; 2005-345, s. 14; 2005-445, s. 7; 2007-484, s. 15; 2011-183, s. 84; 2021-9, s. 2(a); 2023-134, ss. 8A.9(a), 8A.10(b).)