

**South Carolina Motion Picture Incentive Act  
Application**

Thank you for considering South Carolina for your project. The goal of this application is to qualify your project for the many incentives South Carolina offers production. *To ensure this, a SC Film Commission (SCFC) representative is ready to answer any questions you may have about completing this application. Please contact us at (803) 737-0490 so that we may assist you.*

Under the South Carolina Freedom of Information Act, SC Code Section 30-4-40(a)(9), your application is exempt from disclosure until the South Carolina Film Commission and the South Carolina Film Council approve your application or the incentive agreement is finalized, whichever is later.

The completed, original, signed application and all requested documents must be submitted via Overnight Delivery or U.S. Certified Mail. *Hand delivered, e-mailed, or faxed copies will not be accepted.* If more than one application is received by the SCFC on the same day, the time stamp will dictate the order of acceptance by the SCFC. *The application, script, day of days schedule and line item budget with SC expenditures indicated, along with a check (for the application fee) made out the South Carolina Film Commission in the amount of \$500.00 (in U.S. funds only) must be submitted to:*

**South Carolina Film Commission  
1205 Pendleton Street, Room 529  
Columbia, SC 29201  
Phone: (803) 737-0490**

Project Title: \_\_\_\_\_

Project Company: \_\_\_\_\_

Production Date Range: \_\_\_\_\_

For SCFC Use Only		
Project Number: _____	Project Manager: _____	
Date Received: _____	Date Qualified by SCFC: _____	
Date(s) Certified by SCFC: _____		
Sales and Use Tax Exemption: _____		
Exemption Number: _____		
Sales and Use Minimum Met: _____		certified by: _____
Labor Minimums Met: _____		certified by: _____
Supplier Minimums Met: _____		certified by: _____



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**Project Title:** \_\_\_\_\_

**Production Company Name:** \_\_\_\_\_

**Production Company Owner:** \_\_\_\_\_

**A. Applying for:**

\_\_\_\_\_ Sales and Use Tax Exemption (State Tax Only)  
((\$250,000 minimum in-state expenditures required within a 12 month period))

\_\_\_\_\_ SC Supplier Rebate  
((\$1,000,000 minimum in-state expenditures required))

\_\_\_\_\_ Labor Rebate  
((\$1,000,000 minimum in-state expenditures required during the taxable year))

\_\_\_\_\_ SC Accommodations Tax Rebate (Only for productions that do not meet the \$250,000 minimum expenditures)  
(30 aggregate night stay required within a 12 month period. Only state & local taxes collected by SCDOR)

\_\_\_\_\_ SC Motion Picture Tax Credit  
((\$250,000 minimum in-state expenditure required.)

**B. Business Unit or Project Description (please check only one);**

- \_\_\_\_\_ Motion Picture (running time of 90 minutes or more)
- \_\_\_\_\_ Made-for-TV Movie (running time of 90 minutes or more)
- \_\_\_\_\_ TV Series Pilot (running time of 60 minutes or more)
- \_\_\_\_\_ TV Series(s) - How Many Episodes? \_\_\_\_\_ Approx. Episode Length \_\_\_\_\_
- \_\_\_\_\_ Commercial
- \_\_\_\_\_ Music Video
- \_\_\_\_\_ Documentary Film

**C. Miscellaneous**

- a. Will Pyrotechnics be utilized in the production of this motion picture?  
Yes \* \_\_\_\_\_ No \_\_\_\_\_  
**\* Note: Technicians must have a South Carolina pyrotechnic license: Federal licenses do not apply. For more information contact the SC Film Commission.**
- b. Will this project shoot in 35mm or digital? \_\_\_\_\_
- c. Expected MPAA rating: \_\_\_\_\_

**D. Please provide a synopsis of your story. (Attach a copy of the most recent draft of the script. Commercials: attach storyboards.)**



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**Enclose line-item budget including a column calculating South Carolina spend expected to be eligible for rebates.**

E. Project Total Estimated Budget: \$ \_\_\_\_\_

Project Total Estimated Crew & Cast  
Expenditures Subject to SC Withholding: \$ \_\_\_\_\_

Total Estimated SC Wage Rebate: \$ \_\_\_\_\_

Project Total Estimated SC Supplier Budget: \$ \_\_\_\_\_

Total Estimated SC Supplier Rebate: \$ \_\_\_\_\_

Total Number of Crew \_\_\_\_\_ % Expected to be Hired in SC \_\_\_\_\_

Total Number of Actors \_\_\_\_\_ % Expected to be Hired in SC \_\_\_\_\_

Total Number of Extras \_\_\_\_\_ % Expected to be Hired in SC \_\_\_\_\_

F. Who are the two highest paid actors and the roles they play?

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a. Is either fee over \$1 million? If so identify which: \_\_\_\_\_

b. Number of days performing in South Carolina: \_\_\_\_\_

c. Number of days performing outside of South Carolina: \_\_\_\_\_

G. Does the production company have (or expect to have) contracts with labor organizations that apply to this Production in S.C.? If yes, please check the ones that apply:

SAG \_\_\_\_\_ DGA \_\_\_\_\_ IATSE \_\_\_\_\_ Teamsters \_\_\_\_\_



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H. Pre-production:

- a. Number of pre-production days: \_\_\_\_\_
- b. Number of pre-production days in South Carolina: \_\_\_\_\_
- c. Date pre-production begins: \_\_\_\_\_
- d. Date pre-production begins in South Carolina: \_\_\_\_\_
- e. Pre-production address(es) and phone number:

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I. Production (**Please attach a copy of your production schedule.**)

- a. Number of principal photography days: \_\_\_\_\_
- b. Number of principal photography days in South Carolina: \_\_\_\_\_
- c. Date principal photography begins: \_\_\_\_\_
- d. Date principal photography begins in South Carolina: \_\_\_\_\_
- e. Date principal photography ends in South Carolina: \_\_\_\_\_
- f. Date production wraps in South Carolina: \_\_\_\_\_

J. Postproduction

- a. Number of postproduction days in South Carolina: \_\_\_\_\_
- b. Postproduction facility(ies) and address(es):

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K. Please estimate the amount and percentage of your production budget from this project that will be spent *outside* of South Carolina:

\$ \_\_\_\_\_ & \_\_\_\_\_ %



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L. List the three major categories and amounts of each that will be spent outside of South Carolina:

Production Category	Amount
_____	_____
_____	_____
_____	_____

M. Distributor's name (feature) or network (TV): \_\_\_\_\_

If a TV Project, will it be broadcast in multiple markets?    Yes\_\_\_\_ No \_\_\_\_\_

Projected date of distribution: \_\_\_\_\_

Distribution Company: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Contact Name: \_\_\_\_\_

Phone: \_\_\_\_\_

E-mail: \_\_\_\_\_

**Project Impact Information**

What role will these incentives play in the decision, if applicable, to make this motion picture in this state? If there are other countries or states competing for this project, please list which countries and states and what incentives are being offered by each:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



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**Project Details**

- A. Primary South Carolina filming Location: \_\_\_\_\_
- B. Please identify the following individuals (**Name, Phone Number and E-mail**):
- a. Executive Producer \_\_\_\_\_  
Phone \_\_\_\_\_ E-Mail \_\_\_\_\_
  - b. Director \_\_\_\_\_  
Phone \_\_\_\_\_ E-Mail \_\_\_\_\_
  - c. Line Producer \_\_\_\_\_  
Phone \_\_\_\_\_ E-Mail \_\_\_\_\_
  - d. Unit Production Manager \_\_\_\_\_  
Phone \_\_\_\_\_ E-Mail \_\_\_\_\_
  - e. Line Producer \_\_\_\_\_  
Phone \_\_\_\_\_ E-Mail \_\_\_\_\_
  - f. Accountant \_\_\_\_\_  
Phone \_\_\_\_\_ E-Mail \_\_\_\_\_
  - g. Publicity \_\_\_\_\_  
Phone \_\_\_\_\_ E-Mail \_\_\_\_\_
- C. Completion Bond Company:
- Contact Name: \_\_\_\_\_ Title: \_\_\_\_\_
- Company: \_\_\_\_\_
- Address: \_\_\_\_\_
- Phone: \_\_\_\_\_ Fax: \_\_\_\_\_
- E-mail: \_\_\_\_\_ Website: \_\_\_\_\_
- D. Insurance Company:
- Contact Name: \_\_\_\_\_ Title: \_\_\_\_\_
- Company: \_\_\_\_\_
- Address: \_\_\_\_\_
- Phone: \_\_\_\_\_ Fax: \_\_\_\_\_
- E-mail: \_\_\_\_\_ Website: \_\_\_\_\_



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E. Principal Payroll Service Company:

Contact Name: \_\_\_\_\_ Title: \_\_\_\_\_

Company: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_ Website: \_\_\_\_\_

F. Secondary Payroll Service Company:

Contact Name: \_\_\_\_\_ Title: \_\_\_\_\_

Company: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_ Website: \_\_\_\_\_

G. Principal Financial Institution Representing Business Unit:

Contact Name: \_\_\_\_\_ Title: \_\_\_\_\_

Company: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_ Website: \_\_\_\_\_

H. Sources of Funding:

1. Contact Name: \_\_\_\_\_ Title: \_\_\_\_\_

Company: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_ Website: \_\_\_\_\_

Total Amount: \$ \_\_\_\_\_



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H. Sources of Funding - Continued

2. Contact Name: \_\_\_\_\_ Title: \_\_\_\_\_  
Company: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
E-mail: \_\_\_\_\_ Website: \_\_\_\_\_  
Total Amount: \$ \_\_\_\_\_

3. Contact Name: \_\_\_\_\_ Title: \_\_\_\_\_  
Company: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
E-mail: \_\_\_\_\_ Website: \_\_\_\_\_  
Total Amount: \$ \_\_\_\_\_

I. Applying Corporation Information:

Corporation Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Applicant's Name: \_\_\_\_\_  
Corporate Title: \_\_\_\_\_  
Applicant's Phone: \_\_\_\_\_  
Applicant's E-mail: \_\_\_\_\_

Is the Applicant a full time employee of this company? Yes \_\_\_ No \_\_\_

Does the Applicant have corporate authority to assign any or all incentive payments? Yes \_\_\_ No \* \_\_\_

**\* If NO please identify person with this Authority:**

Contact Name: \_\_\_\_\_ Title: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_





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**Certification and Authorization by Applicant**

Applicant authorizes the South Carolina Film Commission (SCFC) to release to the SC Department of Revenue (SCDOR) any information relevant to the request for incentives and further authorizes the SCDOR to release to the SCFC and the Film Council information about the request for incentives and the claiming of incentives. This includes any information that may be described in Section 12-54-240 of the SC Code of Law. Applicant hereby certifies under penalties of perjury that all information contained above and in addendums and exhibits attached hereto is true to his/her best knowledge and belief and are submitted for the purpose of determining qualification for and obtaining incentives under the SC Motion Picture Incentive Act.

The applicant certifies that he understands that the Production Company must be current with respect to obligations to state residents and companies, or the production company will not be eligible to receive any rebate funds for individual obligations that have not been paid. In the event that debts are not resolved within 60 calendar days of the completion of physical production, the SC Film Commission has the right and authorization to pay any production company debts from the production company's reserved rebate funds. In the event that debts to state residents and companies are not resolved within 60 days of the completion of physical production, applicant authorizes the SCFC to pay any existing SC debts of the production company from the production company's reserved rebate funds before disbursement to the applicant.

The applicant certifies that proper documentation has been included with this application and agrees to include the following phrase in this project's final credit roll pursuant to South Carolina Code, Section 12-62-90: **"Filmed in South Carolina pursuant to the South Carolina Motion Picture Incentive Act."** Applicant understands that failure to include this phrase on the project's final credit role will result in legal action to reclaim any and all South Carolina Rebate and/or Tax Funds.

The applicant acknowledges that he understands the rules, regulations, and policies pertaining to the application for and rebate of the incentives under the SC Motion Picture Incentive Act. Applicant certifies that he is applying for the SC wage rebate and the SC supplier rebate.

By signing this application, I \_\_\_\_\_  
(Authorized Representative)  
acknowledge that \_\_\_\_\_ (Company)



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understands and agrees to the terms and conditions contained herein.

Date \_\_\_\_\_

\_\_\_\_\_ (Notary Signature)

Subscribed and sworn  
to before me, a Notary Public  
in for said County and State this  
\_\_\_\_\_ Day of 20\_\_\_\_\_

Date: \_\_\_\_\_  
Applicant: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Printed: \_\_\_\_\_  
Title: \_\_\_\_\_  
Phone Number: \_\_\_\_\_



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### **NOTICE TO APPLICANT**

Please allow at least ten (10) days for processing application. Copies of the most recent script, the full budget, line item budget reflecting only South Carolina expenditures and the production schedule must accompany the application.

Any expenditures incurred or contracted as outlined in the SC Motion Pictures Incentive Act of 2004, prior to 60 days of receipt of this application, may be applied only towards the SC Supplier Rebate portion of the incentives.

Production activity must commence within 60 calendar days from the date on the approval letter in order for the SCFC to continue to hold any reserved funds. Principal photography in South Carolina must commence within 30 days of the date stated on this application in order for the SCFC to continue to hold any reserved funds.

Information relayed about the Incentive Program by the *staff* of the South Carolina Film Commission (SCFC) or the South Carolina Department of Revenue (SCDOR) and the South Carolina Film Council (Council), is not binding on the SCFC, Film Council, SCDOR, or the State. The evaluation and approval of this Application is solely at the discretion of the SCFC and the Council. The Council reserves the right to request additional information.

Approval of the Application by the SCFC and the Council does not constitute entitlement to Enterprise Program incentives under the SC Motion Picture Incentives Act.

To qualify for any or all incentives, applicant must meet all requirements of the statutes. Verification of all expenditures by the SCFC and Council for the SC Supplier Rebate is required before the applicant leaves South Carolina. The SCDOR may conduct an audit before leaving or after the motion picture leaves South Carolina.

### **Definitions**

“Motion picture” means a feature-length film, video, television series, or commercial made in whole or in part in South Carolina, and intended for national theatrical or television viewing or as a television pilot produced by a motion picture production company. The term “motion picture” does not include the production of television coverage of news and athletic events or a production produced by a motion picture production company if records, as required by 18 U.S.C. 2257, are to be maintained by the motion picture production company with respect to any performer portrayed in that single media or multimedia program.



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“Motion picture production company” means a company engaged in the business of producing motion pictures intended for a national theatrical release or for television viewing. “Motion picture production company” does not mean or include a company owned, affiliated, or controlled, in whole or in part, by a company or person that is in default on a loan made by the State or a loan guaranteed by the State.

“Payroll” means salary, wages, or other compensation subject to South Carolina income tax withholdings.

“Qualified production” means a motion picture production company that produces a motion picture in South Carolina and completes and submits a South Carolina Production Application to the South Carolina Film Commission (SCFC), which approves and certifies the motion picture as a “Qualified Production” and meets one or both of the following criteria:

1. Makes minimum in-state expenditures of \$250,000 (qualification for Sales, Use, and Accommodations Tax Exemption over a 12 month period).
2. Makes minimum in-state expenditures of \$1 million (qualification for Labor and Supplier Rebates during the Applicant’s tax year).

“Production costs” means the total cost of producing a motion picture.

“Qualified expenditures” means:

1. Goods purchased or leased or services purchased, leased, or employed from a resident of South Carolina or a vendor or supplier who is located and doing business in South Carolina.
2. Motion Picture Production Company personnel (ORIGINALLY EMPLOYEES) that are subject to SC withholding taxes.

### **Representations & Warranties**

Except as reflected in adequate reserves or as stated in an attachment hereto, the Applicant hereby makes the following representations and warranties and acknowledges and agrees that such representations and warranties are material to the evaluation by the SCFC, DOR, and the Council that the Applicant qualifies for incentives under the SC Motion Picture Act. The Applicant is a qualifying business which meets the criteria of SC Code Section 12-10-50 and further agrees that such representations and warranties shall be true, accurate and complete as of the date of execution and delivery hereof and as of the date of any claim of incentives.

(a) To the best knowledge of the Applicant, there is no pending action or proceeding affecting the Applicant before any court, governmental agency or arbitrator which, in any case, may materially and adversely affect the financial condition, operations or business prospects of the Project or the Applicant as a whole, or which questions the validity of any



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document or any material action taken or to be taken pursuant thereto except as otherwise reflected in adequate reserves;

(b) The Applicant is not in any material default (i) under its corporate organization or governing documents or under any statute, license, rule or regulation, (ii) under any order, writ, injunction, award or decree of which it has notice of any court, arbitrator, administrative agency or other governmental authority binding upon or affecting it by which any of its properties is bound or (iii) under any material indenture, mortgage, contract, agreement or other undertaking or instrument to which it is a party or by which it or its property is bound; and nothing has occurred which would materially adversely affect the ability of the Applicant to carry on its business or perform its obligations under any of the foregoing;

(c) The Applicant possesses, or will possess prior to the date of beginning filming in South Carolina, an approved Motion Picture Incentive Application, all licenses, permits, authorizations and rights necessary for the acquisition and operation of the project substantially as contemplated in this Application without any known material conflict with any rights of others.

(d) All federal and South Carolina tax returns and reports of the Applicant required by law to be filed have been duly filed and all taxes, assessments, fees and other governmental charges upon the Applicant or upon any of its respective properties, assets, income or franchises which are due and payable pursuant to such returns and reports, or pursuant to any assessment received by the Applicant have been paid, other than those which may be presently payable without penalty or interest (except to the extent that any such tax or assessment is being contested in good faith and as to which adequate reserves have been set aside); and

(e) The Applicant is not subject to any corporate or other legal restriction, or any judgment, decree, order, rule or regulation which in the judgment of the Applicant has or is expected in the future to have a material adverse effect on the business, assets, financial condition or business prospects of the Project or the Applicant as a whole; the Applicant is not a party to any contract or agreement which in the judgment of the Applicant has or is expected to have any materially adverse effect on the business of the Applicant as a whole, except as otherwise reflected in adequate reserves.

(f) All tax incentives are subject to audit by the SC Department of Revenue.

