

Part II Organizational Action (continued)

17 List the applicable Internal Revenue Code section(s) and subsection(s) upon which the tax treatment is based ▶ See attachment

Blank lines for listing Internal Revenue Code sections.

18 Can any resulting loss be recognized? ▶ See attachment

Blank lines for providing information on resulting loss recognition.

19 Provide any other information necessary to implement the adjustment, such as the reportable tax year ▶ See attachment

Blank lines for providing other necessary information.

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than officer) is based on all information of which preparer has any knowledge.

Sign Here Signature ▶ *Nancy Huey* Date ▶ 01/12/2024

Print your name ▶ Nancy Huey Title ▶ Vice President, Accounting

Paid Preparer Use Only	Print/Type preparer's name	Preparer's signature	Date	Check <input type="checkbox"/> if self-employed	PTIN
	Firm's name ▶				Firm's EIN ▶
	Firm's address ▶				Phone no.

AEye, Inc.
EIN: 37-1827430
Attachment to Form 8937

Form 8937, Part I, Box 10:

CUSIP number: 008183204 (formerly 008183105)

Form 8937, Part II, Box 14:

On December 27, 2023, AEye, Inc. (the “Company”) effected a 1-for-30 reverse stock split of its issued and outstanding shares of Common Stock (the “Reverse Stock Split”). Pursuant to the Reverse Stock Split, every thirty (30) shares of issued and outstanding shares of Common Stock were combined into one (1) share of Common Stock. The Company’s publicly traded warrants will continue to be traded on Nasdaq under the symbol “LIDRW,” however, under the terms of the applicable warrant agreement, the number of shares of Common Stock issuable on exercise of each warrant will be proportionately decreased. The Company did not issue fractional shares in connection with the Reverse Stock Split. Stockholders who were otherwise entitled to fractional shares of Common Stock were instead entitled to receive a proportional cash payment.

Form 8937, Part II, Box 15:

Stockholders are required to allocate their aggregate tax basis in their existing shares of Common Stock held immediately prior to the Reverse Stock Split among their shares of Common Stock held immediately after the Reverse Stock Split. Stockholders that have acquired different blocks of Common Stock at different times or at different prices should consult their own tax advisors regarding the allocation of the tax basis of such shares.

Form 8937, Part II, Box 16:

See response to Box 15, above. While the basis “per share” is impacted, the basis of the stockholder’s total investment remains unchanged. Stockholders with blocks of pre-split shares of Common Stock not divisible by thirty (30) or which reflect pre-split shares of Common Stock acquired at different times or different prices must replicate such blocks of pre-split shares of Common Stock in the post-split shares of Common Stock received pursuant to a formula provided in Treasury regulations that seeks to preserve, to the greatest extent possible, the basis of a particular block of pre-split shares of Common Stock in one or more post-split shares of Common Stock received in exchange thereof. This may require the aggregate basis in one block of pre-split shares of Common Stock to be allocated to post-split shares of Common Stock in a manner where some post-split shares of Common Stock may have split basis and holding period segments.

Form 8937, Part II, Box 17:

The Reverse Stock Split is a non-taxable recapitalization pursuant to Section 368(a)(1)(E) of the Internal Revenue Code. Section 354(a)(1) provides that, in relevant part, no gain or loss shall be recognized if stock in a corporation is exchanged solely for stock in such corporation in a recapitalization. Section 358(a) provides that, in relevant part, the tax basis of stock in a corporation received in a recapitalization exchange will be the same as the tax basis in the stock exchanged. Tax treatment of the receipt of cash in lieu of fractional shares of stock is tested under Section 302 and will depend on each stockholder’s specific facts and circumstances.

Form 8937, Part II, Box 18:

Except to the extent of cash received in lieu of fractional shares, the Reverse Stock Split is intended to be treated as a recapitalization for U.S. federal income tax purposes. Therefore, stockholders generally should not recognize gain or loss upon the Reverse Stock Split. A stockholder who receives cash in lieu of a fractional share pursuant to the Reverse Stock Split should recognize a capital gain or loss in an amount equal to the

difference between the amount of cash received and the stockholder's tax basis in the shares of Common Stock surrendered that is allocable to such share. Such capital gain or loss should be a long-term capital gain or loss if the stockholder's holding period for the shares of Common Stock surrendered exceeded one year at the effective date of the Reverse Stock Split. Stockholders should consult their own tax advisor with respect to the tax consequences resulting from the Reverse Stock Split.

Form 8937, Part II, Box 19:

The reportable tax year for reporting the tax effect of the Reverse Stock Split is the taxable year that includes December 27, 2023 (*e.g.*, 2023 for calendar-year taxpayers).