

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 20
Committee Substitute Favorable 3/20/91

Short Title: Simplify Motor Vehicle Property Tax.

(Public)

Sponsors:

Referred to:

February 5, 1991

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR A MORE EFFICIENT AND EQUITABLE
3 PROCEDURE FOR ASSESSING AND COLLECTING LOCAL AD VALOREM
4 PROPERTY TAXES ON CERTAIN MOTOR VEHICLES.

5 The General Assembly of North Carolina enacts:

6 Section 1. Subchapter II of Chapter 105 of the North Carolina General
7 Statutes is amended by adding after Article 22 a new Article to read:

8 **"ARTICLE 22A.**

9 **"MOTOR VEHICLES.**

10 **"§ 105-330. Definitions.**

11 The following definitions apply in this Article:

12 (1) Classified motor vehicle. A motor vehicle classified under this
13 Article.

14 (2) Motor vehicle. Defined in G.S. 20-4.01(23).

15 (3) Public service company. Defined in G.S. 105-333(14).

16 **"§ 105-330.1. Classification of motor vehicles.**

17 All motor vehicles, except (i) manufactured homes and (ii) motor vehicles owned
18 by a public service company or leased by a public service company and included in the
19 company's system property under G.S. 105-335(b)(1), are hereby designated a special
20 class of property under authority of Article V, Sec. 2(2) of the North Carolina
21 Constitution. Classified motor vehicles shall be listed and assessed as provided in this
22 Article and taxes on classified motor vehicles shall be collected as provided in this
23 Article.

1 **"§ 105-330.2. Appraisal, ownership, and situs.**

2 (a) The value of a classified motor vehicle that is registered shall be determined
3 annually as of January 1 preceding the date a new registration is applied for or the
4 current registration is renewed. If the value of a new motor vehicle cannot be
5 determined as of January 1 preceding the date the new registration is applied for, the
6 value of that vehicle shall be determined for that year as of the first day of the month in
7 which the new registration is applied for. The value of a classified motor vehicle that is
8 unregistered shall be determined as of January 1 of the year in which the motor vehicle
9 is required to be listed pursuant to G.S. 105-330.3(a)(2). The ownership, situs, and
10 taxability of a classified motor vehicle listed pursuant to G.S. 105-330.3(a)(1) shall be
11 determined annually as of the day on which the current vehicle registration is renewed
12 or the day on which a new registration is applied for. The ownership, situs, and
13 taxability of a classified motor vehicle listed or discovered pursuant to G.S. 105-
14 330.3(a)(2) shall be determined as of January 1 of the year in which the motor vehicle is
15 required to be listed.

16 (b) A classified motor vehicle shall be appraised by the assessor at its true value
17 in money as prescribed by G.S. 105-283. The owner of a classified motor vehicle may
18 appeal the appraisal, situs, or taxability of the vehicle in the manner provided by G.S.
19 105-312(d) for appeals in the case of discovered property. Notwithstanding G.S. 105-
20 312(d), an owner who appeals the listing, valuation, or assessment of a classified motor
21 vehicle shall pay the tax on the vehicle when due, subject to a full or partial refund if the
22 appeal is decided in the owner's favor.

23 (c) The Department of Revenue, acting through the Property Tax Division, and
24 the Department of Transportation, acting through the Division of Motor Vehicles, shall
25 enter into a memorandum of understanding concerning the vehicle identification
26 information, name and address of the owner, and other information that will be required
27 on the motor vehicle registration forms to implement the tax listing and collection
28 provisions of this Article, and this information shall appear on the forms beginning
29 January 1, 1992.

30 **"§ 105-330.3. Assessor's duty to list classified motor vehicles; application for**
31 **exempt status.**

- 32 (a) (1) Registered Vehicles. The assessor shall list, appraise, and
33 assess all taxable classified motor vehicles for county, municipal,
34 and special district taxes each year in the name of the record owner
35 as of the day on which the current vehicle registration is renewed or
36 the day on which a new registration is applied for. The owner of a
37 classified motor vehicle listed pursuant to this subdivision need not
38 list the vehicle as provided in G.S. 105-306; G.S. 105-312 does not
39 apply to classified motor vehicles listed pursuant to this subdivision.
- 40 (2) Unregistered Vehicles. The owner of a classified motor vehicle who
41 does not register the vehicle or does not renew the registration of the
42 vehicle on or before the expiration date of the current registration shall
43 list the vehicle for taxes by filing an abstract with the assessor of the
44 county in which the vehicle is located on or before January 31

1 following the date the unregistered vehicle is acquired or, in the case
2 of a registration that is not renewed, January 31 following the date the
3 registration expires, and on or before January 31 of each succeeding
4 year that the vehicle is unregistered. If a classified motor vehicle listed
5 pursuant to this section is registered during the calendar year in which
6 it was listed, it shall be taxed for the fiscal year that opens in the
7 calendar year of listing as an unregistered vehicle. A vehicle required
8 to be listed pursuant to this subdivision that is not listed by January 31
9 shall be subject to discovery pursuant to G.S. 105-312.

10 (b) The owner of a classified motor vehicle who claims an exemption or
11 exclusion from tax under this Subchapter has the burden of establishing that the vehicle
12 is entitled to the exemption or exclusion. The owner may establish **prima facie**
13 entitlement to exemption or exclusion of the classified motor vehicle by filing an
14 application for exempt status with the assessor. When an approved application is on
15 file, the assessor shall omit from the tax records classified motor vehicles described in
16 the application.

17 (c) The owner of a classified motor vehicle that has been omitted from the tax
18 records as provided in subsection (b) shall report to the assessor any classified motor
19 vehicle registered in the owner's name or owned by him that does not qualify for
20 exemption or exclusion for the current year. This report shall be made within 30 days
21 after the renewal of registration or initial registration of the vehicle or, for an
22 unregistered vehicle, on or before January 31 of the year in which the vehicle is required
23 to be listed by subdivision (a)(2). A classified motor vehicle that does not qualify for
24 exemption or exclusion but has been omitted from the tax records as provided in
25 subsection (b) is subject to discovery under the provisions of G.S. 105-312, except that
26 in lieu of the penalties prescribed by G.S. 105-312(h) there shall be assessed a penalty
27 of one hundred dollars (\$100.00) for each registration period that elapsed before the
28 disqualification was discovered.

29 (d) The provisions of G.S. 105-282.1 do not apply to classified motor vehicles.

30 **"§ 105-330.4. Due date, interest, and enforcement remedies.**

31 (a) Taxes on a classified motor vehicle listed pursuant to G.S. 105-330.3(a)(1)
32 shall be due each year on the first day of the fourth month following the date the
33 registration expires or on the first day of the fourth month following the last day of the
34 month in which the new registration is applied for. Taxes on a classified motor vehicle
35 listed pursuant to G.S. 105-330.3(a)(2) shall be due on September 1 following the date
36 by which the vehicle was required to be listed.

37 (b) Subject to the provisions of G.S. 105-395.1, interest on unpaid taxes on
38 classified motor vehicles listed pursuant to G.S. 105-330.3(a)(1) accrues at the rate of
39 three-fourths of one percent (3/4%) per month following the date the taxes were due
40 until the taxes are paid. Subject to the provisions of G.S. 105-395.1, interest on
41 delinquent taxes on classified motor vehicles listed pursuant to G.S. 105-330.3(a)(2)
42 accrues as provided in G.S. 105-360(a) and discounts shall be allowed as provided in
43 G.S. 105-360(c).

1 (c) Unpaid taxes on classified motor vehicles may be collected by levying on the
2 motor vehicle taxed or on any other personal property of the taxpayer pursuant to G.S.
3 105-366 and G.S. 105-367, or by garnishment of the taxpayer's property pursuant to
4 G.S. 105-368. Notwithstanding the provisions of G.S. 105-366(b), the enforcement
5 measures of levy, attachment, and garnishment may be used to collect unpaid taxes on
6 classified motor vehicles listed pursuant to G.S. 105-330.3(a)(1) at any time after
7 interest accrues. Notwithstanding the provisions of G.S. 105-355, taxes on classified
8 motor vehicles do not become a lien on real property owned by the taxpayer.

9 **"§ 105-330.5. Listing and collecting procedures.**

10 (a) For classified motor vehicles listed pursuant to G.S. 105-330.3(a)(1), upon
11 receiving the registration lists from the Division of Motor Vehicles each month, the
12 assessor shall prepare a tax notice for each vehicle; the tax notice shall contain all
13 county, municipal, and special district taxes due on the motor vehicle. In computing the
14 taxes, the assessor shall appraise the motor vehicle in accordance with G.S. 105-330.2
15 and shall use the tax rates of the various taxing units in effect on the first day of the
16 month in which the current vehicle registration expired or the new registration was
17 applied for. This procedure shall constitute the listing and assessment of each classified
18 motor vehicle for taxation.

19 (b) For classified motor vehicles listed pursuant to G.S. 105-330.3(a)(2), the
20 assessor shall appraise each vehicle in accordance with G.S. 105-330.2. The assessor
21 shall prepare a tax notice for each vehicle before September 1 following the January 31
22 listing date; the tax notice shall include all county, municipal, and special district taxes
23 due on the motor vehicle. In computing the taxes, the assessor shall use the tax rates of
24 the various taxing units in effect for the fiscal year that begins on July 1 following the
25 January 31 listing date.

26 (c) When the tax notice is prepared, the county tax collector shall mail a copy of
27 the notice, with appropriate instructions for payment, to the motor vehicle owner. The
28 county may retain the actual cost of collecting municipal and special district taxes
29 collected pursuant to this section, not to exceed one and one-half percent (1 1/2%) of the
30 amount of taxes collected. The county finance officer shall establish procedures to
31 ensure that tax payments received pursuant to this section are properly accounted for
32 and taxes due other taxing units are remitted to the units to which they are due no later
33 than 30 days after the date of collection.

34 (d) The county shall include taxes on classified motor vehicles in the tax levy for
35 the fiscal year in which the taxes become due and shall charge the taxes to the tax
36 collector for that year.

37 **"§ 105-330.6. Motor vehicle tax year; transfer of plates; surrender of plates.**

38 (a) The tax year for a classified motor vehicle listed pursuant to G.S. 105-
39 330.3(a)(1) shall begin on the first day of the first month following the date on which
40 the registration expires or the new registration is applied for and end on the last day of
41 the twelfth month following the date on which the registration expires or the new
42 registration is applied for. The tax year for a classified motor vehicle listed pursuant to
43 G.S. 105-330.3(a)(2) shall be the fiscal year that opens in the calendar year in which the
44 vehicle is required to be listed.

1 (b) If the owner of a classified motor vehicle listed pursuant to G.S. 105-
2 330.3(a)(1) transfers the registration plates from the listed vehicle to another classified
3 motor vehicle pursuant to G.S. 20-64 during the listed vehicle's tax year, the vehicle to
4 which the plates are transferred is not required to be listed or taxed until the current
5 registration expires or is renewed.

6 (c) If the owner of a classified motor vehicle listed pursuant to G.S. 105-
7 330.3(a)(1) surrenders the registration plates from the listed vehicle to the Division of
8 Motor Vehicles and at the date of surrender one or more full calendar months remains in
9 the listed vehicle's tax year, the owner may apply for a release or refund of taxes on the
10 vehicle for the full calendar months remaining after surrender. To apply for a release or
11 refund, the owner must present to the county tax collector the certificate received from
12 the Division of Motor Vehicles accepting surrender of the registration plates. The
13 county tax collector shall then multiply the amount of the taxes for the tax year on the
14 vehicle by a fraction, the denominator of which is 12 and the numerator of which is the
15 number of full calendar months remaining in the vehicle's tax year after the date of
16 surrender of the registration plates. The product of the multiplication is the amount of
17 taxes to be released or refunded. If the taxes have not been paid at the date of
18 application, the county tax collector shall make a release of the prorated taxes and credit
19 the owner's tax receipt with the amount of the release. If the taxes have been paid at the
20 date of application, the county tax collector shall direct an order for a refund of the
21 prorated taxes to the county finance officer, and the finance officer shall issue a refund
22 to the vehicle owner.

23 **"§ 105-330.7. List of delinquents sent to Division of Motor Vehicles.**

24 On the tenth day of each month the county tax collector shall prepare a list with the
25 name and address of the owner and the vehicle identification number of every classified
26 motor vehicle on which taxes remain unpaid on that date and on which taxes became
27 due on the first day of the fourth month preceding that date. The tax collector shall mail
28 that list to the Division of Motor Vehicles. The list shall be in such form and contain
29 such information as the Division of Motor Vehicles may require.

30 **"§ 105-330.8. Deadlines not extended.**

31 Except as otherwise provided in this Article, the provisions of G.S. 105-395.1 and
32 G.S. 103-5 do not apply to deadlines established in this Article."

33 Sec. 2. Article 22 of Chapter 105 of the General Statutes is amended by
34 adding a new section to read:

35 **"§ 105-329. Article inapplicable to classified motor vehicles.**

36 The provisions of this article do not apply to the listing, appraisal, and assessment of
37 classified motor vehicles, as defined in G.S. 105-330."

38 Sec. 3. G.S. 105-373 is amended by adding a new subsection (h) to read:

39 "(h) Relief from Collecting Taxes on Classified Motor Vehicles. The board of
40 county commissioners may, in its discretion, relieve the tax collector of the charge of
41 taxes on classified motor vehicles that are one year or more past due when it appears to
42 the board that the taxes are uncollectible. This relief, when granted, shall include
43 municipal and special district taxes charged to the collector."

44 Sec. 4. G.S. 20-50.2 is repealed.

1 Sec. 5. Article 3 of Chapter 20 of the General Statutes is amended by adding
2 two new sections to read:

3 **"§ 20-50.3. Division to furnish county assessors registration lists.**

4 On the tenth day of each month the Division shall send to each county assessor a list
5 of vehicles for which registration was renewed or a new registration was obtained in
6 that county during the second month preceding that date, with the name and address of
7 each vehicle owner.

8 **"§ 20-50.4. Division to refuse to register vehicles on which taxes are delinquent.**

9 Upon receiving the list of motor vehicle owners and motor vehicles sent by county
10 tax collectors pursuant to G.S. 105-330.7, the Division shall refuse to register for the
11 owner named in the list any vehicle identified in the list until the vehicle owner presents
12 the Division with a paid tax receipt identifying the vehicle for which registration was
13 refused. The Division shall not refuse to register a vehicle for a person, not named in
14 the list, to whom the vehicle has been transferred in good faith. Where a motor vehicle
15 owner named in the list has transferred the registration plates from the motor vehicle
16 identified in the list to another motor vehicle pursuant to G.S. 20-64 during the first
17 vehicle's tax year, the Division shall refuse registration of the second vehicle until the
18 vehicle owner presents the Division with a paid tax receipt identifying the vehicle from
19 which the plates were transferred."

20 Sec. 6. G.S. 20-66(d) reads as rewritten:

21 "(d) The Division may also provide for the issuance of license plates for motor
22 vehicles with the dates of expiration thereof to vary from month to month so as to
23 approximately equalize the number that expire during a registration period of one or two
24 years. ~~the registration year. A person may purchase a license plate for a period of two years,~~
25 ~~but the Division shall not solicit, encourage, or require the purchase of a license plate for a~~
26 ~~period of more than one year."~~

27 Sec. 7. G.S. 20-66 is amended by adding a new subsection to read:

28 "(i) When the Division receives an application under subsection (a) for the
29 renewal of registration before the current registration expires, the Division shall grant
30 the application if it is made for the purpose of consolidating the property taxes payable
31 by the applicant on classified motor vehicles, as defined in G.S. 105-330. The
32 registration fee for a motor vehicle whose registration cycle is changed under this
33 subsection shall be reduced by a prorated amount. The prorated amount is one-twelfth
34 of the registration fee in effect when the motor vehicle's registration was last renewed
35 multiplied by the number of full months remaining in the motor vehicle's current
36 registration cycle, rounded to the nearest multiple of twenty-five cents (25 ¢)."

37 Sec. 8. G.S. 105-312 reads as rewritten:

38 **"§ 105-312. Discovered property; appraisal; penalty.**

39 (a) Definitions. – For purposes of this Subchapter:

- 40 (1) The phrase 'discovered property' shall include property that was not
41 listed by the taxpayer or any other person during a regular listing
42 period and also property that was listed but with regard to the value,
43 quantity, or other measurement of which the taxpayer made a
44 substantial understatement in listing.

1 (2) The phrase 'failure to list property' shall include both the omission to
2 list property during a regular listing period and the taxpayer's
3 substantial understatement of value, quantity, or other measurement
4 with regard to property listed.

5 (3) The phrase 'to discover property' shall refer to the determination that
6 property has not been listed during a regular listing period and to the
7 identification of the omitted item. For discoveries made after July 1,
8 1971 and in future years, the phrase shall also refer to the
9 determination that listed property was returned by the taxpayer with a
10 substantial understatement of value, quantity, or other measurement.

11 (4) The phrase 'substantial understatement' as used in these definitions
12 shall be interpreted to mean the omission of a material portion of the
13 value, quantity, or other measurement of taxable property; the
14 determination of materiality in each case shall be made by the
15 assessor, subject to the taxpayer's right to review of the determination
16 by the county board of equalization and review or board of
17 commissioners and appeal to the Property Tax Commission.

18 (b) Duty to Discover and Assess Unlisted Property. – It shall be the duty of the
19 assessor to see that all property not properly listed during the regular listing period be
20 listed, assessed and taxed as provided in this Subchapter. The assessor shall file reports
21 of such discoveries with the board of commissioners in such manner as the board may
22 require.

23 (c) Carrying Forward Real Property. – At the close of the regular listing period
24 each year, the assessor shall compare the tax lists submitted during the listing period
25 just ended with the lists for the preceding year, and he shall carry forward to the lists of
26 the current year all real property that was listed in the preceding year but that was not
27 listed for the current year. When carried forward, the real property shall be listed in the
28 name of the taxpayer who listed it in the preceding year unless, under the provisions of
29 G.S. 105-302, it must be listed in the name of another taxpayer. Real property carried
30 forward in this manner shall be deemed to be discovered property, and the procedures
31 prescribed in subsection (d), below, shall be followed unless the property discovered is
32 listed in the name of the taxpayer who listed it for the preceding year and the property is
33 not subject to appraisal under either G.S. 105-286 or G.S. 105-287 in which case no
34 notice of the listing and valuation need be sent to the taxpayer.

35 (d) Procedure for Listing, Appraising, and Assessing Discovered Property. –
36 Subject to the provisions of subsection (c), above, and the presumptions established by
37 subsection (f), below, discovered property shall be listed by the assessor in the name of
38 the person required by G.S. 105-302 or G.S. 105-306. The discovery shall be deemed to
39 be made on the date that the abstract is made or corrected pursuant to subsection (e) of
40 this section. The assessor shall also make a tentative appraisal of the discovered
41 property in accordance with the best information available to him.

42 When a discovery is made, the assessor shall mail a notice to the person in whose
43 name the discovered property has been listed. The notice shall contain the following
44 information:

- 1 (1) The name and address of the person in whose name the property is
2 listed;
- 3 (2) A brief description of the property;
- 4 (3) A tentative appraisal of the property;
- 5 (4) A statement to the effect that the listing and appraisal will become
6 final unless written exception thereto is filed with the assessor within
7 30 days from date of the notice.

8 Upon receipt of a timely exception to the notice of discovery, the assessor shall
9 arrange a conference with the taxpayer to afford him the opportunity to present any
10 evidence or argument he may have regarding the discovery. Within 15 days after the
11 conference, the assessor shall give written notice to the taxpayer of his final decision.
12 Written notice shall not be required, however, if the taxpayer signs an agreement
13 accepting the listing and appraisal. In cases in which agreement is not reached, the
14 taxpayer shall have 15 days from the date of the notice to request review of the decision
15 of the assessor by the board of equalization and review or, if that board is not in session,
16 by the board of commissioners. Unless the request for review by the county board is
17 given at the conference, it shall be made in writing to the assessor. Upon receipt of a
18 timely request for review, the provisions of G.S. 105-322 or G.S. 105-325, as
19 appropriate, shall be followed.

20 (e) Record of Discovered Property. – When property is discovered, the taxpayer's
21 original abstract (if one was submitted) may be corrected or a new abstract may be
22 prepared to reflect the discovery. If a new abstract is prepared, it may be filed with the
23 abstracts that were submitted during the regular listing period, or it may be filed
24 separately with abstracts designated 'Late Listings.' Regardless of how filed, the listing
25 shall have the same force and effect as if it had been submitted during the regular listing
26 period.

27 (f) Presumptions. – When property is discovered and listed to a taxpayer in any
28 year, it shall be presumed that it should have been listed by the same taxpayer for the
29 preceding five years unless the taxpayer shall produce satisfactory evidence that the
30 property was not in existence, that it was actually listed for taxation, or that it was not
31 his duty to list the property during those years or some of them under the provisions of
32 G.S. 105-302 and G.S. 105-306. If it is shown that the property should have been listed
33 by some other taxpayer during some or all of the preceding years, the property shall be
34 listed in the name of the appropriate taxpayer for the proper years, but the discovery
35 shall still be deemed to have been made as of the date that the assessor first listed it.

36 (g) Taxation of Discovered Property. – When property is discovered, it shall be
37 taxed for the year in which discovered and for any of the preceding five years during
38 which it escaped taxation in accordance with the assessed value it should have been
39 assigned in each of the years for which it is to be taxed and the rate of tax imposed in
40 each such year. The penalties prescribed by ~~subsections (h) and (h1)~~ subsection (h) of
41 this section shall be computed and imposed regardless of the name in which the
42 discovered property is listed. If the discovery is based upon an understatement of value,
43 quantity, or other measurement rather than an omission from the tax list, the tax shall be
44 computed on the additional valuation fixed upon the property, and the penalties

1 prescribed by ~~subsections (h) and (h1)~~ subsection (h) of this section shall be computed on
2 the basis of the additional tax.

3 (h) Computation of Penalties. – Having computed each year's taxes separately as
4 provided in subsection (g), above, there shall be added a penalty of ten percent (10%) of
5 the amount of the tax for the earliest year in which the property was not listed, plus an
6 additional ten percent (10%) of the same amount for each subsequent listing period that
7 elapsed before the property was discovered. This penalty shall be computed separately
8 for each year in which a failure to list occurred; and the year, the amount of the tax for
9 that year, and the total of penalties for failure to list in that year ~~including any penalty~~
10 ~~imposed under subsection (h1) of this section~~ shall be shown separately on the tax records;
11 but the taxes and penalties for all years in which there was a failure to list shall be then
12 totalled on a single tax receipt.

13 ~~(h1) If the discovered property is a motor vehicle and the county assessor~~
14 ~~determines from records of the Division of Motor Vehicles that the owner of the vehicle~~
15 ~~falsely certified that he listed the vehicle for property taxes in violation of G.S. 20-~~
16 ~~50.2(a)(1), the county assessor shall add a penalty of \$100.00 for failure to list that~~
17 ~~vehicle in that county, which penalty shall be in addition to the penalties imposed by~~
18 ~~subsection (h). This penalty shall be imposed only for the year in which the discovery~~
19 ~~is made, regardless of the number of listing periods that elapsed before the motor~~
20 ~~vehicle was discovered, and regardless of whether the owner of the vehicle falsely~~
21 ~~certified that he paid taxes on the vehicle in previous years. The civil penalty in this~~
22 ~~subsection shall not be imposed if the owner of the vehicle has been criminally punished~~
23 ~~under G.S. 20-50.2(e) with regard to the same failure to list.~~

24 (i) Collection. – For purposes of tax collection and foreclosure, the total figure
25 obtained and recorded as provided in ~~subsections (h) and (h1)~~ subsection (h) of this
26 section shall be deemed to be a tax for the fiscal year beginning on July 1 of the
27 calendar year in which the property was discovered. The schedule of discounts for
28 prepayment and interest for late payment applicable to taxes for the fiscal year referred
29 to in the preceding sentence shall apply when the total figure on the single tax receipt is
30 paid. Notwithstanding the time limitations contained in G.S. 105-381, any property
31 owner who is required to pay taxes on discovered property as herein provided shall be
32 entitled to a refund of any taxes erroneously paid on the same property to other taxing
33 jurisdictions in North Carolina. Claim for refund shall be filed in the county where such
34 tax was erroneously paid as provided by G.S. 105-381.

35 (j) Tax Receipts Charged to Collector. – Tax receipts prepared as required by
36 ~~subsections (h), (h1), (h)~~ (i) of this section for the taxes and penalties imposed upon
37 discovered property shall be delivered to the tax collector, and he shall be charged with
38 their collection. Such receipts shall have the same force and effect as if they had been
39 delivered to the collector at the time of the delivery of the regular tax receipts for the
40 current year, and the taxes charged in the receipts shall be a lien upon the property in
41 accordance with the provisions of G.S. 105-355.

42 (k) Power to Compromise. – After a tax receipt computed and prepared as
43 required by ~~subsections (g), (h), and (h1)~~ (g) and (h) of this section has been delivered
44 and charged to the tax collector as prescribed in subsection (j), above, the board of

1 county commissioners, upon the petition of the taxpayer, may compromise, settle, or
2 adjust the county's claim for taxes arising therefrom. The board of commissioners may,
3 by resolution, delegate the authority granted by this subsection to the board of
4 equalization and review, including any board created by resolution pursuant to G.S.
5 105-322(a) and any special board established by local act.

6 (l) ~~Except for the provision in subsection (h1) which imposes an additional~~
7 ~~penalty for false certification of motor vehicle listing, the~~ Municipal Corporations. The
8 provisions of this section shall apply to all cities, towns, and other municipal
9 corporations having the power to tax property. Such governmental units shall designate
10 an appropriate municipal officer to exercise the powers and duties assigned by this
11 section to the assessor, and the powers and duties assigned to the board of county
12 commissioners shall be exercised by the governing body of the unit. When the assessor
13 discovers property having a taxable situs in a municipal corporation, he shall send a
14 copy of the notice of discovery required by subsection (d) to the governing body of the
15 municipality together with such other information as may be necessary to enable the
16 municipality to proceed. The governing board of a municipality may, by resolution,
17 delegate the power to compromise, settle, or adjust tax claims granted by this subsection
18 and by subsection (k) of this section to the county board of equalization and review,
19 including any board created by resolution pursuant to G.S. 105-322(a) and any special
20 board established by local act."

21 Sec. 9. This act does not affect the rights or liabilities of the State, a taxpayer,
22 or other person arising under a statute amended or repealed by this act before its
23 amendment or repeal; nor does it affect the right to any refund or credit of a tax that
24 would otherwise have been available under the amended or repealed statute before its
25 amendment or repeal.

26 Sec. 10. This act becomes effective January 1, 1992, and first applies to the
27 taxation of classified motor vehicles for the fiscal year beginning July 1, 1992.