

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 1999

SESSION LAW 1999-297  
SENATE BILL 817

AN ACT TO PROVIDE AN EXCEPTION TO THE LATE LISTING PENALTY FOR CERTAIN REAL PROPERTY IN COUNTIES THAT HAVE NOT ADOPTED PERMANENT LISTING AND TO PHASE IN PERMANENT LISTING IN ALL COUNTIES.

The General Assembly of North Carolina enacts:

Section 1. It is the intent of the General Assembly to encourage all counties to adopt a permanent property tax listing system in accordance with G.S. 105-303(b). The General Assembly finds that permanent listing is more convenient for taxpayers and more efficient for counties. To encourage counties to adopt permanent listing in the next few years, Section 2 of this act prohibits counties that have not adopted such a system from charging late listing penalties in certain circumstances. Section 3 of this act requires all counties to adopt permanent listing systems by the 2004 tax year.

Section 2. G.S. 105-312(h) reads as rewritten:

"(h) Computation of Penalties. – Having computed each year's taxes separately as provided in subsection ~~(g), above, (g)~~ of this section, there shall be added a penalty of ten percent (10%) of the amount of the tax for the earliest year in which the property was not listed, plus an additional ten percent (10%) of the same amount for each subsequent listing period that elapsed before the property was discovered. This penalty shall be computed separately for each year in which a failure to list occurred; and the year, the amount of the tax for that year, and the total of penalties for failure to list in that year shall be shown separately on the tax records; but the taxes and penalties for all years in which there was a failure to list shall be then totalled on a single tax receipt. The penalty provided in this section does not apply to real property if there have been no improvements to the property since it was last listed and there has been no change in ownership since it was last listed."

Section 3. Effective for taxes imposed for taxable years beginning on or after July 1, 2004, G.S. 105-303(b) reads as rewritten:

"(b) ~~With the approval of the Department of Revenue, the board of county commissioners may install a permanent listing system. (The Department's approval shall not, however, be required for any such system installed prior to April 3, 1939.)~~ The board of commissioners of each county must install a permanent listing system. Each county must obtain the approval of the Department of Revenue for its permanent listing system. Under such a system the provisions of subdivisions (b)(1) through ~~(b)(4), below, shall (b)(4)~~ of this subsection apply.

- (1) The assessor ~~shall be~~ is responsible for listing all real property on the abstracts and tax records each year in the name of the owner of record as of the day as of which property is to be listed under G.S. 105-285.
- (2) Persons whose duty it is to list real property under the provisions of G.S. 105-302 ~~shall be~~ are relieved of that duty, but annually, during the listing period established by G.S. 105-307, ~~such persons shall~~ these persons must furnish the assessor with the information concerning improvements on and separate rights in real property required by G.S. 105-309(c)(3) through (c)(5).
- (3) The penalties imposed by G.S. 105-308 and 105-312 ~~shall not be imposed for~~ do not apply to failure to list real property for taxation, but they ~~shall be imposed for~~ apply to failure to comply with the provisions of subdivision ~~(b)(2), above, (b)(2)~~ (b)(2) of this subsection with respect to reporting the construction or acquisition of improvements on and separate rights in real property. In such a case, the penalty prescribed by G.S. 105-312 shall be computed on the basis of the tax imposed on the improvements and separate rights.
- (4) The Department of Revenue may authorize the board of county commissioners to make additional modifications of the listing requirements of this Subchapter, ~~but no such modification shall conflict with the provisions of~~ as long as the modifications do not conflict with subdivisions (b)(1) through ~~(b)(3), above, (b)(3)~~ (b)(3) of this subsection."

Section 4. Section 3 of this act is effective for taxes imposed for taxable years beginning on or after July 1, 2004. The remainder of this act is effective for taxes imposed for taxable years beginning on or after July 1, 1999. Section 2 of this act is repealed effective for taxes imposed for taxable years beginning on or after July 1, 2004.

In the General Assembly read three times and ratified this the 7th day of July, 1999.

s/ Marc Basnight  
President Pro Tempore of the Senate

s/ James B. Black  
Speaker of the House of Representatives

s/ James B. Hunt, Jr.  
Governor

Approved 10:30 p.m. this 14th day of July, 1999