

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

S

1

SENATE BILL 933

Short Title: Property Tax Payment Date.

(Public)

Sponsors: Senator Lee.

Referred to: Finance.

May 13, 1991

A BILL TO BE ENTITLED

AN ACT TO CHANGE THE DATE UPON WHICH UNPAID PROPERTY TAXES  
BECOME DELINQUENT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-360 reads as rewritten:

**"§ 105-360. Due date; interest for nonpayment of taxes; discounts for prepayment.**

(a) Taxes levied under this Subchapter by a taxing unit are due and payable on September 1 of the fiscal year for which the taxes are levied. Taxes are payable at par or face amount if paid before ~~January 6~~ November 1 following the due date. Taxes paid on or after ~~January 6~~ November 1 following the due date are delinquent and are subject to interest charges. Interest accrues on taxes paid on or after ~~January 6~~ November 1 as follows:

(1) For the period ~~January 6 to February 1,~~ November 1 to December 1, interest accrues at the rate of two percent (2%); and

(2) For the period ~~February 1~~ December 1 until the principal amount of the taxes, the accrued interest, and any penalties are paid, interest accrues at the rate of three-fourths of one percent (3/4%) a month or fraction thereof.

(b) Deleted by Session Laws 1987, c. 93, s. 2.

(c) Under the conditions established by this subsection (c), the governing body of any county or municipality levying taxes under the provisions of this Subchapter shall have authority to establish a schedule of discounts to be applied to taxes paid prior to the due date prescribed in subsection (a) above. To exercise this authority, the governing body shall:

- 1           (1) Not later than the first day of May preceding the due date of the taxes  
2           to which it first applies, adopt a resolution or ordinance specifying the  
3           amounts of the discounts and the periods of time during which they are  
4           to be applicable.
- 5           (2) Submit the resolution or ordinance to the Department of Revenue for  
6           approval.
- 7           (3) Upon approval by the Department of Revenue, publish the discount  
8           schedule at least once in some newspaper having general circulation in  
9           the taxing unit.

10 When such a resolution or ordinance is submitted to the Department of Revenue, the  
11 Department may approve it or disapprove it in whole or in part if, in the opinion of the  
12 Department, the discounts or the periods of time for which discounts are allowed are  
13 excessive or unreasonable. Such a resolution or ordinance, once adopted and approved  
14 by the Department of Revenue, shall continue in effect until repealed. Nothing in this  
15 subsection (c) shall prevent the governing body of any taxing unit from providing by  
16 resolution that the schedule of discounts for prepayment of taxes in effect in the taxing  
17 unit on June 30, 1971, shall continue in effect through November 1, 1971, but no longer.

18       (d) For the purposes of computing discounts and interest, tax payments submitted  
19 by mail shall be deemed to be received as of the date shown on the postmark affixed by  
20 the United States Postal Service. If no date is shown on the postmark or if the postmark  
21 is not affixed by the United States Postal Service, the tax payment shall be deemed to be  
22 received when the payment is received in the office of the tax collector. In any dispute  
23 arising under this subsection, the burden of proof shall be on the taxpayer to show that  
24 the payment was timely made."

25       Sec. 2. G.S. 105-366(c) reads as rewritten:

26       "(c) Remedies Before Taxes Are Delinquent. – If between the date as of which  
27 property is to be listed and ~~January 6~~ November 1 of the fiscal year for which the taxes  
28 are imposed the tax collector has reasonable grounds for believing that the taxpayer is  
29 about to remove ~~his~~ the property from the taxing unit or transfer it to another person or  
30 is in imminent danger of becoming insolvent, the tax collector may levy on or attach  
31 that property or any other personal property of the taxpayer, in the manner provided in  
32 G.S. 105-367 and 105-368. If the amount of taxes collected under this subsection has  
33 not yet been determined, these taxes shall be computed in accordance with G.S. 105-359  
34 and any applicable discount shall be allowed."

35       Sec. 3. This act is effective for taxes imposed for taxable years beginning on  
36 or after July 1, 1991.