

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 693

Short Title: Vehicle Tax Technical Changes.

(Public)

Sponsors: Senator Kerr.

Referred to: Finance

April 13, 1995

A BILL TO BE ENTITLED

AN ACT TO MAKE TECHNICAL AMENDMENTS TO IMPROVE THE
ADMINISTRATION OF THE PROPERTY TAX ON MOTOR VEHICLES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-330.2 reads as rewritten:

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

(a) The value of a classified motor vehicle listed pursuant to G.S. 105-330.3(a)(1) shall be determined annually as of January 1 preceding the date a new registration is applied for or the current registration ~~is renewed.~~ expires. If the value of a new motor vehicle cannot be determined as of January 1 preceding the date the new registration is applied for, the value of that vehicle shall be determined for that year as of the date that model vehicle is first offered for sale at retail in this State. The ownership, situs, and taxability of a classified motor vehicle listed pursuant to G.S. 105-330.3(a)(1) shall be determined annually as of the day on which a new registration is applied for or the day on which the current vehicle registration is renewed, ~~renewed, regardless of whether the registration is renewed after it has expired. or the day on which a new registration is applied for.~~

The value of a classified motor vehicle listed pursuant to G.S. 105-330.3(a)(2) shall be determined as of January 1 of the year in which the motor vehicle is required to be listed pursuant to G.S. 105-330.3(a)(2). The ownership, situs, and taxability of a

1 classified motor vehicle listed or discovered pursuant to G.S. 105-330.3(a)(2) shall be
2 determined as of January 1 of the year in which the motor vehicle is required to be listed.

3 (b) A classified motor vehicle shall be appraised by the assessor at its true value in
4 money as prescribed by G.S. 105-283. The owner of a classified motor vehicle may
5 appeal the appraised ~~value, situs, or taxability~~ value of the vehicle in the manner provided
6 by G.S. 105-312(d) for appeals in the case of discovered property. The owner of a
7 classified motor vehicle must file an appeal with the assessor within 30 days after the
8 date of the tax notice prepared pursuant to G.S. 105-330.5. Notwithstanding G.S. 105-
9 312(d), an owner who appeals the listing, valuation, or assessment of a classified motor
10 vehicle shall pay the tax on the vehicle when due, subject to a full or partial refund if the
11 appeal is decided in the owner's favor.

12 (c) The Department of Revenue, acting through the Property Tax Division, and the
13 Department of Transportation, acting through the Division of Motor Vehicles, shall enter
14 into a memorandum of understanding concerning the vehicle identification information,
15 name and address of the owner, and other information that will be required on the motor
16 vehicle registration forms to implement the tax listing and collection provisions of this
17 Article."

18 Sec. 2. G.S. 105-330.4 reads as rewritten:

19 "**§ 105-330.4. Due date, interest, and enforcement remedies.**

20 (a) Taxes on a classified motor vehicle listed pursuant to G.S. 105-330.3(a)(2)
21 shall be due on September 1 following the date by which the vehicle was required to be
22 listed. Taxes on a classified motor vehicle listed pursuant to G.S. 105-330.3(a)(1) shall be
23 due each year on the following dates:

24 (1) For a vehicle registered under the staggered system, taxes shall be due
25 on the first day of the fourth month following the date the registration
26 expires or on the first day of the fourth month following the last day of
27 the month in which the new registration is applied for.

28 (2) For a vehicle newly registered under the annual system, taxes shall be
29 due on the first day of the fourth month following the date the new
30 registration is applied for. For a vehicle whose registration is renewed
31 under the annual system, taxes shall be due on May 1 following the date
32 the registration expired or following the December in which a new
33 registration was obtained. ~~expired.~~

34 (b) Subject to the provisions of G.S. 105-395.1, interest on unpaid taxes on
35 classified motor vehicles listed pursuant to G.S. 105-330.3(a)(1) accrues at the rate of
36 three-fourths of one percent (3/4%) per month beginning the first month following the
37 date the taxes were due until the taxes are ~~paid~~ paid, except that when the tax notice
38 required by G.S. 105-330.5 is prepared after the date the taxes are due, the interest
39 accrues beginning the second month following the date of the notice until the taxes are
40 paid. Subject to the provisions of G.S. 105-395.1, interest on delinquent taxes on
41 classified motor vehicles listed pursuant to G.S. 105-330.3(a)(2) accrues as provided in
42 G.S. 105-360(a) and discounts shall be allowed as provided in 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 G.S.
4 105-368. Notwithstanding the provisions of G.S. 105-366(b), the enforcement measures
5 of levy, attachment, and garnishment may be used to collect unpaid taxes on classified
6 motor vehicles listed pursuant to G.S. 105-330.3(a)(1) at any time after interest accrues.
7 Notwithstanding the provisions of G.S. 105-355, taxes on classified motor vehicles listed
8 pursuant to G.S. 105-330.3(a)(1) do not become a lien on real property owned by the
9 taxpayer."

10 Sec. 3. G.S. 105-330.5 reads as rewritten:

11 "**§ 105-330.5. Listing and collecting procedures.**

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

- 21 (1) The date of the tax notice.
- 22 (2) The appraised value of the motor vehicle.
- 23 (3) The tax rate of the taxing units.
- 24 (4) A statement that the appraised value, situs, and taxability of the motor
25 vehicle may be appealed to the assessor within 30 days after the date of
26 the notice.

27 (a1) When a new registration is obtained for a vehicle registered under the annual
28 system in a month other than December, the assessor shall prorate the taxes due for the
29 remainder of the calendar year. The amount of prorated taxes due is the product of the
30 proration fraction and the taxes computed according to subsection (a). The numerator of
31 the proration fraction is the number of full months remaining in the calendar year
32 following the date the registration is applied for and the denominator of the fraction is 12.

33 (b) When the tax notice required by subsection (a) is prepared, the county tax
34 collector shall mail a copy of the notice, with appropriate instructions for payment, to the
35 motor vehicle owner. The county may retain the actual cost of collecting municipal and
36 special district taxes collected pursuant to this ~~section, Article,~~ not to exceed one and one-
37 half percent (1 1/2%) of the amount of taxes collected. The county finance officer shall
38 establish procedures to ensure that tax payments received pursuant to this ~~section Article~~
39 are properly accounted for and taxes due other taxing units are remitted to the units to
40 which they are due ~~no later than 30 days after the date of collection, at least once each month.~~
41 Each month, a county shall provide reasonable information to the municipalities and
42 special districts located in it to enable them to account for the tax payments remitted to
43 them.

1 (c) For classified motor vehicles listed pursuant to G.S. 105-330.3(a)(2), the
2 assessor shall appraise each vehicle in accordance with G.S. 105-330.2. The assessor
3 shall prepare a tax notice for each vehicle before September 1 following the January 31
4 listing date; the tax notice shall include all county and special district taxes due on the
5 motor vehicle. In computing the taxes, the assessor shall use the tax rates of the taxing
6 units in effect for the fiscal year that begins on July 1 following the January 31 listing
7 date. Municipalities shall list, assess, and tax classified motor vehicles listed pursuant to
8 G.S. 105-330.3(a)(2) as provided in G.S. 105-326, 105-327, and 105-328 and shall send
9 tax notices as provided in this section.

10 (d) The county shall include taxes on classified motor vehicles listed pursuant to
11 G.S. 105-330.3(a)(1) in the tax levy for the fiscal year in which the taxes become due and
12 shall charge the taxes to the tax collector for that ~~year-year~~, except that when the tax
13 notice required by subsection (a) is prepared after the date the taxes are due, the county
14 shall include the taxes from that notice in the tax levy for the current fiscal year and shall
15 charge the taxes to the tax collector for that year."

16 Sec. 4. G.S. 105-330.6 reads as rewritten:

17 "**§ 105-330.6. Motor vehicle tax year; transfer of plates; surrender of plates.**

18 (a) The tax year for a classified motor vehicle listed pursuant to G.S. 105-
19 330.3(a)(1) and registered under the staggered system shall begin on the first day of the
20 first month following the date on which the registration expires or the new registration is
21 applied for and end on the last day of the twelfth month following the date on which the
22 registration expires or the new registration is applied for. The tax year for a classified
23 motor vehicle listed pursuant to G.S. 105-330.3(a)(1) and registered under the annual
24 system shall begin on the first day of the first month following the date on which the
25 registration expires or the new registration is applied for and end the following December
26 31. The tax year for a classified motor vehicle listed pursuant to G.S. 105-330.3(a)(2)
27 shall be the fiscal year that opens in the calendar year in which the vehicle is required to
28 be listed.

29 (b) If the owner of a classified motor vehicle listed pursuant to G.S. 105-
30 330.3(a)(1) transfers the registration plates from the listed vehicle to another classified
31 motor vehicle pursuant to G.S. 20-64 during the listed vehicle's tax year, the vehicle to
32 which the plates are transferred is not required to be listed or taxed until the current
33 registration expires or is renewed.

34 (c) If the owner of a classified motor vehicle listed pursuant to G.S. 105-
35 330.3(a)(1) transfers the motor vehicle to a new owner and surrenders the registration
36 plates from the listed vehicle to the Division of Motor Vehicles and at the date of
37 surrender one or more full calendar months remains in the listed vehicle's tax year, the
38 owner may apply for a release or refund of taxes on the vehicle for the full calendar
39 months remaining after surrender. To apply for a release or refund, the owner must
40 present to the county tax collector within ~~60-120~~ days after surrendering the plates the
41 receipt received from the Division of Motor Vehicles accepting surrender of the
42 registration plates. The county tax collector shall then multiply the amount of the taxes
43 for the tax year on the vehicle by a fraction, the denominator of which is 12 and the

1 numerator of which is the number of full calendar months remaining in the vehicle's tax
2 year after the date of surrender of the registration plates. The product of the
3 multiplication is the amount of taxes to be released or refunded. If the taxes have not
4 been paid at the date of application, the county tax collector shall make a release of the
5 prorated taxes and credit the owner's tax notice with the amount of the release. If the
6 taxes have been paid at the date of application, the county tax collector shall direct an
7 order for a refund of the prorated taxes to the county finance officer, and the finance
8 officer shall issue a refund to the vehicle owner."

9 Sec. 5. This act is effective for taxes imposed for taxable years beginning on
10 or after July 1, 1995.