

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 1081

Short Title: Granville Land Transfer Tax. (Local)

Sponsors: Representatives Crawford (By Request); Harrison and Luebke.

Referred to: Finance.

March 28, 2007

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE GRANVILLE COUNTY TO LEVY AN EXCISE TAX
3 ON CONVEYANCES OF INTEREST IN REAL PROPERTY.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. This act applies to Granville County only.

6 SECTION 2. Chapter 105 of the General Statutes is amended by adding a
7 new Subchapter to read:

8 **"SUBCHAPTER X. LOCAL OPTION COUNTY TAXES.**

9 "Article 60.

10 "Land Transfer Tax.

11 "**§ 105-600. Short title.**

12 This Article is the County Land Transfer Tax Act.

13 "**§ 105-601. Levy of tax.**

14 (a) Levy. – The board of county commissioners may, by resolution and after 10
15 days' public notice, levy an excise tax on instruments conveying certain interests in real
16 property in the county, including instruments that convey an interest in a mobile home
17 that, at the time of the conveyance, is taxed as real property. The tax rate may not
18 exceed one percent (1%) of the consideration or value of the interest conveyed,
19 including in the case of a sale, the value of any lien or encumbrance remaining on the
20 property at the time of sale.

21 (b) Resolution. – The board of county commissioners must, upon adoption of a
22 resolution levying a tax under this Article, immediately deliver a certified copy of the
23 resolution to the register of deeds of the county. Upon receipt of these documents, the
24 register of deeds shall administer the tax in the county as provided in this Article.

25 "**§ 105-602. Scope of tax.**

26 (a) Scope. – A tax levied under this Article does not apply to transfers exempt
27 pursuant to G.S. 105-228.28 or G.S. 105-228.29 from the tax levied by Article 8E of
28 this Chapter. In addition, the tax does not apply to a transfer to the owner's spouse,
29 siblings, parents, grandparents, children, or grandchildren. The tax is in addition to the

1 tax levied by Article 8E of this Chapter. A tax levied under this Article applies to
2 transfers of interests in real property located within the county. If the property is located
3 in two or more counties, a transfer of an interest in the property is taxable only by the
4 county in which the greater part of the property, with respect to value, lies.

5 (b) Basis and Effective Date. – A tax levied under this Article applies to the
6 consideration or value, whichever is greater, of the interest conveyed, including the
7 value of any lien or encumbrance remaining on the property at the time of conveyance.
8 The levy of the tax may become effective only on the first day of a calendar month set
9 in the resolution levying the tax, which may not be earlier than the first day of the
10 second succeeding calendar month after the date the resolution is adopted.

11 **"§ 105-603. Administration.**

12 A tax levied under this Article is payable by the transferor of the interest. Except as
13 otherwise provided in this Article, the provisions of G.S. 105-228.32 through
14 G.S. 105-228.37 apply to a tax levied under this Article. The county must provide
15 metering or similar equipment for the collection of the tax in lieu of the use of tax
16 stamps.

17 **"§ 105-604. Repeal or reduction.**

18 A county may, by resolution, repeal or reduce the rate of a tax levied under this
19 Article. Repeal or reduction of the tax must become effective on the first day of a month
20 and may not become effective until the end of the fiscal year in which the repeal or
21 reduction resolution was adopted. Repeal of a land transfer tax, or reduction of its rate,
22 under this Article does not affect a liability for a tax that attached before the effective
23 date of the repeal or reduction, nor does it affect a right to a refund of a tax that accrued
24 before the effective date of the repeal or reduction."

25 **SECTION 3.** This act is effective when it becomes law.