

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE BILL 1548

Short Title: Late Tax Refund Compensation. (Public)

Sponsors: Representatives Blust; Allred, Barnhart, Brown, Cleveland, Daughtry, Dockham, Dollar, Gillespie, Gulley, Hilton, Lewis, Mills, Moore, Rhyne, and Setzer.

Referred to: Finance, if favorable, Appropriations.

April 27, 2009

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE COMPENSATION TO NORTH CAROLINA TAXPAYERS WHO  
3 RECEIVE LATE INCOME TAX REFUNDS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 105-241.21(c) reads as rewritten:

6 "**§ 105-241.21. Interest on taxes.**

7 ...

8 (c) Accrual on Refund. – Interest accrues on an overpayment of tax from the time set in  
9 the following subdivisions until the refund is paid.

10 (1) Franchise, income, and gross premiums. – Interest on an overpayment of a  
11 tax levied under Article 3 of this Chapter and payable on an annual basis or  
12 of a tax levied under Article 4 or 8B of this Chapter accrues from a date ~~45~~  
13 60 days after the latest of the following dates:

14 a. The date the final return was filed.

15 b. ~~The date the final return was due to be filed.~~

16 c. The date of the overpayment. The date of an overpayment of a tax  
17 levied under Article 4 or Article 8B of this Chapter is determined in  
18 accordance with section 6611(d), (f), (g), and (h) of the Code.

19 The Department shall be liable to the taxpayer for fifty dollars (\$50.00) in  
20 addition to the interest owed under this subdivision if the Department has not  
21 provided a refund to the taxpayer within 30 days after the date that interest  
22 begins to accrue.

23 (2) All other taxes. – Interest on an overpayment of a tax that is not included in  
24 subdivision (1) of this subsection accrues from a date that is 90 days after the  
25 date the tax was paid."

26 **SECTION 2.** This act is effective for taxes imposed for taxable years beginning on  
27 or after January 1, 2009.

