

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 158\*  
Finance Committee Substitute Adopted 4/14/97

Short Title: Administrative Dissolution/Annual Rept.

(Public)

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Sponsors:

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Referred to: Appropriations.

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February 17, 1997

1 A BILL TO BE ENTITLED  
2 AN ACT TO EXPAND THE TIME CORPORATIONS AND LIMITED LIABILITY  
3 COMPANIES MAY APPLY FOR REINSTATEMENT FROM ADMINISTRATIVE  
4 DISSOLUTION, TO INCREASE THE FEE CORPORATIONS MUST PAY FOR  
5 REINSTATEMENT AFTER ADMINISTRATIVE DISSOLUTION, TO  
6 ESTABLISH A FEE LIMITED LIABILITY COMPANIES MUST PAY FOR  
7 REINSTATEMENT AFTER ADMINISTRATIVE DISSOLUTION, TO PROVIDE  
8 THAT ANNUAL REPORTS OF MOST BUSINESS CORPORATIONS AND  
9 LIMITED LIABILITY COMPANIES SHALL BE FILED WITH THE  
10 DEPARTMENT OF REVENUE RATHER THAN THE SECRETARY OF STATE,  
11 AS RECOMMENDED BY THE GENERAL STATUTES STUDY COMMISSION  
12 AND OTHERS.

13 The General Assembly of North Carolina enacts:

14 **PART I. ADMINISTRATIVE DISSOLUTIONS.**

15 Section 1. G.S. 55-14-22(a) reads as rewritten:

16 "(a) A corporation administratively dissolved under G.S. 55-14-21 may apply to the  
17 Secretary of State for reinstatement ~~within two years~~ not later than five years after the  
18 effective date of dissolution. The application must:

- 1 (1) Recite the name of the corporation and the effective date of its
- 2 administrative dissolution; and
- 3 (2) State that the ground or grounds for dissolution either did not exist or
- 4 have been eliminated.
- 5 (3) Reserved.
- 6 (4) Repealed by Session Laws 1995, c. 539, s. 6."

7 Section 2. G.S. 55A-14-22(a) reads as rewritten:

8 "(a) A corporation administratively dissolved under G.S. 55A-14-21 may apply to

9 the Secretary of State for reinstatement ~~within two years~~ not later than five years after the

10 effective date of dissolution. The application shall:

- 11 (1) Recite the name of the corporation and the effective date of its
- 12 administrative dissolution; and
- 13 (2) State that the ground or grounds for dissolution either did not exist or
- 14 have been eliminated."

15 Section 3. G.S. 57C-6-03(c) reads as rewritten:

16 "(c) A limited liability company administratively dissolved under this section may

17 apply to the Secretary of State for reinstatement ~~within two years~~ not later than five years

18 after the effective date of the administrative dissolution. The procedures for reinstatement

19 and for the appeal of any denial of the limited liability company's application for

20 reinstatement shall be the same procedures applicable to business corporations under G.S.

21 55-14-22, 55-14-23, and 55-14-24."

22 Section 4. G.S. 55-1-22 reads as rewritten:

23 **"§ 55-1-22. Filing, service, and copying fees.**

24 (a) The Secretary of State shall collect the following fees when the documents

25 described in this subsection are delivered to ~~him~~ the Secretary for filing:

Document	Fee
(1) Articles of incorporation	\$100.00
(2) Application for reserved name	10.00
(3) Notice of transfer of reserved name	10.00
(4) Application for registered name	10.00
(5) Application for renewal of registered name	10.00
(6) Corporation's statement of change of registered agent or registered office or both	5.00
(7) Agent's statement of change of registered office for each affected corporation	5.00
(8) Agent's statement of resignation	No fee
(9) Designation of registered agent or registered office or both	5.00
(10) Amendment of articles of incorporation	50.00

1	(11)	Restated articles of incorporation	10.00	
2		with amendment of articles	50.00	
3	(12)	Articles of merger or share exchange	50.00	
4	(13)	Articles of dissolution	30.00	
5	(14)	Articles of revocation of		
6		dissolution	10.00	
7	(15)	Certificate of administrative		
8		dissolution	No fee	
9	(16)	Application for reinstatement		
10		following administrative dissolution	<del>25.00</del>	
11			<u>100.00</u>	
12	(17)	Certificate of reinstatement	No fee	
13	(18)	Certificate of judicial dissolution	No fee	
14	(19)	Application for certificate of		
15		authority	200.00	
16	(20)	Application for amended certificate		
17		of authority	50.00	
18	(21)	Application for certificate of		
19		withdrawal	10.00	
20	(22)	Certificate of revocation of		
21		authority to transact business	No fee	(23) Annual report 10.00
22	(24)	Articles of correction	10.00	
23	(25)	Application for certificate of		
24		existence or authorization	5.00	
25	(26)	Any other document required or		
26		permitted to be filed by this Chapter	10.00.	

27 (b) The Secretary of State shall collect a fee of ten dollars (\$10.00) each time  
 28 process is served on ~~him~~ the Secretary under this Chapter. The party to a proceeding  
 29 causing service of process is entitled to recover this fee as costs if ~~he~~ the party prevails in  
 30 the proceeding.

31 (c) The Secretary of State shall collect the following fees for copying, comparing,  
 32 and certifying a copy of any filed document relating to a domestic or foreign corporation:

- 33 (1) One dollar (\$1.00) a page for copying or comparing a copy to the  
 34 original; and  
 35 (2) Five dollars (\$5.00) for the certificate."

36 Section 5. G.S. 55A-1-22 reads as rewritten:

37 **"§ 55A-1-22. Filing, service, and copying fees.**

38 (a) The Secretary of State shall collect the following fees when the documents  
 39 described in this subsection are delivered to the Secretary for filing: Document Fee

- 40 (1) Articles of incorporation \$50.00  
 41 (2) Application for reserved name \$10.00  
 42 (3) Notice of transfer of reserved name \$10.00  
 43 (4) Application for registered name \$10.00

- 1 (5) Application for renewal of registered  
2 name \$10.00
- 3 (6) Corporation's statement of change of  
4 registered agent or registered office or  
5 both \$ 5.00
- 6 (7) Agent's statement of change of registered  
7 office for each affected corporation \$ 5.00
- 8 (8) Agent's statement of resignation No fee
- 9 (9) Designation of registered agent or  
10 registered office or both \$ 5.00
- 11 (10) Amendment of articles of incorporation \$25.00
- 12 (11) Restated articles of incorporation without  
13 amendment of articles \$10.00
- 14 (12) Restated articles of incorporation with  
15 amendment of articles \$25.00
- 16 (13) Articles of merger \$25.00
- 17 (14) Articles of dissolution \$15.00
- 18 (15) Articles of revocation of dissolution \$10.00
- 19 (16) Certificate of administrative dissolution No fee
- 20 (17) Application for reinstatement following  
21 administrative dissolution ~~\$25.00~~  
22 \$100.00
- 23 (18) Certificate of reinstatement No fee
- 24 (19) Certificate of judicial dissolution No fee
- 25 (20) Application for certificate of authority \$100.00
- 26 (21) Application for amended certificate of  
27 authority \$25.00
- 28 (22) Application for certificate of withdrawal \$10.00
- 29 (23) Certificate of revocation of authority to  
30 conduct affairs No fee
- 31 (24) Corporation's Statement of Change of  
32 Principal Office \$5.00
- 33 (24a) Designation of Principal Office Address \$5.00
- 34 (25) Articles of correction \$10.00
- 35 (26) Application for certificate of existence or  
36 authorization \$ 5.00
- 37 (27) Any other document required or  
38 permitted to be filed by this Chapter \$10.00.

39 (b) The Secretary of State shall collect a fee of ten dollars (\$10.00) each time  
40 process is served on the Secretary under this Chapter. The party to a proceeding causing  
41 service of process is entitled to recover this fee as costs if the party prevails in the  
42 proceeding.

1 (c) The Secretary of State shall collect the following fees for copying, comparing,  
2 and certifying a copy of any filed document relating to a domestic or foreign corporation:

3 (1) One dollar (\$1.00) a page for copying or comparing a copy to the  
4 original; and

5 (2) Five dollars (\$5.00) for the certificate."

6 Section 6. G.S. 57C-1-22 reads as rewritten:

7 **"§ 57C-1-22. Filing, service, and copying fees.**

8 (a) The Secretary of State shall collect the following fees when the documents  
9 described in this subsection are delivered to the Secretary of State for filing:

10	<u>Document</u>	<u>Fee</u>
11	(1) Articles of organization	\$100.00
12	(2) Application for reserved name	10.00
13	(3) Notice of transfer of reserved name	10.00
14	(4) Application for registered name	10.00
15	(5) Application for renewal of registered name	10.00
16	(6) Limited liability company's statement of	
17	change of registered agent or registered	
18	office or both	5.00
19	(7) Agent's statement of change of registered	
20	office for each affected limited	
21	liability company	5.00
22	(8) Agent's statement of resignation	No fee
23	(9) Designation of registered agent or	
24	registered office or both	5.00
25	(10) Amendment of articles of organization	50.00
26	(11) Restated articles of organization	
27	without amendment of articles	10.00
28	(12) Restated articles of organization	
29	with amendment of articles	50.00
30	(13) Articles of merger	50.00
31	(14) Articles of dissolution	30.00
32	(15) Articles of revocation of dissolution	10.00
33	(16) Certificate of administrative dissolution	No fee
34	<u>(16a) Application for reinstatement following</u>	
35	<u>administrative dissolution</u>	<u>100.00</u>
36	(17) Certificate of reinstatement	No fee
37	(18) Certificate of judicial dissolution	No fee
38	(19) Application for certificate of authority	200.00
39	(20) Application for amended certificate	
40	of authority	50.00
41	(21) Application for certificate of withdrawal	10.00
42	(22) Certificate of revocation of authority	
43	to transact business	No fee

- 1 (23) Articles of correction 10.00  
2 (24) Application for certificate of existence  
3 or authorization 5.00  
4 (25) Annual report 200.00  
5 (26) Any other document required or permitted  
6 to be filed by this Chapter 10.00.

7 (b) The Secretary of State shall collect a fee of ten dollars (\$10.00) each time  
8 process is served on the Secretary of State under this Chapter. The party to a proceeding  
9 causing service of process is entitled to recover this fee as costs if ~~he~~ the party prevails in  
10 the proceeding.

11 (c) The Secretary of State shall collect the following fees for copying, comparing,  
12 and certifying a copy of any filed document relating to a domestic or foreign limited  
13 liability company:

- 14 (1) One dollar (\$1.00) a page for copying or comparing a copy to the  
15 original; and  
16 (2) Five dollars (\$5.00) for the certificate."

#### 17 **PART II. ANNUAL CORPORATE REPORT.**

18 Section 7. G.S. 55-16-22 reads as rewritten:

19 "**§ 55-16-22. Annual report for Secretary of State report.**

20 (a) ~~Each~~ Except as provided in subsections (a1) and (a2) of this section, each  
21 domestic corporation except those governed by Chapter 55B, and each foreign  
22 corporation authorized to transact business in this State, State shall deliver to the  
23 Secretary of State for filing an annual report that sets forth: an annual report to the  
24 Secretary of Revenue.

25 (a1) Each insurance company subject to the provisions of Chapter 58 of the General  
26 Statutes shall deliver an annual report to the Secretary of State.

27 (a2) A domestic corporation governed by Chapter 55B of the General Statutes is  
28 exempt from this section.

29 (a3) The annual report required by this section shall be in a form jointly prescribed  
30 by the Secretary of Revenue and the Secretary of State. The Secretary of Revenue shall  
31 provide the form needed to file an annual report. The annual report shall set forth all of  
32 the following:

- 33 (1) The name of the corporation and the state or country under whose law it  
34 is ~~incorporated;~~ incorporated.  
35 (2) The street address, and the mailing address if different from the street  
36 address, of the registered office, the county in which its registered office  
37 is located, and the name of its registered agent at that office in this State,  
38 and a statement of any change of such registered office or registered  
39 agent, or ~~both;~~ both.  
40 (3) The address and telephone number of its principal ~~office;~~ office.  
41 (4) The names, titles, and business addresses of its principal ~~officers;~~  
42 officers.  
43 (4a) ~~The names and business addresses of its directors; and~~

1 (5) A brief description of the nature of its business.  
2 If the information contained in the most recently filed annual report has not changed, a  
3 certification to that effect may be made instead of setting forth the information required  
4 by subdivisions (2) through (5) of this subsection.

5 (b) Information in the annual report must be current as of the date the annual  
6 report is executed on behalf of the corporation.

7 (c) ~~The annual report shall be delivered to the Secretary of State each year within~~  
8 ~~60 days immediately following the last day of the month in which the domestic~~  
9 ~~corporation was incorporated or the foreign corporation received a certificate of authority~~  
10 ~~in this State. Forms required for the filing of the annual report shall be mailed by the~~  
11 ~~Secretary of State to the domestic or foreign corporation at its registered office for the~~  
12 ~~first annual report, then to its principal office for subsequent annual reports. An annual~~  
13 ~~report required to be delivered to the Secretary of Revenue is due by the due date for~~  
14 ~~filing the corporation's income and franchise tax returns. An extension of time to file a~~  
15 ~~return is an extension of time to file an annual report. An annual report required to be~~  
16 ~~delivered to the Secretary of State is due by the fifteenth day of the third month following~~  
17 ~~the close of the corporation's fiscal year.~~

18 (d) If an annual report does not contain the information required by this section,  
19 the Secretary of State shall promptly notify the reporting domestic or foreign corporation  
20 in writing and return the report to it for correction. If the report is corrected to contain  
21 the information required by this section and delivered to the Secretary of State within 30  
22 days after the effective date of notice, it is deemed to be timely filed.

23 (e) Amendments to any previously filed annual report may be filed with the  
24 Secretary of State at any time for the purpose of correcting, updating, or augmenting the  
25 information contained in ~~such~~ the annual report.

26 (f) Expired.

27 (g) When a statement of change of registered office or registered agent is filed in  
28 the annual report, the change shall become effective when the statement is received by  
29 the Secretary of State.

30 (h) If the Secretary of State does not receive an annual report within 120 days of  
31 the date the return is due, the Secretary of State may presume that the annual report is  
32 delinquent. This presumption may be rebutted by receipt of the annual report from the  
33 Secretary of Revenue or by evidence of delivery presented by the filing corporation."

34 Section 8. G.S. 55-1-21(a) reads as rewritten:

35 "(a) The Secretary of State may promulgate and furnish on request forms ~~for~~ for  
36 the following:

37 (1) An application for a certificate of ~~existence~~; existence.

38 (2) A foreign corporation's application for a certificate of authority to  
39 transact business in this ~~State~~; State.

40 (3) A foreign corporation's application for a certificate of ~~withdrawal~~; and  
41 withdrawal.

42 (4) ~~The annual report.~~

43 If the Secretary of State so requires, use of these forms is mandatory."

1 Section 9. G.S. 55-1-22(a), as amended by Section 4 of this act, reads as  
2 rewritten:

3 "(a) The Secretary of State shall collect the following fees when the documents  
4 described in this subsection are delivered to the Secretary for filing:

	Document	Fee
5		
6	(1) Articles of incorporation	\$100.00
7	(2) Application for reserved name	10.00
8	(3) Notice of transfer of reserved name	10.00
9	(4) Application for registered name	10.00
10	(5) Application for renewal of	
11	registered name	10.00
12	(6) Corporation's statement of change of	
13	registered agent or registered	
14	office or both	5.00
15	(7) Agent's statement of change of	
16	registered office for each affected	
17	corporation	5.00
18	(8) Agent's statement of resignation	No fee
19	(9) Designation of registered agent or	
20	registered office or both	5.00
21	(10) Amendment of articles of	
22	incorporation	50.00
23	(11) Restated articles of incorporation	10.00
24	with amendment of articles	50.00
25	(12) Articles of merger or share exchange	50.00
26	(13) Articles of dissolution	30.00
27	(14) Articles of revocation of	
28	dissolution	10.00
29	(15) Certificate of administrative	
30	dissolution	No fee
31	(16) Repealed.	
32	(17) Certificate of reinstatement	No fee
33	(18) Certificate of judicial dissolution	No fee
34	(19) Application for certificate of	
35	authority	200.00
36	(20) Application for amended certificate	
37	of authority	50.00
38	(21) Application for certificate of	
39	withdrawal	10.00
40	(22) Certificate of revocation of	
41	authority to transact business	No fee
42	(23) Annual report	<del>10.00</del>
43	-	<u>20.00</u>



- 1 (24) Articles of correction 10.00  
2 (25) Application for certificate of  
3 existence or authorization 5.00  
4 (26) Any other document required or  
5 permitted to be filed by this Chapter 10.00."  
6 Section 10. G.S. 55-1-28(b)(4) reads as rewritten:  
7 "(4) That its most recent annual report required by G.S. 55-16-22 has either  
8 been delivered to the Secretary of State; State or is not delinquent;".  
9 Section 11. G.S. 55-14-20(2) reads as rewritten:  
10 "(2) The corporation ~~does not deliver its annual report to the Secretary of~~  
11 ~~State within 60 days after it is due; is delinquent in delivering its annual~~  
12 ~~report;~~".  
13 Section 12. G.S. 55-15-30(a)(1) reads as rewritten:  
14 "(1) The foreign corporation ~~does not deliver its annual report to the~~  
15 ~~Secretary of State within 60 days after it is due; is delinquent in~~  
16 ~~delivering its annual report;~~".  
17 Section 13. G.S. 55-16-01(e)(7) reads as rewritten:  
18 "(7) Its most recent annual report delivered ~~to the Secretary of State under as~~  
19 ~~required by G.S. 55-16-22.~~"  
20 Section 14. G.S. 57C-2-23 reads as rewritten:  
21 **"§ 57C-2-23. Annual report for Secretary of State.**  
22 (a) Each domestic limited liability company and each foreign limited liability  
23 company authorized to transact business in this State, shall deliver to the Secretary of  
24 State for filing an annual ~~report-report~~, in a form jointly prescribed by the Secretary of  
25 Revenue and Secretary of State, that sets forth: forth all of the following:  
26 (1) The name of the limited liability or foreign limited liability company  
27 and the state or country under whose law it is ~~organized; organized.~~  
28 (2) The street address, and the mailing address if different from the street  
29 address, of the registered office, the county in which the registered  
30 office is located, and the name of its registered agent at that office in  
31 this State, and a statement of any change of the registered office or  
32 registered agent, or ~~both; both.~~  
33 (3) The address and telephone number of its principal ~~office; office.~~  
34 (4) The names and business addresses of its ~~managers; and managers.~~  
35 (5) A brief description of the nature of its business.  
36 If the information contained in the most recently filed annual report has not changed, a  
37 certification to that effect may be made instead of setting forth the information required  
38 by subdivisions (2) through (5) of this subsection. The Secretary of State shall make  
39 available the form required to file an annual report.  
40 (b) Information in the annual report must be current as of the date the annual  
41 report is executed on behalf of the limited liability company or the foreign limited  
42 liability company.

1 (c) The annual report shall be delivered to the Secretary of State ~~each year within~~  
2 ~~60 days immediately following the last day of the month in which the domestic limited~~  
3 ~~liability company was organized or the foreign limited liability company received a~~  
4 ~~certificate of authority in this State. Forms required for the filing of the annual report~~  
5 ~~shall be mailed by the Secretary of State to the domestic or foreign limited liability~~  
6 ~~company at its registered office for the first annual report, and then to its principal office~~  
7 ~~for subsequent annual reports. by the fifteenth day of the fourth month following the~~  
8 ~~close of the limited liability company's fiscal year.~~

9 (d) If an annual report does not contain the information required by this section,  
10 the Secretary of State shall promptly notify the reporting domestic or foreign limited  
11 liability company in writing and return the report to it for correction. If the report is  
12 corrected to contain the information required by this section and delivered to the  
13 Secretary of State within 30 days after the effective date of notice, it is deemed to be  
14 timely filed.

15 (e) Amendments to any previously filed annual report may be filed with the  
16 Secretary of State at any time for the purpose of correcting, updating, or augmenting the  
17 information contained in the annual report."

18 Section 15. G.S. 57C-1-22(b) reads as rewritten:

19 "(b) The Secretary of State shall collect a fee of ten dollars (\$10.00) each time  
20 process is served on the Secretary of State under this Chapter. The party to a proceeding  
21 causing service of process is entitled to recover this fee as costs if ~~he~~ the party prevails in  
22 the proceeding."

23 Section 16. G.S. 57C-3-25(a) reads as rewritten:

24 "(a) Any person dealing with a limited liability company or a foreign limited  
25 liability company may rely conclusively upon its most recent annual report and any  
26 amendments ~~thereto filed with to it on file with~~ the Secretary of State pursuant to G.S.  
27 ~~57C-2-23~~ as to the identity of its managers, except to the extent the person has actual  
28 knowledge that a person identified therein as a manager is not a manager."

29 Section 17. G.S. 105-228.90(a) reads as rewritten:

30 "(a) Scope. – This Article applies to Subchapters I, V, and VIII of this ~~Chapter~~  
31 Chapter, to the annual report filing requirements of G.S. 55-16-22, and to inspection  
32 taxes levied under Article 3 of Chapter 119 of the General Statutes."

33 Section 18. Article 9 of Chapter 105 of the General Statutes is amended by  
34 adding a new section to read:

35 "**§ 105-257.1. Secretary to administer annual report filing; fee for filing report.**

36 (a) Filing Duty. – The Secretary must submit the annual reports filed with the  
37 Secretary pursuant to G.S. 55-16-22 to the Secretary of State.

38 (b) Fee. – A corporation that files an annual report with the Secretary must pay a  
39 fee of twenty dollars (\$20.00) with its annual report. The fees collected under this  
40 subsection shall be credited to the General Fund as tax revenue."

41 Section 19. G.S. 105-259 reads as rewritten:

42 "**§ 105-259. Secrecy required of officials; penalty for violation.**

43 (a) Definitions. – The following definitions apply in this section:

- 1 (1) Employee or officer. – The term includes a former employee, a former  
2 officer, and a current or former member of a State board or commission.
- 3 (2) Tax information. – Any information from any source concerning the  
4 liability of a taxpayer for a tax, as defined in G.S. 105-228.90. The term  
5 includes the following:
- 6 a. Information contained on a tax return, a tax report, or an  
7 application for a license for which a tax is imposed.
- 8 b. Information obtained through an audit of a taxpayer or by  
9 correspondence with a taxpayer.
- 10 c. Information on whether a taxpayer has filed a tax return or a tax  
11 report.
- 12 d. A list or other compilation of the names, addresses, social  
13 security numbers, or similar information concerning taxpayers.
- 14 The term does not include (i) statistics classified so that information  
15 about specific taxpayers cannot be ~~identified or (ii) identified~~, (ii) an  
16 annual report required to be filed under G.S. 55-16-22 or (iii)  
17 information submitted to the Business License Information Office of the  
18 Department of Secretary of State on a master application form for  
19 various business licenses.
- 20 (b) Disclosure Prohibited. – An officer, an employee, or an agent of the State who  
21 has access to tax information in the course of service to or employment by the State may  
22 not disclose the information to any other person unless the disclosure is made for one of  
23 the following purposes:
- 24 (1) To comply with a court order or a law.
- 25 (2) Review by the Attorney General or a representative of the Attorney  
26 General.
- 27 (3) Review by a tax official of another state or the Internal Revenue  
28 Commissioner of the United States to aid the state or the Commissioner  
29 in collecting a tax imposed by this State, the other state, or the United  
30 States if the laws of the other state or the United States allow the state or  
31 the United States to provide similar tax information to a representative  
32 of this State.
- 33 (4) To provide a governmental agency or an officer of an organized  
34 association of taxpayers with a list of taxpayers who have paid a  
35 privilege license tax under Article 2 of this Chapter.
- 36 (5) To furnish to the chair of a board of county commissioners information  
37 on the county sales and use tax.
- 38 (6) To sort, process, or deliver tax information on behalf of the Department  
39 of Revenue.
- 40 (6a) To furnish the chair of a board of county commissioners a list of  
41 claimants that have received a refund of the county sales or use tax to  
42 the extent authorized in G.S. 105- 164.14(f).

- 1 (7) To exchange information with the Division of Motor Vehicles of the  
2 Department of Transportation when the information is needed to fulfill a  
3 duty imposed on the Department of Revenue or the Division of Motor  
4 Vehicles.
- 5 (8) To furnish to the Department of State Treasurer, upon request, the  
6 name, address, and account and identification numbers of a taxpayer  
7 who may be entitled to property held in the Escheat Fund.
- 8 (9) To furnish to the Employment Security Commission the name, address,  
9 and account and identification numbers of a taxpayer when the  
10 information is requested by the Commission in order to fulfill a duty  
11 imposed under Article 2 of Chapter 96 of the General Statutes.
- 12 (10) Review by the State Auditor to the extent authorized in G.S. 147-64.7.
- 13 (11) To give a spouse who elects to file a joint tax return a copy of the return  
14 or information contained on the return.
- 15 (11a) To provide a copy of a return to the taxpayer who filed the return.
- 16 (11b) In the case of a return filed by a corporation, a partnership, a trust, or an  
17 estate, to provide a copy of the return or information on the return to a  
18 person who has a material interest in the return if, under the  
19 circumstances, section 6103(e)(1) of the Code would require disclosure  
20 to that person of any corresponding federal return or information.
- 21 (11c) In the case of a return of an individual who is legally incompetent or  
22 deceased, to provide a copy of the return to the legal representative of  
23 the estate of the incompetent individual or decedent.
- 24 (12) To contract with a financial institution for the receipt of withheld  
25 income tax payments under G.S. 105-163.6 or for the transmittal of  
26 payments by electronic funds transfer.
- 27 (13) To furnish the Fiscal Research Division of the General Assembly, upon  
28 request, a sample, suitable in character, composition, and size for  
29 statistical analyses, of tax returns or other tax information from which  
30 taxpayers' names and identification numbers have been removed.
- 31 (14) To exchange information concerning a tax imposed by Subchapter V of  
32 this Chapter with the Standards Division of the Department of  
33 Agriculture when the information is needed to administer the Gasoline  
34 and Oil Inspection Act, Article 3 of Chapter 119 of the General Statutes.
- 35 (15) To exchange information concerning a tax imposed by Articles 2A, 2B,  
36 2C, or 2D of this Chapter with one of the following agencies when the  
37 information is needed to fulfill a duty imposed on the agency:
- 38 a. The North Carolina Alcoholic Beverage Control Commission.
- 39 b. The Division of Alcohol Law Enforcement of the Department of  
40 Crime Control and Public Safety.
- 41 c. The Bureau of Alcohol, Tobacco, and Firearms of the United  
42 States Treasury Department.

- 1 (16) To furnish to the Department of Secretary of State the name, address,  
2 tax year end, and account and identification numbers of a corporation  
3 liable for corporate income or franchise taxes or of a limited liability  
4 company liable for a corporate or a partnership tax return to enable the  
5 Secretary of State to notify the corporation or the limited liability  
6 company of the annual report filing requirement or that its articles of  
7 incorporation or articles of organization or its certificate of authority has  
8 been suspended.
- 9 (17) To inform the Business License Information Office of the Department  
10 of Secretary of State of the status of an application for a license for  
11 which a tax is imposed and of any information needed to process the  
12 application.
- 13 (18) To furnish to the Office of the State Controller the name, address, and  
14 account and identification numbers of a taxpayer upon request to enable  
15 the State Controller to verify statewide vendor files or track debtors of  
16 the State.
- 17 (19) To furnish to the North Carolina Industrial Commission information  
18 concerning workers' compensation reported to the Secretary under G.S.  
19 105-163.7.

20 (c) Punishment. – A person who violates this section is guilty of a Class 1  
21 misdemeanor. If the person committing the violation is an officer or employee, that  
22 person shall be dismissed from public office or public employment and may not hold any  
23 public office or public employment in this State for five years after the violation."

24 Section 20. There is appropriated from the General Fund to the Department of  
25 Revenue the sum of one hundred seventy-eight thousand three hundred seventy-one  
26 dollars (\$178,371) for the 1997-98 fiscal year, allocated as one hundred twelve thousand  
27 one hundred seventy-one dollars (\$112,171) recurring funds and sixty-six thousand two  
28 hundred dollars (\$66,200) nonrecurring funds, for the costs associated with collecting and  
29 transmitting the annual corporate reports.

### 30 PART III. EFFECTIVE DATES.

31 Section 21. (a) Sections 1 through 6 and Sections 19 through 21 of this act become  
32 effective July 1, 1997. The remainder of this act becomes effective January 1, 1998, and  
33 applies to tax years ending on or after December 31, 1997, in the case of corporations  
34 required to file annual reports with the Secretary of Revenue and to fiscal years ending on  
35 or after December 31, 1997, in the case of corporations required to file annual reports  
36 with the Secretary of State.

37 (b) Annual reports delivered to either the Secretary of State or the Secretary of  
38 Revenue after December 31, 1997, but before January 1999, shall nevertheless be  
39 deemed filed with the correct State agency. The Secretary of State shall notify the  
40 Secretary of Revenue of reports erroneously filed with the Secretary of State, and the  
41 Secretary of Revenue shall notify the Secretary of State of reports erroneously filed with  
42 the Secretary of Revenue.