

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001

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SENATE BILL 365  
Finance Committee Substitute Adopted 4/25/01

Short Title: Electronic Listing for Property Taxes.

(Public)

Sponsors:

Referred to:

March 7, 2001

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE FOR ELECTRONIC LISTING OF BUSINESS PERSONAL  
3 PROPERTY FOR AD VALOREM TAXES AND TO ALLOW COUNTIES TO  
4 EXTEND THE LISTING PERIOD FOR ELECTRONIC LISTING.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 105-304 reads as rewritten:

7 "§ 105-304. Place for listing tangible personal property.

8 (a) Listing Instructions. – This section ~~shall apply~~ applies to all taxable tangible  
9 personal property that has a tax situs in this State and that is not required by this  
10 Subchapter to be appraised originally by the Department of Revenue. The place in this  
11 State at which ~~such~~ this property is taxable ~~shall be~~ is determined according to the rules  
12 ~~prescribed in subsections (e) through (h), below.~~ provided in this section. The person  
13 whose duty it is to list property ~~shall~~ must list it in the county in which the place of  
14 taxation is located, indicating on the abstract the information required by G.S.  
15 105-309(d). If the place of taxation lies within a city or town that requires separate  
16 listing under G.S. 105-326(a), the person whose duty it is to list ~~shall~~ must also list the  
17 property for taxation in the city or town.

18 (a1) Electronic Listing. – The board of county commissioners may, by resolution,  
19 provide for electronic listing of business personal property in accordance with  
20 procedures prescribed by the board. If the board of county commissioners allows  
21 electronic listing of business personal property, the assessor must publish this  
22 information, including the timetable and procedures for electronic listing, in the notice  
23 required by G.S. 105-296(c).

24 (b) Definitions. – ~~For purposes of~~ The following definitions apply in this  
25 section:

- 26 (1) ~~"Situated" means more~~ Situated. – More or less permanently located.  
27 (2) ~~"Business premises"~~ Business premises. – The term includes, for  
28 purposes of illustration, ~~but is not limited to~~ the following: Store, mill,  
29 dockyard, piling ground, shop, office, mine, farm, factory, warehouse,

1 rental real estate, place for the sale of property (including the premises  
2 of a consignee), and place for storage (including a public warehouse).

3 (3) Electronic. – Defined in G.S. 66-312.

4 (c) General Rule. – Except as otherwise provided in subsections (d) through ~~(h)~~,  
5 ~~below, (h) of this section,~~ tangible personal property ~~shall be~~ is taxable at the residence  
6 of the owner. For purposes of this section:

7 (1) The residence of an individual person who has two or more places in  
8 this State at which ~~he~~ the individual occasionally dwells ~~shall be~~ is the  
9 place at which ~~he~~ the individual dwelt for the longest period of time  
10 during the calendar year immediately preceding the date as of which  
11 property is to be listed for taxation.

12 (2) The residence of a domestic or foreign taxpayer other than an  
13 individual person ~~shall be~~ is the place at which its principal North  
14 Carolina place of business is located.

15 (d) Property of Taxpayers With No Fixed Residence in This State. –

16 (1) Tangible personal property owned by an individual nonresident of this  
17 State ~~shall be~~ is taxable at the place in this State at which the property  
18 is situated.

19 (2) Tangible personal property owned by a domestic or foreign taxpayer  
20 (other than an individual person) that has no principal office in this  
21 State ~~shall be~~ is taxable at the place in this State at which the property  
22 is situated.

23 (e) Farm Products. – Farm products produced in this State, if owned by their  
24 producer, ~~shall be~~ are taxable at the place in this State at which they were produced.

25 (f) Property Situated or Commonly Used at Premises Other Than Owner's  
26 Residence. – Subject to the provisions of subsection ~~(e), above:~~ (e) of this section:

27 (1) Tangible personal property situated at or commonly used in connection  
28 with a temporary or seasonal dwelling owned or leased by the owner  
29 of the personal property ~~shall be~~ is taxable at the place at which the  
30 temporary or seasonal dwelling is situated.

31 (2) Tangible personal property situated at or commonly used in connection  
32 with a business premises hired, occupied, or used by the owner of the  
33 personal property (or by the owner's agent or employee) ~~shall be~~ is  
34 taxable at the place at which the business premises is situated. Tangible personal property that may be used by the public generally or  
35 that is used to sell or vend merchandise to the public ~~shall be regarded~~  
36 ~~as falling~~ falls within the provisions of this ~~subdivision (f)(2)-~~  
37 ~~subdivision.~~

38 (3) Tangible personal property situated at or commonly used in connection  
39 with a premise owned, hired, occupied, or used by a person who is in  
40 possession of the personal property under a business agreement with  
41 the property's owner ~~shall be~~ is taxable at the place at which the  
42 possessor's premise is situated. For purposes of this ~~subdivision (f)(3)-~~  
43

1                    subdivision, the term "business agreement" means a commercial lease,  
2                    a bailment for hire, a consignment, or a similar business arrangement.

- 3                    (4) In applying the provisions of subdivisions ~~(f)(1), (f)(2), and (f)(3),~~  
4                    above, (1), (2), and (3) of this subsection, the temporary absence of  
5                    tangible personal property from the place at which it is taxable under  
6                    one of those subdivisions on the day as of which property is to be  
7                    listed ~~shall~~ does not affect the application of the rules established in  
8                    those subdivisions. The presence of tangible personal property at a  
9                    location specified in subdivision ~~(f)(1), (f)(2), or (f)(3)~~ (1), (2), or (3)  
10                   of this subsection on the day as of which property is to be listed ~~shall~~  
11                   be is prima facie evidence that it is situated at or commonly used in  
12                   connection with that location.

13                   (g) Decedents. – The tangible personal property of a decedent whose estate is in  
14                   the process of administration or has not been distributed ~~shall be~~ is taxable at the place  
15                   at which it would be taxable if the decedent were still alive and still residing at the place  
16                   at which ~~he~~ the decedent resided at the time of ~~his~~ death.

17                   (h) Beneficial Ownership. – Tangible personal property within the jurisdiction of  
18                   the State held by a resident or nonresident trustee, guardian, or other fiduciary having  
19                   legal title to the property ~~shall be~~ is taxable in accordance with the following rules:

- 20                   (1) If any beneficiary is a resident of the State, an amount representing ~~his~~  
21                   that beneficiary's portion of the property ~~shall be~~ is taxable at the place  
22                   at which it would be taxable if ~~he were the owner of his~~ the beneficiary  
23                   owned that portion.  
24                   (2) If any beneficiary is a nonresident of the State, an amount representing  
25                   ~~his~~ that beneficiary's portion of the property ~~shall be~~ is taxable at the  
26                   place at which it would be taxable if the fiduciary were the beneficial  
27                   owner of the property."

28                   **SECTION 2.** G.S. 105-307 reads as rewritten:

29                   **"§ 105-307. Length of listing period; extension; preliminary work.**

30                   (a) Listing Period. – ~~The Unless extended as provided in this section, the period~~  
31                   during which property is to be listed for taxation each year ~~shall begin~~ begins on the  
32                   first business day of ~~the month of January and, unless extended as herein provided shall~~  
33                   ~~continue through the month of January. January and ends on January 31.~~

34                   (b) General Extensions. – The board of county commissioners may, ~~in any~~  
35                   ~~nonrevaluation year, by resolution,~~ extend the time during which property is to be listed  
36                   for taxation as provided in this subsection. ~~for a period not to exceed 30 additional days;~~  
37                   ~~in years of octennial appraisal of real property, the board may extend the time for listing~~  
38                   ~~for a period not to exceed 60 additional days.~~ Any action by the board of county  
39                   commissioners extending the listing period ~~shall~~ must be recorded in the minutes of the  
40                   board, and notice ~~thereof shall~~ of the extensions must be published as required by G.S.  
41                   105-296(c). The entire period for listing, including any extension of time granted, ~~shall~~  
42                   be is considered the regular listing period for the particular year within the meaning of  
43                   this Subchapter.

1           (1) In nonrevaluation years, the listing period may be extended for up to  
2           30 additional days.

3           (2) In years of octennial appraisal of real property, the listing period may  
4           be extended for up to 60 additional days.

5           (3) If the county has provided for electronic listing of business personal  
6           property under G.S. 105-304, the period for electronic listing may be  
7           extended up to June 1.

8           (c) Individual Extensions. – The board of county commissioners shall grant  
9 individual extensions of time for the listing of real and personal property upon written  
10 request and for good cause shown. The request must be filed with the assessor no later  
11 than the ending date of the regular listing period. The board may delegate the authority  
12 to grant extensions to the assessor. Extensions granted under this ~~paragraph~~ subsection  
13 shall not extend beyond April 15. If the county has provided for electronic listing of  
14 business personal property under G.S. 105-304, the period for electronic listing is as  
15 provided in subsection (b) of this section.

16           (d) Preliminary Work. – The assessor may conduct preparatory work before the  
17 listing period begins, but ~~he~~ may not make a final appraisal of property before the day  
18 as of which the value of the property is to be determined under G.S. 105-285."

19           **SECTION 3.** G.S. 105-311(b) reads as rewritten:

20           "(b) Any abstract submitted by mail may be accepted or rejected by the assessor in  
21 his the assessor's discretion. However, the board of county commissioners, with the  
22 approval of the Department of Revenue, may by resolution provide for the general  
23 acceptance of completed abstracts submitted by ~~mail.~~ mail or submitted electronically.  
24 In no event shall an abstract submitted by mail be accepted unless the affirmation  
25 ~~thereon~~ on the abstract is signed by the individual prescribed in subsection ~~(a), above.~~  
26 (a) of this section. An electronic listing may be signed electronically in accordance with  
27 the Electronic Commerce Act, Article 11A of Chapter 66 of the General Statutes.

28           For the purpose of this Subchapter, abstracts submitted by mail ~~shall be deemed to~~  
29 ~~be~~ are considered filed as of the date shown on the postmark affixed by the United  
30 States Postal Service. If no date is shown on the postmark, or if the postmark is not  
31 affixed by the United States Postal Service, the ~~abstracts shall be deemed to be~~ abstract  
32 is considered filed when received in the office of the assessor. Abstracts submitted by  
33 electronic listing are considered filed when received in the office of the assessor. In any  
34 dispute arising under this Subchapter, the burden of proof ~~shall be~~ is on the taxpayer to  
35 show that the abstract was timely filed."

36           **SECTION 4.** This act is effective when it becomes law.