

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

SESSION LAW 2001-279
SENATE BILL 365

AN ACT TO PROVIDE FOR ELECTRONIC LISTING OF BUSINESS PERSONAL PROPERTY FOR AD VALOREM TAXES AND TO ALLOW COUNTIES TO EXTEND THE LISTING PERIOD FOR ELECTRONIC LISTING.

The General Assembly of North Carolina enacts:

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

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

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

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

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

- (1) ~~"Situated" means more~~ Situated. – More or less permanently located.
- (2) ~~"Business premises"~~ Business premises. – The term includes, for purposes of illustration, but is not limited to the following: Store, mill, dockyard, piling ground, shop, office, mine, farm, factory, warehouse, rental real estate, place for the sale of property (including the premises of a consignee), and place for storage (including a public warehouse).
- (3) Electronic. – Defined in G.S. 66-312.

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

- (1) The residence of an individual person who has two or more places in this State at which ~~he~~ the individual occasionally dwells ~~shall be~~ is the place at which ~~he~~ the individual dwelt for the longest period of time during the calendar year immediately preceding the date as of which property is to be listed for taxation.
- (2) The residence of a domestic or foreign taxpayer other than an individual person ~~shall be~~ is the place at which its principal North Carolina place of business is located.

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

- (1) Tangible personal property owned by an individual nonresident of this State ~~shall be~~ is taxable at the place in this State at which the property is situated.
 - (2) Tangible personal property owned by a domestic or foreign taxpayer (other than an individual person) that has no principal office in this State ~~shall be~~ is taxable at the place in this State at which the property is situated.
- (e) Farm Products. – Farm products produced in this State, if owned by their producer, ~~shall be~~ are taxable at the place in this State at which they were produced.
- (f) Property Situated or Commonly Used at Premises Other Than Owner's Residence. – Subject to the provisions of subsection ~~(e), above:~~ (e) of this section:
- (1) Tangible personal property situated at or commonly used in connection with a temporary or seasonal dwelling owned or leased by the owner of the personal property ~~shall be~~ is taxable at the place at which the temporary or seasonal dwelling is situated.
 - (2) Tangible personal property situated at or commonly used in connection with a business premises hired, occupied, or used by the owner of the personal property (or by the owner's agent or employee) ~~shall be~~ is taxable at the place at which the business premises is situated. Tangible personal property that may be used by the public generally or that is used to sell or vend merchandise to the public ~~shall be regarded as falling~~ falls within the provisions of this ~~subdivision (f)(2).~~ subdivision.
 - (3) Tangible personal property situated at or commonly used in connection with a premise owned, hired, occupied, or used by a person who is in possession of the personal property under a business agreement with the property's owner ~~shall be~~ is taxable at the place at which the possessor's premise is situated. For purposes of this ~~subdivision (f)(3).~~ subdivision, the term "business agreement" means a commercial lease, a bailment for hire, a consignment, or a similar business arrangement.
 - (4) In applying the provisions of subdivisions ~~(f)(1), (f)(2), and (f)(3),~~ above, (1), (2), and (3) of this subsection, the temporary absence of tangible personal property from the place at which it is taxable under one of those subdivisions on the day as of which property is to be listed ~~shall~~ does not affect the application of the rules established in those subdivisions. The presence of tangible personal property at a location specified in subdivision ~~(f)(1), (f)(2), or (f)(3)~~ (1), (2), or (3) of this subsection on the day as of which property is to be listed ~~shall be~~ is prima facie evidence that it is situated at or commonly used in connection with that location.
- (g) Decedents. – The tangible personal property of a decedent whose estate is in the process of administration or has not been distributed ~~shall be~~ is taxable at the place at which it would be taxable if the decedent were still alive and still residing at the place at which ~~he~~ the decedent resided at the time of ~~his~~ death.
- (h) Beneficial Ownership. – Tangible personal property within the jurisdiction of the State held by a resident or nonresident trustee, guardian, or other fiduciary having legal title to the property ~~shall be~~ is taxable in accordance with the following rules:
- (1) If any beneficiary is a resident of the State, an amount representing ~~his~~ that beneficiary's portion of the property ~~shall be~~ is taxable at the place at which it would be taxable if ~~he were the owner of his~~ the beneficiary owned that portion.
 - (2) If any beneficiary is a nonresident of the State, an amount representing ~~his~~ that beneficiary's portion of the property ~~shall be~~ is taxable at the place at which it would be taxable if the fiduciary were the beneficial owner of the property."

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 4. This act is effective when it becomes law.
In the General Assembly read three times and ratified this the 4th day of July,
2001.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 2:32 a.m. this 13th day of July, 2001