

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

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SENATE BILL 2124\*

Short Title: City of Durham Vehicle Tax for Mass Transit.

(Local)

Sponsors: Senators McKissick; and Atwater.

Referred to: Finance.

May 29, 2008

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE CITY OF DURHAM TO COLLECT A MUNICIPAL TAX FOR PUBLIC TRANSPORTATION OF TEN DOLLARS ON VEHICLES RESIDENT IN THE CITY AND TO REPEAL INCONSISTENT PROVISIONS OF THE 2003 AND 2004 SESSION LAWS.

The General Assembly of North Carolina enacts:

**SECTION 1.(a)** Section 1 of S.L. 2003-329 is repealed.

**SECTION 1.(b)** Section 1 of S.L. 2004-103 is repealed.

**SECTION 2.(a)** The title of Article 3 of Chapter V of the Charter of the City of Durham, being Chapter 671 of the 1975 Session Laws, as amended, reads as rewritten:

"ARTICLE III.~~Privilege License Taxes.~~OTHER TAXES.

**SECTION 2.(b)** Section 46 of Article 3 of Chapter V of the Charter of the City of Durham, being Chapter 671 of the 1975 Session Laws, as amended, reads as rewritten:

~~"Sec. 46. Authority To Impose. In addition to subjects listed for taxation, the City Council is hereby authorized and empowered to impose taxes on trades, professions, franchises, privileges, licenses, and other subjects of taxation not inconsistent with the Constitution of the State of North Carolina. The City Council shall have power to graduate any of the license taxes on trades, professions, franchises, privileges, licenses, or businesses, by dividing the same into classes, according to size, patronage, or income: Provided, the said taxes must be uniform for all in a class. Any person carrying on or practicing any franchise, business, profession, or trade of any kind in the City upon which a license tax has been levied by the City Council, without having first obtained a license therefor, shall be guilty of a misdemeanor.~~

**Sec. 46. Municipal Vehicle Tax for Public Transportation.** The City of Durham may levy a tax of not more than ten dollars (\$10.00) per year upon any vehicle resident in the city. The tax authorized by this subsection is in addition to the general municipal vehicle tax authorized by G.S. 20-97(b). The City of Durham may not levy a tax under

1 this legislation, however, to the extent the rate of tax, when added to the general motor  
2 vehicle taxes levied by the City under G.S. 20-97(b) and under any local legislation,  
3 would exceed such amount established as a limit for all municipalities in G.S. 20-97(c).  
4 The proceeds of the tax may be used only for financing, constructing, operating, and  
5 maintaining local public transportation systems. The City of Durham shall use the  
6 proceeds of the tax to supplement and not to supplant or replace existing funds or other  
7 resources for public transportation systems. The language of G.S. 20-97(c) shall not be  
8 interpreted to prohibit the levy of this tax."

9           **SECTION 3.** Section 2 of this act is effective when it becomes law. Section  
10 1 of this act is effective upon the earlier of the effective date of a municipal vehicle tax  
11 for public transportation that may be levied by the City of Durham under Section 2 of  
12 this act or six months after this act becomes law.