

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 2042\*

Short Title: Caswell Land Transfer Tax.

(Local)

Sponsors: Representatives Cole; and Holt.

Referred to: Finance.

June 6, 1994

A BILL TO BE ENTITLED  
AN ACT TO AUTHORIZE CASWELL COUNTY TO LEVY A ONE PERCENT  
LOCAL LAND TRANSFER TAX.

The General Assembly of North Carolina enacts:

Section 1. Chapter 105 of the General Statutes is amended by adding a new  
Article to read:

**"ARTICLE 8F.**

**"LOCAL GOVERNMENT EXCISE STAMP TAX ON CONVEYANCES.**

**"§ 105-228.50. Purpose.**

This Article gives the counties of this State an opportunity to obtain an added source  
of revenue with which to meet their growing financial needs.

**"§ 105-228.51. Levy of county conveyance tax.**

The board of commissioners of a county may by resolution, after not less than 10  
days' public notice and a public hearing held pursuant thereto, levy an excise tax on  
instruments conveying interests in real property located in that county at a rate not to  
exceed one dollar (\$1.00) on each one hundred dollars (\$100.00) of the consideration or  
value, whichever is greater, of the interest conveyed, including the value of any lien or  
encumbrance remaining on the property at the time of sale. This tax is in addition to the  
tax levied by Article 8E of this Chapter. Upon adoption of the resolution, the board of  
commissioners shall send a certified copy to the register of deeds of the county.

Collection of the tax, and liability therefor, shall begin and continue only on and  
after the first day of a calendar month set by the board of county commissioners in the  
resolution levying the tax, which may not be earlier than the first day of the second  
succeeding calendar month after the date the resolution is adopted.

1 **"§ 105-228.52. Scope and administration of tax.**

2 A tax levied under this Article does not apply to transfers exempt pursuant to G.S.  
3 105-228.28 or G.S. 105-228.29 from the tax levied by Article 8E of this Chapter. A tax  
4 levied under this Article applies to transfers of interests in real property located within  
5 the taxing county, except that if the property is located in two or more counties, a  
6 transfer of an interest in the property is taxable only by the county in which the greater  
7 part of the property, with respect to value, lies.

8 A tax levied under this Article is payable by the transferor of the interest. The  
9 provisions of G.S. 105-228.31 through G.S. 105-228.36 apply to a tax levied under this  
10 Article. A taxpayer who contests a tax levied under this Article has the same rights of  
11 appeal as provided for property taxes in the Machinery Act, Subchapter II of this  
12 Chapter.

13 **"§ 105-228.53. Use of proceeds.**

14 Taxes collected under this Article shall be credited to the general fund of the county.

15 **"§ 105-228.54. Repeal or reduction of tax.**

16 A county may, by resolution, repeal or reduce the rate of a tax levied under this  
17 Article. Repeal or reduction of the tax shall become effective on the first day of a  
18 month and may not become effective until the end of the fiscal year in which the repeal  
19 or reduction resolution was adopted. Repeal of a conveyance tax, or reduction of its  
20 rate, under this Article does not affect a liability for a tax that attached before the  
21 effective date of the repeal or reduction, nor does it affect a right to a refund of a tax that  
22 accrued before the effective date of the repeal or reduction."

23 Sec. 2. This act applies only to Caswell County.

24 Sec. 3. This act is effective upon ratification.