

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 219*

Short Title: Administrative Dissolution/Annual Rept.

(Public)

Sponsors: Representative Culpepper.

Referred to: Ways & Means, if favorable, Finance.

February 17, 1997

A BILL TO BE ENTITLED

AN ACT TO EXPAND THE TIME CORPORATIONS AND LIMITED LIABILITY COMPANIES MAY APPLY FOR REINSTATEMENT FROM ADMINISTRATIVE DISSOLUTION, TO INCREASE THE FEE CORPORATIONS MUST PAY FOR REINSTATEMENT AFTER ADMINISTRATIVE DISSOLUTION, TO ESTABLISH A FEE LIMITED LIABILITY COMPANIES MUST PAY FOR REINSTATEMENT AFTER ADMINISTRATIVE DISSOLUTION, AND TO PROVIDE THAT ANNUAL REPORTS OF BUSINESS CORPORATIONS AND LIMITED LIABILITY COMPANIES SHALL BE FILED WITH THE DEPARTMENT OF REVENUE RATHER THAN THE SECRETARY OF STATE, AS RECOMMENDED BY THE GENERAL STATUTES STUDY COMMISSION.

The General Assembly of North Carolina enacts:

PART I. ADMINISTRATIVE DISSOLUTIONS.

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

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

- (1) Recite the name of the corporation and the effective date of its administrative dissolution; and

1 (2) State that the ground or grounds for dissolution either did not exist or
2 have been eliminated.

3 (3) Reserved.

4 (4) Repealed by Session Laws 1995, c. 539, s. 6."

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

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

9 (1) Recite the name of the corporation and the effective date of its
10 administrative dissolution; and

11 (2) State that the ground or grounds for dissolution either did not exist or
12 have been eliminated."

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

14 "(c) A limited liability company administratively dissolved under this section may
15 apply to the Secretary of State for reinstatement ~~within two years~~ not later than five years
16 after the effective date of the administrative dissolution. The procedures for reinstatement
17 and for the appeal of any denial of the limited liability company's application for
18 reinstatement shall be the same procedures applicable to business corporations under G.S.
19 55-14-22, 55-14-23, and 55-14-24."

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

21 **"§ 55-1-22. Filing, service, and copying fees.**

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

Document	Fee
24 (1) Articles of incorporation	\$100.00
25 (2) Application for reserved name	10.00
26 (3) Notice of transfer of reserved name	10.00
27 (4) Application for registered name	10.00
28 (5) Application for renewal of	
29 registered name	10.00
30 (6) Corporation's statement of change of	
31 registered agent or registered	
32 office or both	5.00
33 (7) Agent's statement of change of	
34 registered office for each affected	
35 corporation	5.00
36 (8) Agent's statement of resignation	No fee
37 (9) Designation of registered agent or	
38 registered office or both	5.00
39 (10) Amendment of articles of	
40 incorporation	50.00
41 (11) Restated articles of incorporation	10.00
42 with amendment of articles	50.00
43	

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

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

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

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

34 (d) The Secretary of State shall collect a fee of two hundred dollars (\$200.00) for
 35 each year, or portion of a year, following the effective date of an administrative
 36 dissolution when an application for reinstatement following an administrative dissolution
 37 is delivered to the Secretary for filing."

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

39 "**§ 55A-1-22. Filing, service, and copying fees.**

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

42		Document	Fee
43	(1)	Articles of incorporation	\$50.00

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

41 (b) The Secretary of State shall collect a fee of ten dollars (\$10.00) each time
 42 process is served on the Secretary under this Chapter. The party to a proceeding causing

1 service of process is entitled to recover this fee as costs if the party prevails in the
2 proceeding.

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

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

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

8 (d) The Secretary of State shall collect a fee of two hundred dollars (\$200.00) for
9 each year, or portion of a year, following the effective date of an administrative
10 dissolution when an application for reinstatement following an administrative dissolution
11 is delivered to the Secretary for filing."

12 Section 6. G.S. 57C-1-22 is amended by adding a new subsection to read:

13 "(d) The Secretary of State shall collect a fee of two hundred dollars (\$200.00) for
14 each year, or portion of a year, following the effective date of an administrative
15 dissolution when an application for reinstatement following an administrative dissolution
16 is delivered to the Secretary for filing."

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-Revenue.**

20 (a) Each domestic corporation except those governed by Chapter 55B, and each
21 foreign corporation authorized to transact business in this State, shall deliver to the
22 Secretary of ~~State-Revenue~~ for filing an annual ~~report-report~~, in a form prescribed by the
23 Secretary of Revenue, that sets forth-~~forth~~ all of the following:

24 (1) The name of the corporation and the state or country under whose law it
25 is ~~incorporated;-~~incorporated.

26 (2) The street address, and the mailing address if different from the street
27 address, of the registered office, the county in which its registered office
28 is located, and the name of its registered agent at that office in this State,
29 and a statement of any change of such registered office or registered
30 agent, or ~~both;-~~both.

31 (3) The address and telephone number of its principal ~~office;-~~office.

32 (4) The names, titles, and business addresses of its principal ~~officers;~~
33 officers.

34 (4a) ~~The names and business addresses of its directors; and~~

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.

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

41 (c) The annual report shall be delivered to the Secretary of ~~State each year~~
42 Revenue within 60 days immediately following the last day of the month in which the
43 domestic corporation was incorporated or the foreign corporation received a certificate of

1 ~~authority in this State. by the due date for filing the corporation's income and franchise~~
 2 ~~tax returns. If a corporation requests an extension of time for filing its income and~~
 3 ~~franchise tax return, then the annual report must be delivered to the Secretary of Revenue~~
 4 ~~with its application for an extension of time for filing. Forms required for the filing of~~
 5 ~~the annual report shall be mailed by the Secretary of State to the domestic or foreign~~
 6 ~~corporation at its registered office for the first annual report, then to its principal office~~
 7 ~~for subsequent annual reports. Forms required for the filing of annual reports shall be~~
 8 ~~made available by the Secretary of Revenue.~~

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 corporation
 11 in writing and return the report to it for correction. If the report is corrected to contain
 12 the information required by this section and delivered to the Secretary of State within 30
 13 days after the effective date of notice, it is deemed to be timely filed.

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

17 (f) Expired.

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

21 (h) If the Secretary of State does not receive an annual report from the Secretary of
 22 Revenue, it shall be presumed that the annual report was not filed with the Secretary of
 23 Revenue."

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

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

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

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

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

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

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

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

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

	Document	Fee
38		
39	(1) Articles of incorporation	\$100.00
40	(2) Application for reserved name	10.00
41	(3) Notice of transfer of reserved name	10.00
42	(4) Application for registered name	10.00
43	(5) Application for renewal of	

1	registered name	10.00
2	(6) Corporation's statement of change of	
3	registered agent or registered	
4	office or both	5.00
5	(7) Agent's statement of change of	
6	registered office for each affected	
7	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	
12	incorporation	50.00
13	(11) Restated articles of incorporation	10.00
14	with amendment of articles	50.00
15	(12) Articles of merger or share exchange	50.00
16	(13) Articles of dissolution	30.00
17	(14) Articles of revocation of	
18	dissolution	10.00
19	(15) Certificate of administrative	
20	dissolution	No fee
21	(16) Repealed.	
22	(17) Certificate of reinstatement	No fee
23	(18) Certificate of judicial dissolution	No fee
24	(19) Application for certificate of	
25	authority	200.00
26	(20) Application for amended certificate	
27	of authority	50.00
28	(21) Application for certificate of	
29	withdrawal	10.00
30	(22) Certificate of revocation of	
31	authority to transact business	No fee
32	(23) Annual report	10.00
33	(24) Articles of correction	10.00
34	(25) Application for certificate of	
35	existence or authorization	5.00
36	(26) Any other document required or	
37	permitted to be filed by this Chapter	10.00."
38	Section 10. G.S. 55-1-28(b)(4) reads as rewritten:	
39	"(4) That its most recent annual report required by G.S. 55-16-22 has been	
40	delivered to the Secretary of State; Revenue; "	
41	Section 11. G.S. 55-14-20(2) reads as rewritten:	

1 "(2) The corporation does not deliver its annual report to the Secretary of
2 State ~~within 60 days after it is due; Revenue on or before the date it is~~
3 due."

4 Section 12. G.S. 55-15-30(a)(1) reads as rewritten:

5 "(1) The foreign corporation does not deliver its annual report to the
6 Secretary of State ~~within 60 days after it is due; Revenue on or before~~
7 the date it is due."

8 Section 13. G.S. 55-16-01(e)(7) reads as rewritten:

9 "(7) Its most recent annual report delivered to the Secretary of State Revenue
10 under G.S. 55-16-22."

11 Section 14. G.S. 57C-2-23 reads as rewritten:

12 "**§ 57C-2-23. Annual report for Secretary of State. Revenue.**"

13 (a) Each domestic limited liability company and each foreign limited liability
14 company authorized to transact business in this State, shall deliver to the Secretary of
15 State Revenue for filing an annual ~~report~~ report, in a form prescribed by the Secretary of
16 Revenue, that sets ~~forth~~ forth all of the following:

17 (1) The name of the limited liability or foreign limited liability company
18 and the state or country under whose law it is ~~organized~~ organized.

19 (2) The street address, and the mailing address if different from the street
20 address, of the registered office, the county in which the registered
21 office is located, and the name of its registered agent at that office in
22 this State, and a statement of any change of the registered office or
23 registered agent, or ~~both~~ both.

24 (3) The address and telephone number of its principal ~~office~~ office.

25 (4) The names and business addresses of its ~~managers~~ and managers.

26 (5) A brief description of the nature of its business.

27 If the information contained in the most recently filed annual report has not changed, a
28 certification to that effect may be made instead of setting forth the information required
29 by subdivisions (2) through (5) of this subsection.

30 (b) Information in the annual report must be current as of the date the annual
31 report is executed on behalf of the limited liability company or the foreign limited
32 liability company.

33 (c) The annual report shall be delivered to the Secretary of State ~~each year~~
34 Revenue within 60 days immediately following the last day of the month in which the
35 domestic limited liability company was organized or the foreign limited liability
36 company received a certificate of authority in this State. by the due date for filing the
37 limited liability company's partnership tax return. If a limited liability company requests
38 an extension of time for filing its partnership tax return, then the annual report must be
39 delivered to the Secretary of Revenue with its application for an extension of time for
40 filing. Forms required for the filing of the annual report shall be mailed by the Secretary
41 of State to the domestic or foreign limited liability company at its registered office for the
42 first annual report, and then to its principal office for subsequent annual reports. Forms

1 required for the filing of annual reports shall be made available by the Secretary of
2 Revenue.

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

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

12 (f) When a statement of change of registered office or registered agent is filed in
13 the annual report, the change shall become effective when the statement is received by
14 the Secretary of State.

15 (g) If the Secretary of State does not receive an annual report from the Secretary of
16 Revenue, it shall be presumed that the annual report was not filed with the Secretary of
17 Revenue."

18 Section 15. G.S. 57C-1-22, as amended by Section 6 of this act, reads as
19 rewritten:

20 **"§ 57C-1-22. Filing, service, and copying fees.**

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

	<u>Document</u>	<u>Fee</u>
24	(1) Articles of organization	\$100.00
25	(2) Application for reserved name	10.00
26	(3) Notice of transfer of reserved name	10.00
27	(4) Application for registered name	10.00
28	(5) Application for renewal of registered name	10.00
29	(6) Limited liability company's statement of	
30	change of registered agent or registered	
31	office or both	5.00
32	(7) Agent's statement of change of registered	
33	office for each affected limited	
34	liability company	5.00
35	(8) Agent's statement of resignation	No fee
36	(9) Designation of registered agent or	
37	registered office or both	5.00
38	(10) Amendment of articles of organization	50.00
39	(11) Restated articles of organization	
40	without amendment of articles	10.00
41	(12) Restated articles of organization	
42	with amendment of articles	50.00
43	(13) Articles of merger	50.00

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

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

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

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

(d) The Secretary of State shall collect a fee of two hundred dollars (\$200.00) for each year, or portion of a year, following the effective date of an administrative dissolution when an application for reinstatement following an administrative dissolution is delivered to the Secretary for filing."

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

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

Section 17. G.S. 57C-6-03(a) reads as rewritten:

"(a) The Secretary of State may administratively dissolve a limited liability company if the Secretary of State determines that:

- (1) The limited liability company has not paid within 60 days after they are due any penalties, fees, or other payments due under this ~~Chapter~~; Chapter or G.S. 105-257.1(b);

- 1 (2) The limited liability company does not deliver its annual report to the
2 Secretary of ~~State Revenue~~ on or before the date it is due;
- 3 (3) The limited liability company has been without a registered agent or
4 registered office in this State for 60 days or more;
- 5 (4) The limited liability company has not notified the Secretary of State
6 within 60 days that its registered agent or registered office has been
7 changed, that its registered agent has resigned, or that its registered
8 office has been discontinued; or
- 9 (5) The limited liability company's period of duration stated in its articles of
10 organization has expired."

11 Section 18. G.S. 57C-7-14(a)(2) reads as rewritten:

12 "(2) The foreign limited liability company has not delivered its annual report
13 to the Secretary of ~~State Revenue~~ on or before the date it is due;".

14 Section 19. G.S. 105-228.90(a) reads as rewritten:

15 "(a) Scope. – This Article applies to Subchapters I, V, and VIII of this ~~Chapter~~
16 ~~Chapter~~, to the annual report filing requirements of G.S. 55-16-22 and G.S. 57C-2-23,
17 and to inspection taxes levied under Article 3 of Chapter 119 of the General Statutes."

18 Section 20. Article 9 of Chapter 105 of the General Statutes is amended by
19 adding a new section to read:

20 "**§ 105-257.1. Secretary to administer annual report filing; fee for limited liability**
21 **companies.**

22 (a) Filing Duty. – The Secretary shall submit the annual reports filed with the
23 Secretary by corporations and limited liability companies pursuant to G.S. 55-16-22 and
24 G.S. 57C-2-23 to the Secretary of State. The penalty in G.S. 105-230 does not apply to
25 the failure to file an annual report required by G.S. 55-16-22 or G.S. 57C-2-23.

26 (b) Fee. – A limited liability company shall pay a fee of two hundred dollars
27 (\$200.00) to the Secretary of Revenue with its annual report. The fees collected under
28 this subsection shall be credited to the General Fund as tax revenue."

29 Section 21. G.S. 105-259 reads as rewritten:

30 "**§ 105-259. (See notes) Secrecy required of officials; penalty for violation.**

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

- 32 (1) Employee or officer. – The term includes a former employee, a former
33 officer, and a current or former member of a State board or commission.
- 34 (2) Tax information. – Any information from any source concerning the
35 liability of a taxpayer for a tax, as defined in G.S. 105-228.90. The term
36 includes the following:
- 37 a. Information contained on a tax return, a tax report, or an
38 application for a license for which a tax is imposed.
- 39 b. Information obtained through an audit of a taxpayer or by
40 correspondence with a taxpayer.
- 41 c. Information on whether a taxpayer has filed a tax return or a tax
42 report.

1 d. A list or other compilation of the names, addresses, social
2 security numbers, or similar information concerning taxpayers.

3 The term does not include (i) statistics classified so that information
4 about specific taxpayers cannot be ~~identified or (ii) identified~~, (ii) an
5 annual report required to be filed under G.S. 55-16-22 or G.S. 57C-2-
6 23, or (iii) information submitted to the Business License Information
7 Office of the Department of Secretary of State on a master application
8 form for various business licenses.

9 (b) Disclosure Prohibited. – An officer, an employee, or an agent of the State who
10 has access to tax information in the course of service to or employment by the State may
11 not disclose the information to any other person unless the disclosure is made for one of
12 the following purposes:

- 13 (1) To comply with a court order or a law.
14 (2) Review by the Attorney General or a representative of the Attorney
15 General.
16 (3) Review by a tax official of another state or the Internal Revenue
17 Commissioner of the United States to aid the state or the Commissioner
18 in collecting a tax imposed by this State, the other state, or the United
19 States if the laws of the other state or the United States allow the state or
20 the United States to provide similar tax information to a representative
21 of this State.
22 (4) To provide a governmental agency or an officer of an organized
23 association of taxpayers with a list of taxpayers who have paid a
24 privilege license tax under Article 2 of this Chapter.
25 (5) To furnish to the chair of a board of county commissioners information
26 on the county sales and use tax.
27 (6) To sort, process, or deliver tax information on behalf of the Department
28 of Revenue.
29 (6a) To furnish the chair of a board of county commissioners a list of
30 claimants that have received a refund of the county sales or use tax to
31 the extent authorized in G.S. 105- 164.14(f).
32 (7) To exchange information with the Division of Motor Vehicles of the
33 Department of Transportation when the information is needed to fulfill a
34 duty imposed on the Department of Revenue or the Division of Motor
35 Vehicles.
36 (8) To furnish to the Department of State Treasurer, upon request, the
37 name, address, and account and identification numbers of a taxpayer
38 who may be entitled to property held in the Escheat Fund.
39 (9) To furnish to the Employment Security Commission the name, address,
40 and account and identification numbers of a taxpayer when the
41 information is requested by the Commission in order to fulfill a duty
42 imposed under Article 2 of Chapter 96 of the General Statutes.
43 (10) Review by the State Auditor to the extent authorized in G.S. 147-64.7.

- 1 (11) To give a spouse who elects to file a joint tax return a copy of the return
2 or information contained on the return.
- 3 (11a) To provide a copy of a return to the taxpayer who filed the return.
- 4 (11b) In the case of a return filed by a corporation, a partnership, a trust, or an
5 estate, to provide a copy of the return or information on the return to a
6 person who has a material interest in the return if, under the
7 circumstances, section 6103(e)(1) of the Code would require disclosure
8 to that person of any corresponding federal return or information.
- 9 (11c) In the case of a return of an individual who is legally incompetent or
10 deceased, to provide a copy of the return to the legal representative of
11 the estate of the incompetent individual or decedent.
- 12 (12) To contract with a financial institution for the receipt of withheld
13 income tax payments under G.S. 105-163.6 or for the transmittal of
14 payments by electronic funds transfer.
- 15 (13) To furnish the Fiscal Research Division of the General Assembly, upon
16 request, a sample, suitable in character, composition, and size for
17 statistical analyses, of tax returns or other tax information from which
18 taxpayers' names and identification numbers have been removed.
- 19 (14) To exchange information concerning a tax imposed by Subchapter V of
20 this Chapter with the Standards Division of the Department of
21 Agriculture when the information is needed to administer the Gasoline
22 and Oil Inspection Act, Article 3 of Chapter 119 of the General Statutes.
- 23 (15) To exchange information concerning a tax imposed by Articles 2A, 2B,
24 2C, or 2D of this Chapter with one of the following agencies when the
25 information is needed to fulfill a duty imposed on the agency:
- 26 a. The North Carolina Alcoholic Beverage Control Commission.
- 27 b. The Division of Alcohol Law Enforcement of the Department of
28 Crime Control and Public Safety.
- 29 c. The Bureau of Alcohol, Tobacco, and Firearms of the United
30 States Treasury Department.
- 31 (16) To furnish to the Department of Secretary of State the name, address,
32 tax year end, and account and identification numbers of a corporation
33 liable for corporate income or franchise taxes or of a limited liability
34 company liable for a partnership tax return to enable the Secretary of
35 State to notify the corporation or the limited liability company of the
36 annual report filing requirement or that its articles of incorporation or
37 articles of organization or its certificate of authority has been suspended.
- 38 (17) To inform the Business License Information Office of the Department
39 of Secretary of State of the status of an application for a license for
40 which a tax is imposed and of any information needed to process the
41 application.
- 42 (18) To furnish to the Office of the State Controller the name, address, and
43 account and identification numbers of a taxpayer upon request to enable

1 the State Controller to verify statewide vendor files or track debtors of
2 the State.

3 (19) To furnish to the North Carolina Industrial Commission information
4 concerning workers' compensation reported to the Secretary under G.S.
5 105-163.7.

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

10 Section 22. There is appropriated from the General Fund to the Department of
11 Revenue the sum of one hundred ninety-two thousand one hundred fifty-one dollars
12 (\$192,151) for the 1997-98 fiscal year, allocated as one hundred twenty-seven thousand
13 seven hundred fifty-one dollars (\$127,751) recurring funds and sixty-four thousand four
14 hundred dollars (\$64,400) nonrecurring funds, for the costs associated with collecting and
15 transmitting the annual corporate reports.

16 **PART III. EFFECTIVE DATES.**

17 Section 23. (a) Sections 1 through 6 and Sections 21 through 23 of this act become
18 effective July 1, 1997. The remainder of this act becomes effective January 1, 1998, and
19 applies to tax years ending on or after December 31, 1997.

20 (b) Annual reports erroneously filed with the Secretary of State after
21 December 31, 1997, but before January 1, 1999, shall nevertheless be deemed filed with
22 the correct State agency. The Secretary of State shall notify the Secretary of Revenue of
23 these filings.