

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 742*

Short Title: Hoke Land Transfer Tax. (Local)

Sponsors: Representatives Yongue and Pierce (Primary Sponsors).

Referred to: Finance.

March 15, 2007

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE HOKE COUNTY TO LEVY AN EXCISE TAX ON
3 CONVEYANCES OF INTEREST IN REAL PROPERTY.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. This act applies to Hoke County only.

6 SECTION 2. Chapter 105 of the General Statutes is amended by adding a
7 new Subchapter to read:

8 **"SUBCHAPTER X. LOCAL OPTION COUNTY TAXES.**

9 "Article 60.

10 "Land Transfer Tax.

11 "**§ 105-600. Short title.**

12 This Article is the County Land Transfer Tax Act.

13 "**§ 105-601. Levy of tax.**

14 (a) Levy. – The board of county commissioners may, by resolution and after 10
15 days' public notice, levy an excise tax on instruments conveying certain interests in real
16 property in the county, including instruments that convey an interest in a mobile home
17 that, at the time of the conveyance, is taxed as real property. The tax rate may not
18 exceed one percent (1%) of the consideration or value of the interest conveyed,
19 including in the case of a sale, the value of any lien or encumbrance remaining on the
20 property at the time of sale.

21 (b) Resolution. – The board of county commissioners must, upon adoption of a
22 resolution levying a tax under this Article, immediately deliver a certified copy of the
23 resolution to the register of deeds of the county, accompanied by a certified statement
24 from the county board of elections setting forth the results of the special election
25 approving the tax in the county. Upon receipt of these documents, the register of deeds
26 shall administer the tax in the county as provided in this Article.

27 "**§ 105-602. Scope of tax.**

28 (a) Scope. – A tax levied under this Article does not apply to transfers exempt
29 pursuant to G.S. 105-228.28 or G.S. 105-228.29 from the tax levied by Article 8E of

1 this Chapter. The tax is in addition to the tax levied by Article 8E of this Chapter. A tax
2 levied under this Article applies to transfers of interests in real property located within
3 the county. If the property is located in two or more counties, a transfer of an interest in
4 the property is taxable only by the county in which the greater part of the property, with
5 respect to value, lies.

6 (b) Basis and Effective Date. – A tax levied under this Article applies to the
7 consideration or value, whichever is greater, of the interest conveyed, including the
8 value of any lien or encumbrance remaining on the property at the time of conveyance.
9 The levy of the tax may become effective only on the first day of a calendar month set
10 in the resolution levying the tax, which may not be earlier than the first day of the
11 second succeeding calendar month after the date the resolution is adopted.

12 **"§ 105-603. Administration.**

13 A tax levied under this Article is payable by the transferor of the interest. Except as
14 otherwise provided in this Article, the provisions of G.S. 105-228.32 through
15 G.S. 105-228.37 apply to a tax levied under this Article. The county must provide
16 metering or similar equipment for the collection of the tax in lieu of the use of tax
17 stamps.

18 **"§ 105-604. Repeal or reduction.**

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

26 **SECTION 3.** This act is effective when it becomes law.