

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001

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HOUSE BILL 881

Short Title: Tyrrell Transfer Tax.

(Local)

Sponsors: Representative Culpepper.

Referred to: Rules, Calendar, and Operations of the House.

March 29, 2001

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE TYRRELL 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.**

(a) After Vote. – If the majority of those voting in a referendum held pursuant to  
this Article vote for the levy of the tax, the board of commissioners of the county may,  
by resolution, 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) for 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.

(b) Without Vote. – If the question of whether to levy the tax under this Article  
has not been defeated in a referendum held in the county, the board of commissioners of  
the county may, by resolution, 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) for 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. Before adopting a resolution under this section, the board of  
commissioners must give at least 10 days' public notice of its intent to adopt the  
resolution and must hold a public hearing on the issue of adopting the resolution.

1       (c) Vote. – The board of commissioners of a county may direct the county board  
2 of elections to conduct an advisory referendum on the question of whether to levy the  
3 local one percent (1%) land transfer tax in the county as provided in this Article. The  
4 election shall be held on a date jointly agreed upon by the two boards and shall be held  
5 in accordance with the procedures of G.S. 163-287.

6       (d) Ballot Question. – The form of the question to be presented on a ballot for a  
7 special election concerning the levy of the tax authorized by this Article shall be:

8                                    FOR  AGAINST

9 Local land transfer tax of one dollar (\$1.00) for each one hundred dollars (\$100.00) of  
10 the value of real property transferred in the county.'

11       (e) Effective Date. – Upon adoption of the resolution, the board of  
12 commissioners shall send a certified copy to the register of deeds of the county.  
13 Collection of the tax, and liability therefore, shall begin and continue only on and after  
14 the first day of a calendar month set by the board of county commissioners in the  
15 resolution levying the tax, which may not be earlier than the first day of the second  
16 succeeding calendar month after the date the resolution is adopted.

17 **"§ 105-228.52. Scope and administration of tax.**

18       A tax levied under this Article does not apply to transfers exempt pursuant to G.S.  
19 105-228.28 or G.S. 105-228.29 from the tax levied by Article 8E of this Chapter. This  
20 tax is in addition to the tax levied by Article 8E of this Chapter. A tax levied under this  
21 Article applies to transfers of interests in real property located within the taxing county.  
22 If the property is located in two or more counties, each county may tax the value of only  
23 the portion of the property that lies in that county.

24       A tax levied under this Article is payable by the transferor of the interest. Except as  
25 otherwise provided in this Article, the provisions of G.S. 105-228.31 through G.S.  
26 105-228.36 apply to a tax levied under this Article. The taxing county must provide  
27 metering or similar equipment for the collection of tax, in lieu of the use of tax stamps.

28 **"§ 105-228.53. Use of proceeds.**

29       Taxes collected under this Article shall be credited to the general fund of the county  
30 and may be used for any lawful purpose.

31 **"§ 105-228.54. Repeal or reduction of tax.**

32       A county may, by resolution, repeal or reduce the rate of a tax levied under this  
33 Article. Repeal or reduction of the tax shall become effective on the first day of a month  
34 and may not become effective until the end of the fiscal year in which the repeal or  
35 reduction resolution was adopted. Repeal of a conveyance tax, or reduction of its rate,  
36 under this Article does not affect a liability for a tax that attached before the effective  
37 date of the repeal or reduction, nor does it affect a right to a refund of a tax that accrued  
38 before the effective date of the repeal or reduction."

39               **SECTION 2.** This act applies only to Tyrrell County.

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