

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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SENATE DRS65094-LB-74A (2/26)

Short Title: Soliciting SUTA Dumping a Felony. (Public)

Sponsors: Senators Hoyle; and Clodfelter.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT A PERSON SOLICITING A VIOLATION OF OR
CONSPIRING TO VIOLATE THE LAW MAKING IT A MISDEMEANOR FOR
EMPLOYING UNITS TO MAKE FALSE STATEMENTS TO THE
EMPLOYMENT SECURITY COMMISSION IS GUILTY OF A FELONY, SO AS
TO DETER THE PRACTICE OF STATE EMPLOYMENT TAX AVOIDANCE
(SUTA DUMPING).

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 96-18(b) reads as rewritten:

"(b) Any employing unit or any officer or agent of an employing unit or any other person who makes a false statement or representation, knowing it to be false, or who knowingly fails to disclose a material fact to prevent or reduce the payment of benefits to any individual entitled thereto, or to avoid becoming or remaining subject hereto or to avoid or reduce any contributions or other payment required from an employing unit under this Chapter, or who willfully fails or refuses to furnish any reports required hereunder, or to produce or permit the inspection or copying of records as required hereunder, shall be guilty of a Class 1 misdemeanor; and each such false statement or representation or failure to disclose a material fact, and each day of such failure or refusal shall constitute a separate offense. Notwithstanding G.S. 14-2.6(b), any person who solicits any person to violate this subsection is guilty of a Class H felony. Any person, other than the employing unit or an officer or employee of that unit, who conspires to violate this subsection, is guilty of a Class H felony."

SECTION 2. This act is effective when it becomes law.