

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

S

1

SENATE BILL 158*

Short Title: Administrative Dissolution/Annual Rept.

(Public)

Sponsors: Senators Hartsell; Foxx and Odom.

Referred to: Commerce.

February 17, 1997

A BILL TO BE ENTITLED

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

11 The General Assembly of North Carolina enacts:

12 **PART I. ADMINISTRATIVE DISSOLUTIONS.**

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

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

- 17 (1) Recite the name of the corporation and the effective date of its
18 administrative dissolution; and
19

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4 (4) Repealed by Session Laws 1995, c. 539, s. 6."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
(1) Articles of incorporation	\$100.00
(2) Application for reserved name	10.00
(3) Notice of transfer of reserved name	10.00
(4) Application for registered name	10.00
(5) Application for renewal of registered name	10.00
(6) Corporation's statement of change of registered agent or registered office or both	5.00
(7) Agent's statement of change of registered office for each affected corporation	5.00
(8) Agent's statement of resignation	No fee
(9) Designation of registered agent or registered office or both	5.00
(10) Amendment of articles of incorporation	50.00
(11) Restated articles of incorporation with amendment of articles	10.00 50.00

- 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 (23) Annual report 10.00
 19 (24) Articles of correction 10.00
 20 (25) Application for certificate of
 21 existence or authorization 5.00
 22 (26) Any other document required or
 23 permitted to be filed by this Chapter 10.00.

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

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

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

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

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

38 "**§ 55A-1-22. Filing, service, and copying fees.**

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

- 41 (1) Articles of incorporation \$50.00
 42 (2) Application for reserved name \$10.00
 43 (3) Notice of transfer of reserved name \$10.00

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

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

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

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

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

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

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

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

15 PART II. ANNUAL CORPORATE REPORT.

16 Section 7. G.S. 55-16-22 reads as rewritten:

17 "**§ 55-16-22. Annual report for Secretary of State-Revenue.**

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

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

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

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

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

32 (4a) ~~The names and business addresses of its directors; and~~

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

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

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

39 (c) The annual report shall be delivered to the Secretary of ~~State each year~~
40 Revenue within 60 days immediately following the last day of the month in which the
41 domestic corporation was incorporated or the foreign corporation received a certificate of
42 authority in this State. by the due date for filing the corporation's income and franchise
43 tax returns. If a corporation requests an extension of time for filing its income and

1 franchise tax return, then the annual report must be delivered to the Secretary of Revenue
 2 with its application for an extension of time for filing. Forms required for the filing of
 3 the annual report shall be mailed by the Secretary of State to the domestic or foreign
 4 corporation at its registered office for the first annual report, then to its principal office
 5 for subsequent annual reports. Forms required for the filing of annual reports shall be
 6 made available by the Secretary of Revenue.

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

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

15 (f) Expired.

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

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

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

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

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

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

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

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

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

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

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

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

- 1 registered agent or registered
2 office or both 5.00
- 3 (7) Agent's statement of change of
4 registered office for each affected
5 corporation 5.00
- 6 (8) Agent's statement of resignation No fee
- 7 (9) Designation of registered agent or
8 registered office or both 5.00
- 9 (10) Amendment of articles of
10 incorporation 50.00
- 11 (11) Restated articles of incorporation 10.00
12 with amendment of articles 50.00
- 13 (12) Articles of merger or share exchange 50.00
- 14 (13) Articles of dissolution 30.00
- 15 (14) Articles of revocation of
16 dissolution 10.00
- 17 (15) Certificate of administrative
18 dissolution No fee
- 19 (16) Repealed.
- 20 (17) Certificate of reinstatement No fee
- 21 (18) Certificate of judicial dissolution No fee
- 22 (19) Application for certificate of
23 authority 200.00
- 24 (20) Application for amended certificate
25 of authority 50.00
- 26 (21) Application for certificate of
27 withdrawal 10.00
- 28 (22) Certificate of revocation of
29 authority to transact business No fee
- 30 ~~(23) Annual report 10.00~~
- 31 (24) Articles of correction 10.00
- 32 (25) Application for certificate of
33 existence or authorization 5.00
- 34 (26) Any other document required or
35 permitted to be filed by this Chapter 10.00."
- 36 Section 10. G.S. 55-1-28(b)(4) reads as rewritten:
37 "(4) That its most recent annual report required by G.S. 55-16-22 has been
38 delivered to the Secretary of ~~State; Revenue;~~".
- 39 Section 11. G.S. 55-14-20(2) reads as rewritten:
40 "(2) The corporation does not deliver its annual report to the Secretary of
41 ~~State within 60 days after it is due;~~ Revenue on or before the date it is
42 due;".
- 43 Section 12. G.S. 55-15-30(a)(1) reads as rewritten:

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

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

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

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

8 "**§ 57C-2-23. Annual report for Secretary of State.** ~~Revenue.~~

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

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

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

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

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

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

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

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

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

41 (d) If an annual report does not contain the information required by this section,
42 the Secretary of State shall promptly notify the reporting domestic or foreign limited
43 liability company in writing and return the report to it for correction. If the report is

1 corrected to contain the information required by this section and delivered to the
2 Secretary of State within 30 days after the effective date of notice, it is deemed to be
3 timely filed.

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

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

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

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

15 "**§ 57C-1-22. Filing, service, and copying fees.**

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

<u>Document</u>	<u>Fee</u>
(1) Articles of organization	\$100.00
(2) Application for reserved name	10.00
(3) Notice of transfer of reserved name	10.00
(4) Application for registered name	10.00
(5) Application for renewal of registered name	10.00
(6) Limited liability company's statement of change of registered agent or registered office or both	5.00
(7) Agent's statement of change of registered office for each affected limited liability company	5.00
(8) Agent's statement of resignation	No fee
(9) Designation of registered agent or registered office or both	5.00
(10) Amendment of articles of organization	50.00
(11) Restated articles of organization without amendment of articles	10.00
(12) Restated articles of organization with amendment of articles	50.00
(13) Articles of merger	50.00
(14) Articles of dissolution	30.00
(15) Articles of revocation of dissolution	10.00
(16) Certificate of administrative dissolution	No fee
(17) Certificate of reinstatement	No fee
(18) Certificate of judicial dissolution	No fee

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

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

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

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

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

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

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

28 "(a) Any person dealing with a limited liability company or a foreign limited
29 liability company may rely conclusively upon its most recent annual report and any
30 amendments ~~thereto filed with~~ to it on file with the Secretary of State ~~pursuant to G.S.~~
31 ~~57C-2-23~~ as to the identity of its managers, except to the extent the person has actual
32 knowledge that a person identified therein as a manager is not a manager."

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

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

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

39 (2) The limited liability company does not deliver its annual report to the
40 Secretary of ~~State Revenue~~ on or before the date it is due;

41 (3) The limited liability company has been without a registered agent or
42 registered office in this State for 60 days or more;

1 (4) The limited liability company has not notified the Secretary of State
2 within 60 days that its registered agent or registered office has been
3 changed, that its registered agent has resigned, or that its registered
4 office has been discontinued; or

5 (5) The limited liability company's period of duration stated in its articles of
6 organization has expired."

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

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

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

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

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

16 "**§ 105-257.1. Secretary to administer annual report filing; fee for limited liability**
17 **companies.**

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

22 (b) Fee. – A limited liability company shall pay a fee of two hundred dollars
23 (\$200.00) to the Secretary of Revenue with its annual report. The fees collected under
24 this subsection shall be credited to the General Fund as tax revenue."

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

26 "**§ 105-259. (See notes) Secrecy required of officials; penalty for violation.**

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

28 (1) Employee or officer. – The term includes a former employee, a former
29 officer, and a current or former member of a State board or commission.

30 (2) Tax information. – Any information from any source concerning the
31 liability of a taxpayer for a tax, as defined in G.S. 105-228.90. The term
32 includes the following:

33 a. Information contained on a tax return, a tax report, or an
34 application for a license for which a tax is imposed.

35 b. Information obtained through an audit of a taxpayer or by
36 correspondence with a taxpayer.

37 c. Information on whether a taxpayer has filed a tax return or a tax
38 report.

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

41 The term does not include (i) statistics classified so that information
42 about specific taxpayers cannot be ~~identified or (ii) identified~~, (ii) an
43 annual report required to be filed under G.S. 55-16-22 or G.S. 57C-2-

1 23, or (iii) information submitted to the Business License Information
2 Office of the Department of Secretary of State on a master application
3 form for various business licenses.

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

- 8 (1) To comply with a court order or a law.
9 (2) Review by the Attorney General or a representative of the Attorney
10 General.
11 (3) Review by a tax official of another state or the Internal Revenue
12 Commissioner of the United States to aid the state or the Commissioner
13 in collecting a tax imposed by this State, the other state, or the United
14 States if the laws of the other state or the United States allow the state or
15 the United States to provide similar tax information to a representative
16 of this State.
17 (4) To provide a governmental agency or an officer of an organized
18 association of taxpayers with a list of taxpayers who have paid a
19 privilege license tax under Article 2 of this Chapter.
20 (5) To furnish to the chair of a board of county commissioners information
21 on the county sales and use tax.
22 (6) To sort, process, or deliver tax information on behalf of the Department
23 of Revenue.
24 (6a) To furnish the chair of a board of county commissioners a list of
25 claimants that have received a refund of the county sales or use tax to
26 the extent authorized in G.S. 105- 164.14(f).
27 (7) To exchange information with the Division of Motor Vehicles of the
28 Department of Transportation when the information is needed to fulfill a
29 duty imposed on the Department of Revenue or the Division of Motor
30 Vehicles.
31 (8) To furnish to the Department of State Treasurer, upon request, the
32 name, address, and account and identification numbers of a taxpayer
33 who may be entitled to property held in the Escheat Fund.
34 (9) To furnish to the Employment Security Commission the name, address,
35 and account and identification numbers of a taxpayer when the
36 information is requested by the Commission in order to fulfill a duty
37 imposed under Article 2 of Chapter 96 of the General Statutes.
38 (10) Review by the State Auditor to the extent authorized in G.S. 147-64.7.
39 (11) To give a spouse who elects to file a joint tax return a copy of the return
40 or information contained on the return.
41 (11a) To provide a copy of a return to the taxpayer who filed the return.
42 (11b) In the case of a return filed by a corporation, a partnership, a trust, or an
43 estate, to provide a copy of the return or information on the return to a

- 1 person who has a material interest in the return if, under the
2 circumstances, section 6103(e)(1) of the Code would require disclosure
3 to that person of any corresponding federal return or information.
- 4 (11c) In the case of a return of an individual who is legally incompetent or
5 deceased, to provide a copy of the return to the legal representative of
6 the estate of the incompetent individual or decedent.
- 7 (12) To contract with a financial institution for the receipt of withheld
8 income tax payments under G.S. 105-163.6 or for the transmittal of
9 payments by electronic funds transfer.
- 10 (13) To furnish the Fiscal Research Division of the General Assembly, upon
11 request, a sample, suitable in character, composition, and size for
12 statistical analyses, of tax returns or other tax information from which
13 taxpayers' names and identification numbers have been removed.
- 14 (14) To exchange information concerning a tax imposed by Subchapter V of
15 this Chapter with the Standards Division of the Department of
16 Agriculture when the information is needed to administer the Gasoline
17 and Oil Inspection Act, Article 3 of Chapter 119 of the General Statutes.
- 18 (15) To exchange information concerning a tax imposed by Articles 2A, 2B,
19 2C, or 2D of this Chapter with one of the following agencies when the
20 information is needed to fulfill a duty imposed on the agency:
- 21 a. The North Carolina Alcoholic Beverage Control Commission.
22 b. The Division of Alcohol Law Enforcement of the Department of
23 Crime Control and Public Safety.
24 c. The Bureau of Alcohol, Tobacco, and Firearms of the United
25 States Treasury Department.
- 26 (16) To furnish to the Department of Secretary of State the name, address,
27 tax year end, and account and identification numbers of a corporation
28 liable for corporate income or franchise taxes or of a limited liability
29 company liable for a partnership tax return to enable the Secretary of
30 State to notify the corporation or the limited liability company of the
31 annual report filing requirement or that its articles of incorporation or
32 articles of organization or its certificate of authority has been suspended.
- 33 (17) To inform the Business License Information Office of the Department
34 of Secretary of State of the status of an application for a license for
35 which a tax is imposed and of any information needed to process the
36 application.
- 37 (18) To furnish to the Office of the State Controller the name, address, and
38 account and identification numbers of a taxpayer upon request to enable
39 the State Controller to verify statewide vendor files or track debtors of
40 the State.
- 41 (19) To furnish to the North Carolina Industrial Commission information
42 concerning workers' compensation reported to the Secretary under G.S.
43 105-163.7.

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

5 Section 22. There is appropriated from the General Fund to the Department of
6 Revenue the sum of one hundred ninety-two thousand one hundred fifty-one dollars
7 (\$192,151) for the 1997-98 fiscal year, allocated as one hundred twenty-seven thousand
8 seven hundred fifty-one dollars (\$127,751) recurring funds and sixty-four thousand four
9 hundred dollars (\$64,400) nonrecurring funds, for the costs associated with collecting and
10 transmitting the annual corporate reports.

11 **PART III. EFFECTIVE DATES.**

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

15 (b) Annual reports erroneously filed with the Secretary of State after December 31,
16 1997, but before January 1, 1999, shall nevertheless be deemed filed with the correct
17 State agency. The Secretary of State shall notify the Secretary of Revenue of these
18 filings.