

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

S

1

SENATE BILL 1013

Short Title: Tax Appeal Bond Changes.

(Public)

Sponsors: Senators Winner, Carter, Plexico, Seymour, and Staton.

Referred to: Finance.

May 28, 1992

A BILL TO BE ENTITLED

AN ACT TO ENSURE THAT THE AMOUNT OF A BOND FILED AS A
CONDITION OF APPEALING A TAX DECISION TO COURT IS ADEQUATE
TO COVER ANY LIABILITY DETERMINED ON APPEAL.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-241.3(a) reads as rewritten:

"(a) Any taxpayer aggrieved by the decision of the Tax Review Board may, upon payment of the tax, ~~penalties~~ penalties, and interest asserted to be due or upon filing a bond with the Secretary ~~a bond in such form as the Secretary may prescribe in the amount of said taxes, penalties and interest conditioned on payment of any liability found to be due on an appeal, Secretary, appeal said the decision to the superior court under the provisions of Article 4 of Chapter 150B of the General Statutes; provided, neither Statutes. A bond must be in the form required by the Secretary, be for the amount of taxes, penalties, and interest asserted to be due, and be conditioned on payment of any amount for which the court finds the taxpayer liable. On each appeal to a State court higher than the superior court, a taxpayer who filed a bond with the Secretary when appealing the Tax Review Board's decision to the superior court must, when directed to do so by the Secretary, increase the amount of the bond to cover any increase in the taxpayer's potential liability for taxes, penalties, and interest occurring since the taxpayer filed the most recent bond. A bond increase required by the Secretary when a taxpayer appeals to a court higher than the superior court is subject to review by the superior court to which the action was first appealed. Neither this section nor the provisions of Article 4 of Chapter 150B shall be construed to prohibit a jeopardy assessment and execution made in accordance with the provisions of G.S. 105-241.2."~~

1 Sec. 2. This act becomes effective October 1, 1992, and applies to appeals
2 taken on or after that date.