

GENERAL ASSEMBLY OF NORTH CAROLINA
1989 SESSION

CHAPTER 667
HOUSE BILL 556

AN ACT TO AUTHORIZE THE SECRETARY OF REVENUE TO ENTER INTO COOPERATIVE AGREEMENTS WITH OTHER STATES TO ADMINISTER THE FUEL TAX AND TO MAKE A CONFORMING CHANGE TO THE DEFINITION OF MOTOR CARRIER.

The General Assembly of North Carolina enacts:

Section 1. Article 36B of Chapter 105 is amended by adding a new section to read:

"§ 105-449.57. Cooperative agreements between states.

The Secretary may enter into cooperative agreements with other states for exchange of information in administering the tax imposed by this Article. No agreement, arrangement, declaration, or amendment to an agreement is effective until stated in writing and approved by the Secretary.

An agreement may provide for determining the base state for motor carriers, records requirements, audit procedures, exchange of information, persons eligible for tax licensing, defining qualified motor vehicles, determining if bonding is required, specifying reporting requirements and periods, including defining uniform penalty and interest rates for late reporting, determining methods for collecting and forwarding of gasoline or other motor fuel taxes and penalties to another jurisdiction, and such other provisions as will facilitate the administration of the agreement.

Notwithstanding the provisions of G.S. 105-259 to the contrary, the Secretary may, as required by the terms of an agreement, forward to officials of another state any information in the Department's possession relative to the use of gasoline or other motor fuels by any motor carrier. The Secretary may disclose to officials of another state the location of offices, motor vehicles, and other real and personal property of motor carriers.

An agreement may provide for each state to audit the records of motor carriers based in the state to determine if the gasoline or other motor fuel taxes due each state are properly reported and paid. Each state shall forward the findings of the audits performed on motor carriers based in the state to each state in which the carrier has taxable use of gasoline or other motor fuels. For motor carriers not based in this State who have taxable use of gasoline or other motor fuels in this State, the Secretary may utilize the audit findings received from another state as the basis upon which to propose assessments of gasoline or other motor fuel taxes against the carrier as though the audit had been conducted by the Secretary. Penalties and interest shall be assessed at the rates provided in the agreement.

No agreement entered into pursuant to this section may preclude the Department from auditing the records of any motor carrier covered by this Chapter.

The provisions of Article 9 of this Chapter apply to any assessment or order made under this section.

The Secretary may not enter into any agreement that would increase or decrease taxes and fees imposed under Subchapter V of Chapter 105 of the General Statutes, and any provision to the contrary is void."

Sec. 2. G.S. 20-88.01 reads as rewritten:

"§ 20-88.01. Registration of certain vehicles for road tax.

~~Owners of passenger vehicles with seating capacity for more than 20 passengers, road tractors, tractor trucks, or trucks with more than two axles shall, in addition to all other registration fees imposed by this Article, pay a registration fee of ten dollars (\$10.00) to register for purposes of the road tax imposed by Article 36B of Chapter 105. This fee~~ A motor carrier, as defined in G.S. 105-449.37(a), shall pay a registration fee of ten dollars (\$10.00) to register each vehicle owned by the carrier that is required by G.S. 105-449.47 to be registered with the Commissioner. This fee is in addition to all other registration fees imposed by this Article and shall be paid to the Commissioner at the same time as the fees imposed by G.S. 20-87 or G.S. 20-88 are paid. All vehicles licensed for more than 32,000 pounds are presumed to have more than two axles. When registering a vehicle under this section, the owner of a vehicle that is leased to another shall report the name of the lessee to the Commissioner.

The Commissioner shall report all vehicles registered under this section to the Secretary of Revenue. No registration plate or registration renewal sticker shall be issued for a motor vehicle required to be registered under this section if the owner or lessee of that vehicle is not in compliance with Articles 36A or 36B of Chapter 105. The registration plate or registration renewal sticker issued for a motor vehicle under G.S. 20-87 or 20-88 signifies registration in accordance with this section. The Commissioner may revoke the registration plate for a motor vehicle registered under this section whenever the owner or lessee of the vehicle fails to comply with Articles 36A or 36B of Chapter 105.

~~This section does not apply to vehicles owned by the United States, the State or its political subdivisions, special mobile equipment as defined in G.S. 20-4.01(44), and vehicles owned by nonprofit religious, educational, charitable, or benevolent organizations."~~

Sec. 3. Sections 1 and 3 of this act are effective upon ratification. Section 2 of this act shall become effective January 1, 1990.

In the General Assembly read three times and ratified this the 24th day of July, 1989.