

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 122

Short Title: Regulate Property Tax Representatives.

(Public)

Sponsors: Representatives Jarrell, Gamble, Justus, Luebke, Tallent; and Bowman.

Referred to: Finance.

February 10, 1993

A BILL TO BE ENTITLED

AN ACT TO REGULATE PROPERTY TAX REPRESENTATIVES AND
CONSULTANTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-273 is amended by adding a new subdivision to read:

"(12a) 'Registered property tax consultant' means a person registered under G.S. 105-293.1."

Sec. 2. G.S. 105-289 is amended by adding a new subsection to read:

"(j) To maintain a list of registered property tax consultants and to administer the registration, examination, and continuing education of registered property tax consultants as provided in G.S. 105-293.1."

Sec. 3. Article 15 of Chapter 105 of the General Statutes is amended by adding at the end a new section to read:

"§ 105-293.1. Registration of property tax consultants.

(a) Who May Represent Property Owner. –

(1) Preparing Abstracts. – Only the following persons may assist a property owner in preparing a tax list or abstract for compensation:

a. A person licensed to practice law in this State.

b. A certified public accountant licensed to practice in this State.

c. A registered property tax consultant.

(2) Appeals. – Only the following persons may represent a property owner in the appeal of a listing or an appraisal before the county or before the Property Tax Commission for compensation:

a. A person licensed to practice law in this State.

1 b. A full-time employee of the property owner.

2 c. A registered property tax consultant.

3 (3) Practice of Law. – This section does not authorize a person to engage
4 in the practice of law without being licensed to practice law in this
5 State.

6 (b) Eligibility for Registration. – To be eligible for registration as a registered
7 property tax consultant, a person must:

8 (1) Be at least 21 years old.

9 (2) Hold a high school diploma or an equivalent credential.

10 (3) Establish a place of business in this State or designate an agent for
11 service of process who is a resident of this State.

12 (4) Have completed at least 75 tested hours of educational courses
13 approved by the Department.

14 (5) Pass the examination required under this section for registration as a
15 registered property tax consultant or have a current professional
16 designation in property taxation granted by the International
17 Association of Assessing Officers, the Institute of Property Taxation,
18 the Appraisal Institute, or a similar organization approved by the
19 Department whose membership is composed substantially of persons
20 who participate in property tax and transactional tax matters. The
21 Department may grant an applicant for registration additional credits,
22 as determined by the Department, for other educational programs or
23 courses completed by an applicant or for an applicant's advanced or
24 postgraduate educational achievement, professional licenses, or
25 professional designations from recognized institutions, organizations,
26 or associations, if the courses, education, licenses, or designations
27 relate to the property tax field.

28 (c) Examination. – The Department of Revenue shall adopt an examination for
29 the registration of property tax consultants. The examination must test the applicant's
30 knowledge of property taxation, the property tax system, property tax administration,
31 ethical standards, and the general principles of appraisal, accounting, and law as they
32 relate to property tax listing and appraisal. The Department shall establish the standards
33 for passing the examination and shall conduct the examination at times and places
34 designated by the Department.

35 (d) Application. – To become registered, a person must file with the Department
36 a completed application in the form required by the Department. Within 30 days after
37 receiving a properly completed application, the Department shall take one of the
38 following actions:

39 (1) Approve the application and advise the applicant that he or she is
40 eligible to take the examination for registration of property tax
41 consultants.

42 (2) Approve the application and advise the applicant that no examination
43 will be required because the applicant holds a current qualifying
44 designation.

1 (3) Disapprove the application, advising the applicant that he or she is not
 2 eligible to take the examination for registration and stating the reason
 3 for the disapproval.

4 (e) Registration. – A person who has met the application requirements of this
 5 section and has either passed the registration examination or been advised by the
 6 Department that no examination will be required, is eligible for registration as a
 7 registered property tax consultant. The Department shall issue to each eligible person a
 8 certificate of registration that is valid for two years.

9 (f) Renewal of Registration. – During each two-year registration period, each
 10 registered property tax consultant shall complete a minimum of 20 hours of continuing
 11 education courses, recognized by the Department, as a prerequisite to renewal of
 12 registration. Before the registration period expires, the registered property tax
 13 consultant must apply to renew his or her registration for another two-year period, and
 14 must furnish evidence of compliance with the continuing education requirement. The
 15 Department shall renew the registration of a registered property tax consultant who has
 16 complied with this subsection and continues to meet the eligibility requirements for
 17 registration."

18 Sec. 4. G.S. 105-322(g)(2) is amended by adding a subdivision e. as follows:

19 "e. A registered property tax consultant may represent a property
 20 owner in the appeal of listing and appraisals before a county
 21 assessor or a county board of equalization and review only if
 22 the consultant first submits proof that the property owner has
 23 authorized the appeal and that the consultant is registered under
 24 G.S. 105-293.1."

25 Sec. 5. G.S. 105-290(f) reads as rewritten:

26 "(f) Notice of Appeal. – A notice of appeal filed with the Property Tax
 27 Commission shall be in writing and shall state the grounds for the appeal. The notice
 28 shall be signed by the property owner or the person representing the property owner. A
 29 notice filed by a registered property tax consultant must be accompanied by proof that
 30 the consultant is registered pursuant to G.S. 105-293.1 and is authorized by the property
 31 owner to file the appeal. ~~A~~The property owner who files a notice of appeal or the
 32 property owner's representative shall ~~send~~file a copy of the notice ~~to~~of appeal with the
 33 appropriate county assessor."

34 Sec. 6. G.S. 105-310 reads as rewritten:

35 "**§ 105-310. Affirmation; penalty for false affirmation.**

36 (a) Taxpayer or Taxpayer's Agent. – There shall be annexed to the abstract on
 37 which the taxpayer's property is listed the following affirmation, which shall be signed
 38 by an individual qualified under the provisions of G.S. 105-311:

39 Under penalties prescribed by law, I hereby affirm that to the best of
 40 my knowledge and belief this listing, including any accompanying
 41 statements, inventories, schedules, and other information, is true and
 42 complete. (If this affirmation is signed by an individual other than the
 43 taxpayer, ~~he~~the signer affirms that he is familiar with the extent and
 44 true value of all the taxpayer's property subject to taxation in this

1 county and that ~~his~~the affirmation is based on all the information of
2 which ~~he~~the signer has any knowledge.)

3 (b) Person Assisting Taxpayer. – In addition to the affirmation required by
4 subsection (a), any person who assists the taxpayer in completing the abstract shall sign
5 the affirmation set out above and shall indicate the capacity in which the person assisted
6 the taxpayer. A registered property tax consultant who signs the affirmation shall note
7 his or her registration number.

8 (c) Penalty. – Any individual who willfully makes and subscribes an abstract
9 listing required by this Subchapter which he does not believe to be true and correct as to
10 every material matter shall be guilty of a misdemeanor and, upon conviction, shall be
11 subject to a fine not to exceed five hundred dollars (\$500.00) or imprisonment not to
12 exceed six months."

13 Sec. 7. G.S. 105-309 is amended by adding a new subsection to read:

14 "(h) The abstract shall contain the following statement: 'The following persons,
15 and no others, are permitted to assist taxpayers in the preparation of this abstract: (i)
16 attorneys-at-law and certified public accountants licensed to practice in the State of
17 North Carolina, and (ii) registered property tax consultants registered pursuant to G.S.
18 105-293.1. A person who assists in the preparation of this abstract shall sign as a
19 preparer in the space provided, and shall indicate the person's identification number
20 issued by the North Carolina State Bar, certificate number issued by the N. C. State
21 Board of C.P.A. Examiners, or registration number issued by the Department of
22 Revenue.'"

23 Sec. 8. This act becomes effective July 1, 1993.