

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

FILED SENATE
Mar 15, 2023
S.B. 314
PRINCIPAL CLERK

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SENATE BILL DRS15134-Nif-108

Short Title: Insufficient Fund Tax Payment Fee Mod. (Public)

Sponsors: Senators Mayfield and Daniel (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO CREATE A THIRTY-FIVE DOLLAR PENALTY FOR A TAX PAYMENT
3 THAT IS RETURNED FOR INSUFFICIENT FUNDS OR NONEXISTENCE OF AN
4 ACCOUNT.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 105-357(b)(2) reads as rewritten:

7 "(2) Penalty. – In addition to interest for nonpayment of taxes provided by
8 G.S. 105-360 and in addition to any criminal penalties provided by law, the
9 penalty for presenting in payment of taxes a check or electronic funds transfer
10 that is returned or not completed because of insufficient funds or nonexistence
11 of an account of the drawer or transferor is ~~twenty-five dollars (\$25.00) or ten~~
12 ~~percent (10%) of the amount of the check or electronic invoice, whichever is~~
13 ~~greater, subject to a maximum of one thousand dollars (\$1,000).~~ thirty-five
14 dollars (\$35.00). This penalty does not apply if the tax collector finds that,
15 when the check or electronic funds transfer was presented for payment, the
16 drawer of the check or transferor of funds had sufficient funds in an account
17 at a financial institution in this State to make the payment and, by
18 inadvertence, the drawer of the check or transferor of the funds failed to draw
19 the check or initiate a transfer on the account that had sufficient funds. This
20 penalty shall be added to and collected in the same manner as the taxes for
21 which the check or electronic payment was given."

22 **SECTION 2.** This act is effective July 1, 2023, and applies to checks or electronic
23 funds transfers presented for payment of taxes on or after that date.

