

Session Law 2010-31 (Senate Bill 897 Section 31.4)

Effective June 30, 2010, the General Assembly changed the due dates for business corporation and limited liability company annual reports.

Business Corporation Annual Report Due Date

N.C.G.S. §55-16-22(c) is changed to read as follows: An annual report eligible to be delivered to the Secretary of Revenue is due by the due date for filing the corporation's income and franchise tax returns. An extension of time to file a return is an extension of time to file an annual report. At the option of the filer, an annual report may be filed directly with the Secretary of State in electronic form. An annual report required to be delivered to the Secretary of State is due by the fifteenth day of the fourth month following the close of the corporation's fiscal year. *Change was made from the fifteenth day of the third month to the fifteenth day of the fourth month.*

Limited Liability Company Annual Report Due Date

Each domestic limited liability company other than a professional limited liability company governed by G.S. 57C-2-01(c) and each foreign limited liability company authorized to transact business in this State must file an annual report with the Secretary of State on a form prescribed by the Secretary and in the manner required by the Secretary. The annual report must specify the year to which the report applies and must set out the information listed in this subsection. The information must be current as of the date the company completes the report. *Change added a requirement for the year for which the report applies.*

The first annual report for a limited liability company is due by **April 15th** of the year following the calendar year in which the company files its articles of organization with the Secretary of State and each April 15th thereafter. *Changed from being April 15th of each year the entity is of record.*

Limited Liability Company Due Date Retroactive to September 1, 2001 filings

A limited liability company that was formed on or after September 1, 2001, but before January 1, 2010, and has filed an annual report for each calendar year after the calendar year in which it was formed is not required to file any additional annual reports for those years. A limited liability company that was formed on or after January 1, 2010, but before April 15, 2010, is not required to file an annual report until April 15, 2011. A limited liability company that has filed more annual reports than is required under this section is not allowed a refund of the annual report filing fee paid for filing the unnecessary report but is not required to pay the annual report filing fee when filing the annual report due April 15, 2011. The Secretary of State must provide a place on the annual report form for calendar year 2011 for a limited liability company to designate that it is not subject to the 2011 annual report filing fee in accordance with this section. The Secretary must also provide instructions that explain why some limited liability companies are subject to the 2011 annual report fee and some are not.

*This is a change in when the first annual report was due after creation from September 1, 2001. Some entities, if they have filed all reports due each year according to the previous law may only have to submit an annual report in 2011. If an entity missed the first year's annual report according to the previous law, the entity will need to submit an annual report in 2011 with fees. **The pre-populated form and online filing are the only forms and method of filing in 2011 and thereafter. No tax software developed form will be accepted.***

You may review the full text of Session Law 2010-31 by clicking [here](#).