

*Attorney*

THE STATE OF SOUTH CAROLINA  
OFFICE OF THE ATTORNEY GENERAL  
COLUMBIA

OPINION NO. 85-129 p 308 October 1, 1985

SUBJECT: Taxation and Revenue - Refund On Cancellation  
Of Automobile Tag.

SYLLABUS: A refund of property taxes is due when a motor vehicle license tag is turned in for cancellation. The amount of the refund is the proportion of tax paid equal to the proportion of full months remaining in the license year to the whole license year.

TO: Honorable Mary Jane McCarter  
Greenville County Auditor

FROM: Joe L. Allen, Jr. *JLA*  
Chief Deputy Attorney General

QUESTION: A license for a vehicle was acquired in January 1985 for a 1982 model vehicle. That vehicle was later traded for a 1984 model vehicle and the tag was transferred thereto. The 1984 vehicle has now been sold and the license issued in January, 1985, returned to you for cancellation. Is a refund due for the unused portion of the license tag?

APPLICABLE LAW: Act 40, Acts of 1985.

DISCUSSION:

The General Assembly in the 1985 Act provided that:

"When the title to a licensed vehicle is transferred, the license plate and registration certificate issued the transferor may be returned for cancellation. . . . The auditor, upon receipt of the license plate, registration certificate, and the request for cancellation, shall order and the treasurer shall issue a refund of property taxes paid by the transferor on the vehicle. The amount of the refund is that proportion of the tax paid that is equal to that proportion of the complete months remaining on the

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license plate and registration  
certificate that is being cancelled to  
its whole license and registration  
period."

A refund of property taxes paid by reason of the license cancellation is thus due in an amount equal to the proportion of tax paid to the proportion of months remaining on the tag to the whole license year. The fact that there was an intervening vehicle involved would not affect or negate the refund.

CONCLUSION:

A refund of property taxes is due when a motor vehicle license tag is turned in for cancellation. The amount of the refund is the proportion of tax paid equal to the proportion of full months remaining in the license year to the whole license year.

JLAJr/jws