

April 5, 1999

S 746. STRUCTURED SETTLEMENT PROTECTION ACT (=H 853). *TO CREATE THE NORTH CAROLINA STRUCTURED SETTLEMENT PROTECTION ACT.* Identical to H 853, introduced 4/1/99.

Intro. by Cooper.

Ref. to Judiciary I

GS 44B

April 21, 1999

S 746. STRUCTURED SETTLEMENT PROTECTION ACT. Intro. 4/5/99. Senate committee substitute makes the following changes to 1st edition. Deletes from requirements of GS 1-543.11(2)c that the settlement must state the discount rate used in determining the discounted present value. Deletes requirement of GS 1-543.11(7) that the discount rate not exceed 18% and replaces it with a provision that the rate not exceed the annual percentage rate permitted under GS 25A-15(b)(4) calculated as if the net amount payable to the payee, as provided in the act, was the principal of a consumer loan made by the transferred to the payee, and if the structured settlement payments to be transferred to the transferee were the payee's payments of principal plus interest on such loan.

July 1, 1999

S 746. STRUCTURED SETTLEMENT PROTECTION ACT. Intro. 4/5/99. House amendment makes the following changes to 2nd edition. Deletes provisions that define "applicable law," "dependents," "discounted present value," "favorable tax determination," and "federal hardship standard." Makes act inapplicable to workers compensation settled claims and structured settlements. Clarifies that insurers that have issued annuities are within the definition of "annuity issuer." Defines "discounted present value" as the fair present value of future payments, as determined by discounting such payments to the present. Amends GS 1-543.12 to require the court to approve the discount rate used to determine the amount payable. Provides that the discount rate used in determining the net amount payable may not exceed an annual percentage rate of prime plus five percent. Limits to two percent the amount of fees costs, expenses, and charges that may be deducted from the gross amount payable to the payee. Provides that the court or other responsible administrative authority, before authorizing a transfer of a structured settlement payment right, must require that the obligor execute an acknowledgment of assignment letter on behalf of the transferee. Deletes GS provisions of GS 1-543.11(5) and 1-543.16. Makes other technical changes.

July 13, 1999

S 746. STRUCTURED SETTLEMENT PROTECTION ACT. Intro. 4/5/99. House amendment makes the following changes to 3rd edition. Removes legal fees from cap of 2% of net amount otherwise payable to the payee on various fees, costs, expenses, and charges payable by the payee or deductible from the gross amount otherwise payable to the payee in structured settlements approved by court or administrative authority under new GS 1-543.12.