

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40364-MU-25D

Short Title: Consumer Credit/Finance Charge Rates.

(Public)

Sponsors: Representatives Jones, K. Hall, and Humphrey (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO INCREASE THE MAXIMUM FINANCE CHARGE RATES FOR CONSUMER
3 CREDIT INSTALLMENT SALE CONTRACTS IN WHICH THE BUYER IS NOT A
4 SERVICEMEMBER AND TO EXPAND THE DEFINITION OF OFFICIAL FEES AS
5 APPLIED TO THOSE CONTRACTS.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Chapter 25A of the General Statutes is amended by adding a new
8 section to read:

9 **"§ 25A-13.5. "Servicemember" defined.**

10 "Servicemember" means a member of the uniformed services, as defined in 10 U.S.C. §
11 101(a)(5)."

12 **SECTION 2.** G.S. 25A-10 reads as rewritten:

13 **"§ 25A-10. "Official fees" defined.**

14 "Official fees" ~~means~~ means any of the following:

15 (1) ~~Fees~~ If the buyer is a servicemember, fees and charges prescribed by law
16 ~~which that~~ actually are or will be paid to public officials for determining the
17 existence of or for perfecting, releasing, or satisfying a security interest related
18 to a consumer credit sale; ~~or sale.~~

19 (1a) If the buyer is not a servicemember, fees and charges prescribed by law that
20 actually are or will be paid by the seller for determining the existence of or for
21 perfecting, releasing, or satisfying a security interest related to a consumer
22 credit sale.

23 (2) Premiums payable for insurance in lieu of perfecting a security interest
24 otherwise required by the seller in connection with a consumer credit sale if
25 the premium does not exceed the fees or charges described in subdivision (1)
26 of this section which would otherwise be payable."

27 **SECTION 3.** G.S. 25A-15 reads as rewritten:

28 **"§ 25A-15. Finance charge rates for consumer credit installment sale contracts.**

29 (a) With respect to a consumer credit installment sale contract, a seller may contract for
30 and receive a finance charge not exceeding that permitted by this section. For the purposes of
31 this section, the finance charge rates are the rates that are required to be disclosed by the
32 Consumer Credit Protection Act.

33 (a1) Notwithstanding subsection (a) of this section, all of the following apply to consumer
34 credit installment sale contracts in which the buyer is not a servicemember:

35 (1) For the purposes of this section, the finance charge rates are the rates that are
36 required to be disclosed by the Consumer Credit Protection Act, except that



1 official fees under G.S. 25A-10 shall be included in the amount financed and
 2 excluded from the finance charge.

3 (2) All balances due under a consumer credit installment sale contract from any
 4 person as a buyer or as an endorser, guarantor, or surety for any buyer or
 5 otherwise jointly or severally shall be considered a part of the amount financed
 6 with regard to the contract for the purpose of computing interest or charges.

7 (b) ~~Except as hereinafter provided, otherwise provided in this section, the finance charge~~
 8 ~~rate for a consumer credit installment sales sale contract may in which the buyer is a~~
 9 ~~servicemember shall not exceed; exceed the following rate except that a minimum finance charge~~
 10 ~~of five dollars (\$5.00) may be imposed:~~

11 (1) ~~Twenty-four percent (24%) per annum where the amount financed is less than~~
 12 ~~one thousand five hundred dollars (\$1,500); (\$1,500).~~

13 (2) ~~Twenty-two percent (22%) per annum where the amount financed is one~~
 14 ~~thousand five hundred dollars (\$1,500) or greater, but less than two thousand~~
 15 ~~dollars (\$2,000); (\$2,000).~~

16 (3) ~~Twenty percent (20%) per annum where the amount financed is two thousand~~
 17 ~~(\$2,000) or greater, but less than three thousand dollars (\$3,000); (\$3,000).~~

18 (4) ~~Eighteen percent (18%) per annum where the amount financed is three~~
 19 ~~thousand dollars (\$3,000) or greater; greater.~~

20 ~~except that a minimum finance charge of five dollars (\$5.00) may be imposed.~~

21 (b1) Except as otherwise provided in this section, the finance charge rate for a consumer
 22 credit installment sale contract in which the buyer is not a servicemember shall not exceed the
 23 following rate except that a minimum finance charge of five dollars (\$5.00) may be imposed:

24 (1) Twenty-four percent (24%) per annum where the amount financed is less than
 25 three thousand five hundred dollars (\$3,500).

26 (2) Twenty-two percent (22%) per annum where the amount financed is three
 27 thousand five hundred dollars (\$3,500) or greater, but less than five thousand
 28 dollars (\$5,000).

29 (3) Twenty percent (20%) per annum where the amount financed is five thousand
 30 dollars (\$5,000) or greater, but less than seven thousand five hundred dollars
 31 (\$7,500).

32 (4) Eighteen percent (18%) per annum where the amount financed is seven
 33 thousand five hundred dollars (\$7,500) or greater.

34 (c) A finance charge rate not to exceed the higher of the rate established in subsection (b)
 35 of this section or the rate set forth below may be imposed in a consumer credit installment sale
 36 contract (i) that is repayable in not less than six installments for a self-propelled motor
 37 vehicle; vehicle and (ii) in which the buyer is a servicemember:

38 (1) Eighteen percent (18%) per annum for vehicles one and two model years
 39 old; old.

40 (2) Twenty percent (20%) per annum for vehicles three model years old; old.

41 (3) Twenty-two percent (22%) per annum for vehicles four model years old;
 42 and old.

43 (4) Twenty-nine percent (29%) per annum for vehicles five model years old and
 44 older.

45 A motor vehicle is one model year old on January 1 of the year following the designated year
 46 model of the vehicle.

47 (c1) A finance charge rate not to exceed the higher of the rate established in subsection
 48 (b1) of this section or the rate set forth below may be imposed in a consumer credit installment
 49 sale contract (i) that is repayable in not less than six installments for a self-propelled motor
 50 vehicle and (ii) in which the buyer is not a servicemember:

51 (1) Eighteen percent (18%) per annum for vehicles one model year old.

1 (2) Twenty percent (20%) per annum for vehicles two model years old.

2 (3) Twenty-two percent (22%) per annum for vehicles three model years old.

3 (4) Twenty-nine percent (29%) per annum for vehicles four model years old and
4 older.

5 A motor vehicle is one model year old on January 1 of the year following the designated year
6 model of the vehicle.

7 (d) Notwithstanding ~~the provisions of subsections (b), and (c), above, (b1), (c), and (c1)~~
8 of this section, in the event that the amount financed in a consumer credit sale contract is secured
9 in whole or in part by a security interest in real property, the finance charge rate ~~may~~shall not
10 exceed sixteen percent (16%) per annum.

11 (e) A seller ~~may~~shall not divide a single credit sale transaction into two or more sales to
12 avoid the limitations as to maximum finance charges imposed by this section.

13 (f) Notwithstanding ~~the provisions of subsections (b), or (d), (b1), and (d) of this section,~~
14 the parties to a consumer credit installment sale contract for the sale of a residential manufactured
15 home ~~which that~~ is secured by a first lien on that home or on the land on which ~~such the~~ home is
16 located may contract in writing for the payment of a finance charge as agreed upon by the parties.
17 ~~Provided, this subsection shall only apply.~~ This subsection only applies if the parties ~~would have~~
18 ~~been~~are entitled to so contract by the provisions of ~~section~~ Section 501 of United States Public
19 Law 96-221, and have complied with the regulations ~~promulgated thereto.~~ adopted under it.

20 For the purposes of this ~~subsection (f), subsection,~~ a "residential manufactured home" means
21 a ~~mobile~~ manufactured home as defined in G.S. 143-145(7) ~~which that~~ is used as a dwelling."

22 **SECTION 4.** This act becomes effective October 1, 2019, and applies to contracts
23 entered into, renewed, or modified on or after that date.