

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

H.B. 335
Mar 9, 2023
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40184-Nif-14B

Short Title: No Privilege Tax for Certain Professions.

(Public)

Sponsors: Representative Tyson.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ELIMINATE CERTAIN PRIVILEGE TAXES.

3 The General Assembly of North Carolina enacts:

4 **SECTION 1.** G.S. 105-41 is repealed.

5 **SECTION 2.** G.S. 53-191 reads as rewritten:

6 "**§ 53-191. Businesses exempted.**

7 Nothing in this Article shall be construed to apply to any person, firm or corporation doing
8 business under the authority of any law of this State or of the United States relating to banks,
9 trust companies, savings and loan associations, cooperative credit unions, agricultural credit
10 corporations or associations organized under the laws of North Carolina, production credit
11 associations organized under the act of Congress known as the Farm Credit Act of 1933,
12 pawnbrokers lending or advancing money on specific articles of personal property, industrial
13 banks, the business of negotiating loans on real estate as defined in G.S. 105-41, estate, nor to
14 installment paper dealers as defined in G.S. 105-83 other than persons, firms and corporations
15 engaged in the business of accepting fees for endorsing or otherwise securing loans or contracts
16 for repayment of loans."

17 **SECTION 3.** G.S. 93-12(12) is repealed.

18 **SECTION 4.** G.S. 105-88(b) reads as rewritten:

19 "(b) This section does not apply to banks, industrial banks, trust companies, savings and
20 loan associations, cooperative credit unions, the business of negotiating loans on real estate as
21 described in G.S. 105-41, estate, or insurance premium finance companies licensed under Article
22 35 of Chapter 58 of the General Statutes. This section applies to those persons or concerns
23 operating what are commonly known as loan companies or finance companies and whose
24 business is as hereinbefore described, and those persons, firms, or corporations pursuing the
25 business of lending money and taking as security for the payment of the loan and interest an
26 assignment of wages or an assignment of wages with power of attorney to collect the amount
27 due, or other order or chattel mortgage or bill of sale upon household or kitchen furniture. No
28 real estate mortgage broker is required to obtain a privilege license under this section merely
29 because the broker advances the broker's own funds and takes a security interest in real estate to
30 secure the advances and when, at the time of the advance, the broker has already made
31 arrangements with others for the sale or discount of the obligation at a later date and does so sell
32 or discount the obligation within the period specified in the arrangement or extensions thereof;
33 or when, at the time of the advance the broker intends to sell the obligation to others at a later
34 date and does, within 12 months from date of initial advance, make arrangements with others for
35 the sale of the obligation and does sell the obligation within the period specified in the
36 arrangement or extensions thereof; or because the broker advances the broker's own funds in



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1 temporary financing directly involved in the production of permanent-type loans for sale to
2 others; and no real estate mortgage broker whose mortgage lending operations are essentially as
3 described above is required to obtain a privilege license under this section."

4 **SECTION 5.** This act is effective for taxes imposed for taxable years beginning on
5 or after July 1, 2024.