

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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SENATE BILL 675
Commerce and Insurance Committee Substitute Adopted 4/8/25
PROPOSED HOUSE COMMITTEE SUBSTITUTE S675-PCS45587-CV-43

Short Title: Charitable Orgs. Privacy Protection Act.

(Public)

Sponsors:

Referred to:

March 26, 2025

1 A BILL TO BE ENTITLED
2 AN ACT TO ENACT PROVISIONS RELATED TO THE TRANSFER OF PROPERTY WHEN
3 CHARITABLE ORGANIZATIONS ARE NAMED AS BENEFICIARIES OF
4 NONPROBATE ASSETS.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. Chapter 41 of the General Statutes is amended by adding a new Article
7 to read:

8 "Article 4B.

9 "Transfers on Death to Charitable Organizations.

10 "**§ 41-53.1. Beneficiary designation defined.**

11 For the purposes of this Article, "beneficiary designation" means, other than a will or an
12 instrument creating a trust, an instrument or provision in an instrument designating a beneficiary,
13 including, but not limited to, any of the following:

- 14 (1) An annuity or insurance policy.
15 (2) An account with a designation for payment on death.
16 (3) A security registered in beneficiary form.
17 (4) A pension, profit-sharing, retirement, or other employment-related benefit
18 plan.
19 (5) Any other nonprobate transfer at death.

20 "**§ 41-53.2. Charitable organization as beneficiary.**

21 (a) A charitable organization that is exempt under section 501(c)(3) of the Internal
22 Revenue Code and is a beneficiary of an interest in property created by beneficiary designation
23 may deliver an affidavit to the holder of the property or to any person with information about the
24 property for the purpose of obtaining the property or information regarding the property. The
25 affidavit shall be signed by a duly authorized representative of the charitable organization under
26 penalty of perjury before a notary public and shall state all of the following:

- 27 (1) The decedent's name and last known address.
28 (2) A general description of the property, to the extent known.
29 (3) The charitable organization's name, address, and primary contact information.
30 (4) A request that the property be transferred to the charitable organization or that
31 specified information about the property be given to the charitable
32 organization.
33 (5) Affirmation that, on information or belief of the affiant, the property owner is
34 deceased and no one other than the charitable organization has a right to the
35 interest in the property listed in the affidavit.



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- 1 (6) That the information in the affidavit is true and correct.
- 2 (b) An affidavit presented under this section shall be accompanied by all of the following:
- 3 (1) A copy of the charitable organization's determination letter from the Internal
- 4 Revenue Service recognizing its tax-exempt status.
- 5 (2) A copy of the charitable organization's certificate of existence issued pursuant
- 6 to the law under which it is organized as conclusive evidence that the
- 7 organization is in good standing.
- 8 (3) The death certificate of the decedent, probate notice published by the personal
- 9 representative of the decedent's estate, or proof of payment of the decedent's
- 10 funeral expenses as verification of the decedent's death.
- 11 (4) A corporate resolution or similar statement recognizing the affiant's authority
- 12 to act on behalf of the charitable organization.
- 13 (5) Internal Revenue Service form W-9 completed by an authorized
- 14 representative of the charitable organization.

15 **"§ 41-53.3. Transfer of property.**

16 (a) A holder of property or person with information about the property that receives an

17 affidavit under this Article shall not request any additional personal information from any

18 individual employed by or serving on the board of directors of the charitable organization. As

19 used in this subsection, "personal information" includes, but is not limited to, the following:

- 20 (1) Social security number.
- 21 (2) Drivers license number.
- 22 (3) Contact information.
- 23 (4) Personal financial information.
- 24 (b) If the requirements of this Article are satisfied, all of the following apply:
- 25 (1) The decedent's property shall be paid, delivered, or transferred to or for the
- 26 benefit of the charitable organization as requested in the affidavit.
- 27 (2) The transfer agent of a security described in the affidavit shall change
- 28 registered ownership from the decedent to or for the benefit of the charitable
- 29 organization as requested in the affidavit.
- 30 (3) The information requested in the affidavit shall be delivered to the
- 31 organization.

32 (c) A holder of property or person with information about the property that receives an

33 affidavit and accompanying documents under this Article may assume without undue

34 investigation the validity of the facts contained in them. The holder of the property or person

35 with information that in good faith delivers the property or information requested in reliance on

36 the facts contained in the affidavit and accompanying documents and that has no actual

37 knowledge that contradicts those facts is not liable to any person for having delivered the property

38 or information requested.

39 (d) A lien created by a transaction between the charitable organization and a holder of

40 property or person with information about the property acting in reliance on the affidavit provided

41 under this Article is enforceable against the property the charitable organization has requested.

42 **"§ 41-53.4. Enforcement.**

43 If a holder of the property or person with information about the property refuses to provide

44 the requested property or information within 30 days after delivery of the affidavit and

45 accompanying documents under this Article, the charitable organization may, within one year

46 from the thirty-first day following the date of proof of delivery, bring an action against the holder

47 of the property or person with information to compel delivery of the property or information. If

48 the court finds that the holder of the property acted unreasonably in failing to deliver the property

49 or information as requested in the affidavit, the court may award to the charitable organization

50 any or all of the following:

- 51 (1) Damages sustained by the charitable organization.

- 1 (2) Costs of the action.
- 2 (3) A penalty in an amount determined by the court between five hundred dollars
- 3 (\$500.00) and ten thousand dollars (\$10,000).
- 4 (4) Reasonable attorneys' fees based on the value of the time reasonably expended
- 5 by the attorney and not based on the amount of the recovery by the charitable
- 6 organization."

7 **SECTION 2.** This act is effective when it becomes law and applies to affidavits from
8 charitable organizations delivered on or after that date.