



**NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 561**

H561-ACI-18 [v.4]

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

Page 1 of 2

Amends Title [NO]
Second Edition

Date _____, 2023

Representative Carney

1 moves to amend the bill on page 2, lines 3, by rewriting the line to read:
2

3 (3) Claim. – A right to payment for any debt, excluding secured debt, whether or
4 not that right is reduced to judgment.;

5

6 and on page 2, lines 37-38, by inserting the following between the lines:

7

8 "(11) Secured debt. – An obligation for which the payment or performance of is
9 secured by a security interest in real or personal property. Any actions for
10 collection to obtain a final judgment, an order for possession of collateral
11 securing the debt, or to collect any deficiency balance owing after the
12 liquidation of collateral pledged to secure the debt are included in this
13 definition.;

14

15 and on page 2, line 38, by deleting "(11)" and substituting "(12)";

16

17 and on page 3, lines 27-28, by rewriting those lines to read:

18 "(c) This Chapter shall not apply to any debts which have been reduced to a civil judgment
19 or other court order.;

20

21 and on page 3, lines 30-31, by inserting the following between the lines:

22

23 "(e) This Chapter shall not apply to consumer finance companies licensed and doing
24 business under Article 15 of Chapter 53 of the General Statutes.;

25

26 and on page 4, lines 12-31, by deleting those lines;

27

28 and on page 4, line 32, by deleting "(g)" and substituting "(e)";

29

30 and on page 4, line 42, through page 5, line 15, by rewriting those lines to read:



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1
2 **§ 1H-6. Affirmative Defense.**
3 (a) In an action against a debtor to satisfy a debt, it is an affirmative defense that the
4 debtor incurred a coerced debt.
5 (b) A debtor shall plead the allegations of coerced debt with particularity and shall attach
6 the documents identified in G.S. 1H-5(a) to any responsive pleading raising the affirmative
7 defense of coerced debt.
8 (c) A debtor who files knowingly false motions, pleadings, or other papers or engages in
9 other tactics that are frivolous or intended to cause unnecessary delay against a claimant shall be
10 liable for the claimant's attorney's fees and costs in defending the lawsuit.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment