

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 790

Short Title: Clarify Certain Contract Loan Fees.

(Public)

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Sponsors: Senator Soles.

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Referred to: Commerce.

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April 7, 1999

A BILL TO BE ENTITLED

AN ACT TO CLARIFY WHICH LENDERS MAY CHARGE CERTAIN FEES UNDER  
THE GENERAL CONTRACT LOAN PROVISION OF CHAPTER 24 OF THE  
GENERAL STATUTES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 24-1.1 reads as rewritten:

**"§ 24-1.1. Contract rates and fees.**

(a) Except as otherwise provided in this Chapter or other applicable law, the parties to a loan, purchase money loan, advance, commitment for a loan or forbearance other than a credit card, open-end, or similar loan may contract in writing for the payment of interest not in excess of:

(1) Where the principal amount is twenty-five thousand dollars (\$25,000) or less, the rate set under subsection (c) of this section; or

(2) Any rate agreed upon by the parties where the principal amount is more than twenty-five thousand dollars (\$25,000).

(b) As used in this section, interest shall not be deemed in excess of the rates provided where interest is computed monthly on the outstanding principal balance and is collected not more than 31 days in advance of its due date. Nothing in this section shall be construed to authorize the charging of interest on committed funds prior to the disbursement of said funds.

1 (c) On the fifteenth day of each month, the Commissioner of Banks shall  
2 announce and publish the maximum rate of interest permitted by subdivision (1) of  
3 subsection (a) of this section on that date. Such rate shall be the latest published  
4 noncompetitive rate for U.S. Treasury bills with a six-month maturity as of the fifteenth  
5 day of the month plus six percent (6%), rounded upward or downward, as the case may  
6 be, to the nearest one-half of one percent (1/2 of 1%) or sixteen percent (16%), whichever  
7 is greater. If there is no nearest one-half of one percent (1/2 of 1%), the Commissioner  
8 shall round downward to the lower one-half of one percent (1/2 of 1%). The rate so  
9 announced shall be the maximum rate permitted for the term of loans made under this  
10 section during the following calendar month when the parties to such loans have agreed  
11 that the rate of interest to be charged by the lender and paid by the borrower shall not  
12 vary or be adjusted during the term of the loan. The parties to a loan made under this  
13 section may agree to a rate of interest which shall vary or be adjusted during the term of  
14 the loan in which case the maximum rate of interest permitted on such loans during a  
15 month during the term of the loan shall be the greater of the rate announced by the  
16 Commissioner in (i) the preceding calendar month or (ii) the calendar month preceding  
17 that in which the rate is varied or adjusted.

18 (d) Any lender-bank or savings institution organized under the law of North  
19 Carolina or of the United States may charge a party to a loan or extension of credit  
20 governed by this section a fee for the modification, renewal, extension, or amendment of  
21 any terms of the loan or extension of credit, such fee not to exceed the greater of one-  
22 quarter of one percent (1/4 of 1%) of the balance outstanding at the time of the  
23 modification, renewal, extension, or amendment of terms, or fifty dollars (\$50.00).

24 (e) Any lender-bank or savings institution organized under the law of North  
25 Carolina or of the United States may charge a party to a loan or extension of credit not  
26 secured by real property governed by this section an origination fee not to exceed the  
27 greater of one-quarter of one percent (1/4 of 1%) of the outstanding balance or fifty  
28 dollars (\$50.00).

29 (f) This section shall not be construed to limit fees on loans or extensions of credit  
30 in excess of three hundred thousand dollars (\$300,000)."

31 Section 2. This act becomes effective October 1, 1999.