

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 475

Short Title: Lenders Must Have Proof of Ability to Repay. (Public)

Sponsors: Representative Terry (Primary Sponsor).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Judiciary I, if favorable, Banking.

April 2, 2015

A BILL TO BE ENTITLED

AN ACT TO REQUIRE PROOF THAT A CONSUMER HAS THE ABILITY TO REPAY A
LOAN AS A PREREQUISITE TO MAKING A LOAN UNDER THE NORTH
CAROLINA CONSUMER FINANCE ACT.

The General Assembly of North Carolina enacts:

SECTION 1. Article 15 of Chapter 53 of the General Statutes is amended by
adding a new section to read:

"§ 53-173.3. Documentation of reasonable likelihood of repayment required.

(a) Reasonable Likelihood of Loan Repayment Required. – A licensee shall not make a
loan under this Article unless the licensee first obtains from the borrower documentation
demonstrating that the borrower is reasonably likely to be able to repay the loan in accordance
with the terms of the loan agreement without needing to defer a payment or enter into a new
loan agreement under this Article.

(b) Acceptable Documentation. – The Commissioner of Banks shall adopt rules in
accordance with the procedure set forth in G.S. 53-185 governing the forms of documentation
that can be used to satisfy the requirements of subsection (a) of this section.

(c) Records. – Documents accepted from a borrower by a licensee for purposes of
satisfying the requirements of subsection (a) of this section shall be subject to the same
requirements as other records under G.S. 53-184.

(d) Limitation of Interest of New Loan. – Notwithstanding any provision of this Article
to the contrary, if a borrower enters a new loan agreement with a licensee while there remains
any unpaid principal balance of a prior loan, no charges other than interest at eight percent
(8%) per annum shall be computed or collected from any party to the loan upon the unpaid
principal balance of the new loan, regardless of whether or not any portion of the unpaid
principal balance of the prior loan is incorporated into the new loan."

SECTION 2. This act becomes effective October 1, 2015.

