

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

**SESSION LAW 2005-338
HOUSE BILL 1411**

AN ACT TO UPDATE THE CAP FOR THE AMOUNT FINANCED THAT FALLS
WITHIN THE MEANING OF A CONSUMER CREDIT SALE IN ORDER TO
REFLECT THE INCREASE IN THE COST OF CONSUMER GOODS AND
SERVICES DUE TO INFLATION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 25A-1 reads as rewritten:

"§ 25A-1. Scope of act.

This Chapter applies only to consumer credit sales as hereinafter defined, except that G.S. 25A-37, referral sales, applies to all sales of goods or services as provided therein. This Chapter does not apply to a bona fide direct loan transaction in which a lender makes a direct loan to a borrower, and such lender is not regularly engaged, directly or indirectly, in the sale of goods or the furnishing of services as defined in this Chapter.

Except for G.S. 25A-37, referral sales, ~~and~~ those sales defined in G.S. 25A-2(b), and those sales with amounts financed in excess of twenty-five thousand dollars (\$25,000) under G.S. 25A-2(a)(5), this Chapter does not apply to any party or transaction that is not also subject to the provisions of the Consumer Credit Protection Act (Federal Truth-in-Lending Act)."

SECTION 2. G.S. 25A-2(a) reads as rewritten:

"§ 25A-2. 'Consumer credit sale' defined.

(a) Except as provided in subsection (c) of this section, a "consumer credit sale" is a sale of goods or services in which

- (1) The seller is one who in the ordinary course of business regularly extends or arranges for the extension of consumer credit, or offers to extend or arrange for the extension of such credit,
- (2) The buyer is a natural person,
- (3) The goods or services are purchased primarily for a personal, family, household or agricultural purpose,
- (4) Either the debt representing the price of the goods or services is payable in installments or a finance charge is imposed, and
- (5) The amount financed does not exceed ~~twenty-five thousand dollars (\$25,000)~~ seventy-five thousand dollars (\$75,000) or, in the case of a debt secured by real property or a manufactured home as defined in G.S. 143-145(7), regardless of the amount financed."

SECTION 3. This act becomes effective October 1, 2005, and applies to sales that occur on or after that date.

In the General Assembly read three times and ratified this the 16th day of August, 2005.

s/ Marc Basnight
President Pro Tempore of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 12:32 p.m. this 26th day of August, 2005