

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

SESSION LAW 2017-149
SENATE BILL 415

AN ACT TO CLARIFY THE DEFINITION OF COLLECTION AGENCY TO EXCLUDE PERSONS ENGAGED IN ROUTINE BILLING SERVICES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 58-70-15 reads as rewritten:

"§ 58-70-15. Definition of collection agency and collection agency business.

(a) "Collection agency" means a person directly or indirectly engaged in soliciting, from more than one person delinquent claims of any kind owed or due or asserted to be owed or due the solicited person and all persons directly or indirectly engaged in the asserting, enforcing or prosecuting of those claims.

...

(c) "Collection agency" does not ~~mean~~include any of the following:

- (1) Regular employees of a single ~~creditor~~creditor.
- (2) Banks, trust companies, or bank owned, controlled or related ~~firms, corporations or associations engaged in accounting, bookkeeping or data processing services where a primary component of such services is the rendering of statements of accounts and bookkeeping services for~~ creditors;firms.
- (2a) Corporations or associations engaged in accounting, bookkeeping, or data processing services where a primary component of such services is the rendering of statements of accounts and bookkeeping services for creditors.
- (3) Mortgage banking ~~companies~~companies.
- (4) Savings and loan ~~associations~~associations.
- (5) Building and loan ~~associations~~associations.
- (6) Duly licensed real estate brokers and agents when the claims or accounts being handled by the broker or agent are related to or are in connection with the broker's or agent's regular real estate ~~business~~business.
- (7) Express, telephone and telegraph companies subject to public regulation and ~~supervision~~supervision.
- (8) Attorneys-at-law handling claims and collections in their own name and not operating a collection agency under the management of a ~~layman~~layman.
- (9) Any person, firm, corporation or association handling claims, accounts or collections under an order or orders of any ~~court~~court.
- (10) A person, firm, corporation or association which, for valuable consideration purchases accounts, claims, or demands of another, which such accounts, claims, or demands of another are not delinquent at the time of such purchase, and then, in its own name, proceeds to assert or collect the accounts, claims or ~~demands~~demands.
- (11) Any person attempting to collect or collecting claims, in that person's name, of a business or businesses owned wholly or substantially by that ~~person~~person.



- (12) Any nonprofit tax exempt corporation organized for the purpose of providing mediation or other dispute resolution ~~services; and~~services.
- (13) The designated representatives of programs as defined by G.S. 110-129(5)."

SECTION 2. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 27th day of June, 2017.

s/ Daniel J. Forest
President of the Senate

s/ Tim Moore
Speaker of the House of Representatives

s/ Roy Cooper
Governor

Approved 4:18 p.m. this 20th day of July, 2017