

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 439

Short Title: Credit Union Fees and Late Penalty. (Public)

Sponsors: Representatives Howard, Szoka, Carney, and Adcock (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Banking, if favorable, Finance, if favorable, Rules, Calendar, and Operations of the House

March 30, 2021

A BILL TO BE ENTITLED

AN ACT TO MODERNIZE THE LAWS APPLICABLE TO CREDIT UNIONS BY
MODIFYING FEES PAID BY A NEW CREDIT UNION AND THE LATE PENALTY
FOR A CREDIT UNION'S FAILURE TO MAKE A REPORT OF CONDITION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 54-109.14 reads as rewritten:

"§ 54-109.14. Fees.

(a) Each credit union subject to supervision and examination by the Administrator of Credit Unions, including credit unions in process of voluntary liquidation, shall pay into the office of the Administrator of Credit Unions twice each year, in the months of January and July, supervision fees, except those credit unions ~~which that~~ liquidate or convert ~~its charter their~~ charters shall pay into the office of the Administrator of Credit Unions, to the date of dissolution, pro rata supervision fees. Examination fees shall be paid promptly upon receipt of the examination report and invoice.

The Administrator of Credit Unions, subject to the advice and consent of the Credit Union Commission, shall, on or before December 1 of each year, determine ~~and fix the scale of a~~ schedule for supervisory and examination fees to be assessed during the next calendar year.

No credit union ~~shall be~~ is required to pay any supervisory fee until the expiration of 12 months from the date of the issuance of a certificate of incorporation to ~~such~~ the credit union.

(a1) When a new credit union is established, it shall pay the following fees:

(1) A charter fee of two hundred fifty dollars (\$250.00).

(2) An investigation fee of two thousand five hundred dollars (\$2,500).

(b) Moneys collected under this section shall be deposited with the State Treasurer of North Carolina and expended, under the terms of the Executive Budget Act, to defray expenses incurred by the office of the Administrator of Credit Unions in carrying out its supervisory and auditing functions.

(c) All revenue derived from fees ~~will~~ shall be placed into a special account to be administered solely for the operation of the Credit Union Division."

SECTION 2. G.S. 54-109.15 reads as rewritten:

"§ 54-109.15. Reports.

(a) Credit unions organized under Articles 14A to 14L of this Chapter shall, in January and in July of each year, make a report of condition to the Administrator of Credit Unions on forms supplied for that purpose. Additional reports may be required.



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1 (b) Any credit union that neglects to make timely semiannual reports as provided in
2 subsection (a) of this section, or any of the other reports required by the Administrator of Credit
3 Unions at the time fixed by the Administrator, shall pay a late penalty to the Administrator ~~of~~
4 ~~Credit Unions of seventy-five dollars (\$75.00)~~ for each day the neglect continues. The
5 Administrator, subject to the advice and consent of the Credit Union Commission, shall, on or
6 before December 1 of each year, determine a schedule for the late penalty to be assessed during
7 the next calendar year, with per-day penalties beginning at not less than seventy-five dollars
8 (\$75.00) and not exceeding seven hundred fifty dollars (\$750.00). ~~The Administrator of Credit~~
9 ~~Unions~~ may revoke the certificate of incorporation and take possession of the assets and business
10 of any credit union failing to pay a penalty imposed under this section after serving notice of at
11 least 15 days upon the credit union of the proposed action. The clear proceeds of penalties
12 collected pursuant to this subsection shall be remitted to the Civil Penalty and Forfeiture Fund in
13 accordance with G.S. 115C-457.2."

14 **SECTION 3.** This act becomes effective October 1, 2021.