

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011**

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**HOUSE BILL 448**

Short Title: Constitutional Tender Act. (Public)

Sponsors: Representative Bradley (Primary Sponsor).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Commerce and Job Development, if favorable, Judiciary.

March 24, 2011

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE STATE OF NORTH CAROLINA DECLARES  
SECTION 10 OF ARTICLE I OF THE UNITED STATES CONSTITUTION AS  
AUTHORITY RECOGNIZING ELEMENTAL GOLD AND ELEMENTAL SILVER AS  
VALID TENDER IN THE STATE OF NORTH CAROLINA.

The General Assembly of North Carolina enacts:

**SECTION 1.** This act may be known and cited as the North Carolina  
Constitutional Hard Tender Act.

**SECTION 2.** Definitions. – As used in this act, the following definitions apply:

- (1) Gold tender. – All exchangeable struck commodity gold in 22k and 24k by elemental mass of gold.
- (2) Silver tender. – All exchangeable struck commodity silver from ninety percent (90%) and up by elemental mass of silver.
- (3) State money. – Any gold tender, silver tender, or registered specie.
- (4) Federal money. – Federal legal tender as defined in Section 31 U.S.C. § 5103.
- (5) Registered specie. – Gold and silver coin and bullion as described in Section 4 of this act.

**SECTION 3.** Use as tender. – State money shall be legal tender within the State of North Carolina. The purchase or exchange of State money shall not be taxed.

**SECTION 4.** Specie registry. –

(a) Registered specie are listed to include the following:

- (1) Gold coins, including the following:
  - a. United States American eagle coins, of all denominations, minted pursuant to the Gold Bullion Coin Act of 1985, Public Law 99-185.
  - b. Austrian 100 and 20 corona, and 4 and 1 ducat.
  - c. British sovereign.
  - d. Canadian 1 and 1/10 maple leaf.
  - e. French 20 franc.
  - f. Mexican 50, 20, 10, 5, and 2.5 peso.
  - g. South African 1, 1/2, 1/4, and 1/10 krugerrand.
  - h. Swiss 20 franc.
- (2) Silver coins, including the following:
  - a. United States dollars, so denominated and whenever minted, that were or are required by the statutes authorizing their coinage to



1 contain 371.25 grains (troy) of fine silver per dollar, as "dollar" is  
2 referred to in Section 9 of Article I of the United States Constitution  
3 and the Seventh Amendment to the United States Constitution, the  
4 value of which was established in the Coinage Act of April 2, 1792,  
5 1 Stat. 246.

6 b. United States half dollars, quarter dollars, and dimes, denominated as  
7 half dollars, quarter dollars, or dimes, whenever minted, that were or  
8 are required by the statutes authorizing their coinage to contain fine  
9 silver in amounts proportionate to the constitutional silver dollar of  
10 371.25 grains (troy) of fine silver per dollar.

11 c. United States American eagle or liberty coins minted pursuant to the  
12 Liberty Coin Act of July 9, 1985, Public Law 99-61, 99 Stat. 113,  
13 115.

14 d. Canadian maple leaf.

15 (3) Stamped silver and gold bullion in bars and rounds from providers that  
16 correspond with a certified list compiled by the State Treasurer and  
17 approved or amended by the General Assembly.

18 (4) Any combination of gold and silver coin or of gold coin alone or of silver  
19 coin alone, as the context may require, indicate, or allow.

20 (b) The State Treasurer will provide for bullion providers to register products as  
21 specie as provided by subdivision (a)(3) of this section.

22 **SECTION 5.** Exchange with federal money. –

23 (a) Exchanging State money for federal money. –

24 (1) State money may be exchanged to the State treasury for federal money at the  
25 defined exchange rate.

26 (2) State money may be exchanged for federal money by a private enterprise  
27 that will provide the service at the exchange rate agreed upon by both parties  
28 of the exchange with the following provisions:

29 a. Assessing of handling fees is allowed for private exchanges.

30 b. The State treasury may assess handling fees at the exchange equal to  
31 the operational costs of the exchange.

32 (b) Exchanging federal money for State money. –

33 (1) The State treasury will, to its best ability and supply, exchange State money  
34 for federal money at the defined exchange rate.

35 (2) Federal money may be exchanged for State money to a private enterprise  
36 that will provide the service at the exchange rate agreed upon by both parties  
37 of the exchange.

38 (c) Vendor Exchanges. – Federal money may be rendered at both parties' agreed  
39 upon exchange rate in change for purchases made in State money by sellers if agreed to by both  
40 the buyer and the seller.

41 (d) Vendor Acceptance. –

42 (1) This act shall not compel any seller to accept registered specie or State  
43 money, except as agreed to beforehand by contract.

44 (2) Vendors may elect to accept only registered specie in lieu of State money or  
45 federal money.

46 **SECTION 6.** Exchange rate is the Current Median of 168- by 24-hour Moving  
47 Average Spot Price.

48 **SECTION 7.** This act is effective when it becomes law.