



CHAPTER 78A
ARTICLE 6 - ADMINISTRATION AND REVIEW

N.C.G.S. § 78A-49.

Rules, forms, orders, and hearings.

SOURCE General Statutes of North Carolina, as published by the General Assembly	LAST AMENDMENT IN THIS TEXT S.L. 2016-103, s. 3 — eighth act in the lineage	RETRIEVED 21 September 2026, 04:45 UTC	SOURCE FINGERPRINT 2b496d145c19dc0ea7e23a4d - fe0e15cd217b712c649cb2ed - bdc596c1a13a04
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§ 78A-49(a) The Administrator may from time to time make, amend, and rescind such rules, forms, and orders as are necessary to carry out the provisions of this Chapter, including rules and forms governing registration statements, applications, and reports, and defining any terms, whether or not used in this Chapter, insofar as the definitions are not inconsistent with the provisions of this Chapter. For the purpose of rules and forms the Administrator may classify securities, persons, and matters within his jurisdiction, and prescribe different requirements for different classes. In order to protect the investing public, the Administrator may by rule or order prescribe suitability standards for investments in viatical settlement contracts.

§ 78A-49(b) No rule, form, or order may be made, amended, or rescinded unless the Administrator finds that the action is necessary or appropriate in the public interest or for the protection of investors and consistent with the purposes fairly intended by the policy and provisions of this Chapter. In prescribing rules and forms the Administrator may cooperate with the securities administrators of the other states and the Securities and Exchange Commission with a view to effectuating the policy of this statute to achieve maximum uniformity in the form and content of registration statements, applications, and reports wherever practicable.

§ 78A-49(c) The Administrator may by rule or order prescribe (i) the form and content of financial statements required under this Chapter, (ii) the circumstances under which consolidated financial statements shall be filed, and (iii) whether any required financial statements shall be certified by independent or certified public accountants. All financial statements required to be filed with the Administrator shall be

audited and shall be prepared in accordance with generally accepted accounting principles, except where the Administrator may by rule or order provide otherwise. In determining whether to permit the filing of financial statements that have not been audited, the Administrator shall consider all of the following factors:

- (1) Whether lesser standards for financial statements will impair investor protection.
- (2) The cost of preparation of audited financial statements relative to the proposed offering amount.
- (3) Whether recently audited financial statements of the issuer are available in addition to current interim statements.
- (4) Whether the issuer has commenced significant business operations.
- (5) Any other factors that are relevant to the protection of the investing public.

§ 78A-49(d)

The Administrator may by rule or order require the filing of any prospectus, pamphlet, circular, form letter, advertisement, or other sales literature or advertising communication addressed or intended for distribution to prospective investors, unless the security or transaction is exempted by G.S. 78A-16 and G.S. 78A-17 (except G.S. 78A-17(9), (17), (19), and (20)) and such exemption has not been denied or revoked under G.S. 78A-18 or the security is a security covered under federal law or the transaction is with respect to a security covered under federal law.

§ 78A-49(e)

All rules and forms of the Administrator shall be published.

§ 78A-49(f)

No provision of this Chapter imposing any liability applies to any act done or omitted in good faith in conformity with any rule, form, or order of the Administrator, notwithstanding that the rule, form, or order may later be amended or rescinded or be determined by judicial or other authority to be invalid for any reason.

§ 78A-49(g)

Every hearing in an administrative proceeding shall be public unless the Administrator in his discretion grants a request joined in by all the respondents that the hearing be conducted privately.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.



Nº	YEAR	ACT	CHARACTER
01	1925	c. 190, s. 11	ENACTED
02	1927	c. 149, s. 11	AMENDED
03	1973	c. 1380	AMENDED
04	1987	c. 849, s. 6	AMENDED
05	1997	S.L. 1997-419, s. 11	AMENDED
06	2001	S.L. 2001-436, s. 10	AMENDED
07	2003	S.L. 2003-413, s. 4	AMENDED
08	2016	S.L. 2016-103, s. 3	AMENDED

APPARATUS II
4 AUTHORITIES

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 78A-16	(d)	"security or transaction is exempted by"
G.S. 78A-17	(d)	"is exempted by G.S. 78A-16 and"
G.S. 78A-17(9), (17), (19), and (20) ^(d)		"G.S. 78A-16 and G.S. 78A-17 (except"
G.S. 78A-18	(d)	"not been denied or revoked under"

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 78A-49 (2016).

PINPOINT

N.C. Gen. Stat. § 78A-49(a) (2016).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

Provenance

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This is not the official text. The official text is published by the General Assembly of North Carolina.

HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1925, c. 190, s. 11; 1927, c. 149, s. 11; 1973, c. 1380; 1987, c. 849, s. 6; 1997-419, s. 11; 2001-436, s. 10; 2003-413, s. 4; 2016-103, s. 3.)

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