

§ 58-70-6. Definitions.

For purposes of G.S. 58-70-5 and this section, the following definitions apply:

- (1) An "affiliate" of or a person "affiliated" with a specific person. – A person that indirectly through one or more intermediaries or directly controls, is controlled by, or is under common control with the person specified.
- (2) Control, including the terms "controlling," "controlled by," and "under common control with." – The direct or indirect possession of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract other than a commercial contract for goods or nonmanagement services, or otherwise. Control is presumed to exist if any person directly or indirectly owns, controls, holds with the power to vote, or holds proxies representing ten percent (10%) or more of the voting securities of any other person.
- (3) Holding company system. – An entity comprising two or more affiliated persons.
- (4) Person. – An individual, corporation, partnership, limited liability company, association, joint stock company, trust, unincorporated organization, or any similar entity or any combination of the foregoing acting in concert.
- (5) Subsidiary of a specified person. – An affiliate controlled by that person indirectly through one or more intermediaries or directly.
- (6) Voting security. – Includes any security convertible into or evidencing a right to acquire a voting security. (2009-566, s. 22.)