

1 **Chapter 127B.**

2 **Military Affairs.**

3 Article 1.

4 Military Property Sales Facilities.

5 **§127B-1. Military property sales facility defined.**

6 Any person, partnership, association or corporation who engages in the business of selling,
7 consigning, purchasing, transferring or in any way acquiring military property for resale, is a
8 "military property sales facility". Specifically excluded are facilities operated by the United
9 States Government, the State of North Carolina or any of its agencies and persons, partnerships,
10 associations or corporations selling or purchasing military property pursuant to a contract with
11 the United States Government, the State of North Carolina or any of its agencies. (1985, c. 522,
12 s. 1.)
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14 **§ 127B-2. Military property defined.**

15 "Military property" means property originally manufactured for the United States or State
16 of North Carolina which is a type and kind issued for use in, or furnished and intended for, the
17 Armed Forces of the United States or the militia of the State of North Carolina. (1985, c. 522,
18 s. 1; 2011-183, s. 91.)
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20 **§ 127B-3. License.**

21 No person, partnership, association or corporation shall engage in the business of selling
22 military property or purchasing military property for resale without first having obtained a
23 license to do so from the local governing body of the city, town, or county in which it is located
24 and by paying the county, State, and municipal tax required by law, and otherwise complying
25 with the requirements made in this and succeeding sections. The license shall be posted in a
26 prominent place, easily visible to the public, on the designated premises. (1985, c. 522, s. 1.)
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28 **§ 127B-4. Local governing authorities to grant and control license; bond.**

29 (a) The governing body of any city, town, or county in this State may grant to such
30 person, partnership, association or corporation as who shall produce satisfactory evidence of
31 good character, a license authorizing such person, partnership, association or corporation to
32 carry on the business of a military property sales facility. The license shall designate the
33 building in which the person, partnership, association or corporation shall carry on the business,
34 and no person, partnership, association or corporation shall carry on the business of a military
35 property sales facility without being duly licensed, nor in any other building than the one
36 designated in the license.

37 (b) Any person or the principal officers of any association or corporation or all the
38 partners of any partnership applying for a license shall furnish the governing body the
39 following information:

- 40 (1) Full name, and any other names used by the applicant during the preceding
41 five years, or in the case of a partnership, association or corporation, the
42 applicant shall list any partnership, association, or corporate names used
43 during the preceding five years;
44 (2) Current address, and all addresses used by the applicant during the preceding
45 five years;
46 (3) Physical description;
47 (4) Age;
48 (5) Driver's license number, if any, and state of issuance;
49 (6) Recent color photograph;
50 (7) Record of felony convictions; and
51 (8) Record of other convictions during the preceding five years.

1 (c) Every person, partnership, association or corporation so licensed to carry on the
2 business of a military property sales facility shall, at the time of receiving a license, file with
3 the governing body of the city, town, or county granting the license, a bond payable to the city,
4 town, or county in the sum of one thousand dollars (\$1,000), to be executed by the person
5 licensed and by two responsible sureties, or a surety company licensed to do business in the
6 State of North Carolina, to be approved of by the governing body. The bond shall be for the
7 faithful performance of the requirements and obligations pertaining to the business licensed.
8 The governing body, may revoke the license and sue for forfeiture of the bond upon a breach of
9 the licensee's duties under the bond. Any person who may obtain a judgment against a military
10 property sales facility and upon which judgment execution is returned unsatisfied may maintain
11 an action in his own name upon the bond of the military property sales facility, in any court
12 having jurisdiction of the amount demanded to satisfy the judgment. (1985, c. 522, s. 1.)
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14 **§ 127B-5. Perjury; punishment.**

15 Any person who shall willfully commit perjury in any application for a permit pursuant to
16 this Article shall be guilty of a Class 1 misdemeanor. (1985, c. 522, s. 1; 1993, c. 539, s. 939;
17 1994, Ex. Sess., c. 24, s. 14(c).)
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19 **§ 127B-6. Records to be kept.**

20 (a) Every military property sales facility owner shall keep a book in which shall be
21 legibly written, at the time of each transaction involving the acquisition by any means of used
22 or new military property by the military property sales facility owner, his employee or agent,
23 from any person, partnership, association or corporation, the following information:

- 24 (1) An account and description of the used or new military property including if
25 applicable, the manufacturer's name, the model, the model number, the serial
26 number of the property, and any engraved numbers or initials found on the
27 property. Property lacking any identifying mark or characteristic shall be
28 marked by the military property sales facility owner in such a way as to
29 allow clear identification of the property.
30 (2) The amount of money paid;
31 (3) The date of the transaction; and
32 (4) The name and residence of the person selling, consigning or transferring the
33 used or new military property.

34 (b) The military property sales facility owner, or his employee or agent shall require
35 that the person selling the new or used military property, to present two forms of positive
36 identification to him before the military property sales facility personnel may complete any
37 transaction regarding the buying, consigning or acquiring of new or used military property. The
38 presentation of any one state or federal government issued identification containing a
39 photographic representation imprinted on it shall constitute compliance with the identification
40 requirements of this paragraph. The military property sales facility owner or his employee or
41 agent shall legibly record this identification information next to the person's name and
42 residence in the book required to be kept. Both the military property sales facility owner, his
43 employee or agent and the seller, consignor or transferor of the military property shall sign the
44 record entry.

45 (c) The book shall be a permanent record to be kept at all times on the premises of the
46 place of business of the military property sales facility and shall be made available, during
47 regular business hours, to any law enforcement officer who requests to inspect the book. A
48 copy of the records required to be kept by this section shall be filed within 48 hours of the
49 transaction in the office of the local law enforcement agency serving the city, town, or county
50 which issued the license to the military. Mailing the required copy to the local law enforcement
51 agency within 48 hours shall constitute compliance with this section. (1985, c. 522, s. 1.)

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§ 127B-7. Penalties.

Any dealer who violates the provisions of this Article shall be guilty of a Class 2 misdemeanor. In addition, any dealer convicted of violating this Article shall be ineligible for a dealer's permit for a period of three years from the date of conviction. Each violation shall constitute a separate and distinct offense. (1985, c. 522, s. 1; 1993, c. 539, s. 940; 1994, Ex. Sess., c. 24, s. 14(c).)

§§ 127B-8 through 127B-9. Reserved for future codification purposes.