

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

S

D

SENATE DRS55147-LK-90 (3/3)

Short Title: Clarify MV Definitions and Remedies. (Public)

Sponsors: Senator Hoyle.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO CLARIFY DEFINITIONS AND REMEDIES UNDER THE MOTOR  
VEHICLE DEALERS AND MANUFACTURERS LICENSING LAWS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 20-286(10) reads as rewritten:

"§ 20-286. Definitions.

The following definitions apply in this Article:

...

(10) Motor vehicle. – Any motor propelled vehicle, trailer or semitrailer,  
required to be registered under the laws of this State.

a. "New motor vehicle" means a motor ~~vehicle which has never  
been the subject of a sale other than between new motor vehicle  
dealers, or between manufacturer and dealer of the same  
franchise vehicle:~~

1. Which has never been the subject of a sale other than  
between new motor vehicle dealers or between the  
manufacturer and dealer of the same franchise; or

2. Which is offered for sale by a new motor vehicle dealer  
and the vehicle's odometer mileage is 1,000 miles or less.

For the purposes of this Article, a motor vehicle that has  
previously been the subject of a sale by a new motor vehicle  
dealer may nonetheless be considered new and represented to  
the public as a new motor vehicle, so long as the vehicle's  
odometer mileage does not exceed 1,000 miles:

I. Whether that sale was conditional or  
unconditional;

1                                    II. Whether or not documents transferring title to the  
2                                    vehicle were executed and submitted to the  
3                                    Division; or

4                                    III. Whether or not the title to the vehicle was  
5                                    transferred.

6                                    b. "Used motor vehicle" means a motor vehicle other than  
7                                    described in paragraph (10)a above."

8                                    **SECTION 2.** G.S. 20-348 is amended by adding a new subsection to read:

9                                    "(c) A person claiming injury or damage as a result of any of the following shall  
10 elect between the remedies provided under subsection (a) of this section and the  
11 remedies afforded by other statutes and under the common law:

12                                    (1) Actions or conduct violating this Article.

13                                    (2) A violation of G.S. 20-71.4.

14                                    (3) Arising out of the sale, maintenance, or repair of a motor vehicle.

15                                    **SECTION 3.** This act is effective when it becomes law.