

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE BILL 730

Short Title: Clarify MV Definitions and Remedies.

(Public)

Sponsors: Senators Hoyle; and Bingham.

Referred to: Commerce.

March 22, 2005

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

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

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

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

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

- (1) Actions or conduct violating this Article.
- (2) A violation of G.S. 20-71.4.
- (3) Arising out of the sale, maintenance, or repair of a motor vehicle.

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