

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 330
Committee Substitute Favorable 4/11/91
Third Edition Engrossed 4/17/91
Senate Transportation Committee Substitute Adopted 5/22/91
Senate Finance Committee Substitute #2 Adopted 6/26/91

Short Title: Motor Vehicle Dealer-Definition.

(Public)

Sponsors:

Referred to:

March 26, 1991

A BILL TO BE ENTITLED

AN ACT TO AMEND THE DEFINITION OF MOTOR VEHICLE DEALER.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-286(11) reads as rewritten:

"(11) 'Motor vehicle dealer' and 'dealer' mean ~~any person, firm, association, or corporation engaged in the business of selling motor vehicles, or who holds or held at the time a cause of action under this Article accrued, a valid sales and service agreement, franchise or contract, granted by the manufacturer or distributor for the retail sale of said manufacturer's or distributor's new motor vehicles.~~ any person who does any of the following:

a. For commission, money, or other thing of value, buys, sells, or exchanges, whether outright or on conditional sale, bailment lease, chattel mortgage, or otherwise, five or more motor vehicles within any 12 consecutive months, regardless of who owns the motor vehicles.

b. On behalf of another and for commission, money, or other thing of value, arranges, offers, attempts to solicit, or attempts to negotiate the sale, purchase, or exchange of an interest in five or

1 more motor vehicles within any 12 consecutive months,
2 regardless of who owns the motor vehicles.

3 c. Engages, wholly or in part, in the business of selling new motor
4 vehicles or new or used motor vehicles, or used motor vehicles
5 only, whether or not the motor vehicles are owned by that
6 person, and sells five or more motor vehicles within any 12
7 consecutive months.

8 d. Offers to sell, displays, or permits the display for sale for any
9 form of compensation five or more motor vehicles within any
10 12 consecutive months.

11 e. Primarily engages in the leasing or renting of motor vehicles to
12 others and sells or offers to sell those vehicles at retail.

13 The term 'motor vehicle dealer' or 'dealer' does not ~~include:~~ include
14 any of the following:

15 a. Receivers, trustees, administrators, executors,
16 guardians, or other persons appointed by or acting under the
17 judgment or order of any ~~court;~~ court.

18 b. Public officers while performing their official ~~duties;~~
19 ~~or~~ duties.

20 c. Persons disposing of motor vehicles acquired for
21 their own use or the use of a family member, and actually so
22 used, when the ~~same shall-vehicles~~ have been ~~so~~-acquired and
23 used in good faith and not for the purpose of avoiding the
24 provisions of this ~~Article;~~ Article.

25 d. ~~Persons, firms or corporations~~ Persons who ~~shall~~-sell
26 motor vehicles as an incident to their principal business but
27 who are not engaged primarily in the selling of motor
28 vehicles. This category includes ~~finance companies~~ financial
29 institutions who ~~shall~~-sell repossessed motor vehicles and
30 insurance companies who sell motor vehicles to which they
31 have taken title as an incident of payments made under
32 policies of insurance and who do not maintain a used car lot
33 or building with one or more employed motor vehicle
34 salesmen.

35 e. ~~Persons, firms or corporations~~ Persons manufacturing,
36 distributing or selling trailers and semitrailers weighing not
37 more than 750 pounds and carrying not more than ~~1,500~~-a
38 1,500 pound load.

39 f. A licensed real estate broker or salesman who sells a
40 mobile home for the owner as an incident to the sale of land
41 upon which the mobile home is located.

42 g. An employee of an organization arranging for the purchase or
43 lease by the organization of vehicles for use in the
44 organization's business.

- 1 h. Any publication, broadcast, or other communications media
2 when engaged in the business of advertising, but not otherwise
3 arranging for the sale of motor vehicles owned by others.
4 i. Any person dealing solely in the sale or lease of vehicles
5 designed exclusively for off-road use.
6 j. Any real property owner who leases any interest in property for
7 use by a dealer.
8 k. Any person acquiring any interest in a motor vehicle for a
9 family member."

10 Sec. 2. This act becomes effective October 1, 1991.