

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION

CHAPTER 381
HOUSE BILL 588

AN ACT TO CORRECT THE DEFINITION OF MOTOR VEHICLE DEALER IN
CHAPTER 20 OF THE GENERAL STATUTES.

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, ~~soliciting, or advertising the sale of~~ motor vehicles, ~~and 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.

The term 'motor vehicle dealer' or 'dealer' does not include:

- a. Receivers, trustees, administrators, executors, guardians, or other persons appointed by or acting under the judgment or order of any court; or
- b. Public officers while performing their official duties; or
- c. Persons disposing of motor vehicles acquired for their own use and actually so used, when the same shall have been so acquired and used in good faith and not for the purpose of avoiding the provisions of this Article; or
- d. Persons, firms or corporations who shall sell motor vehicles as an incident to their principal business but who are not engaged primarily in the selling of motor vehicles. This category includes finance companies who shall sell repossessed motor vehicles and insurance companies who sell motor vehicles to which they have taken title as an incident of payments made under policies of insurance and who do not maintain a used car lot or building with one or more employed motor vehicle salesmen.
- e. Persons, firms or corporations manufacturing, distributing or selling trailers and semitrailers weighing not more than 750 pounds and carrying not more than 1500 pound load.
- f. A licensed real estate broker or salesman who sells a mobile home for the owner as an incident to the sale of land upon which the mobile home is located."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 16th day of June, 1987.