

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 1994

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HOUSE BILL 93\*

Short Title: No Gun Permit/Civil Liability.

(Public)

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Sponsors: Representatives Richardson; and H. Hunter.

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Referred to: Judiciary I.

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February 14, 1994

A BILL TO BE ENTITLED

1 AN ACT TO MAKE SELLING OR TRANSFERRING OF A PISTOL OR  
2 CROSSBOW WITHOUT OBTAINING A PERMIT NEGLIGENCE PER SE IN  
3 ANY CIVIL ACTION RESULTING FROM THE CRIMINAL MISUSE OF THE  
4 PISTOL OR CROSSBOW.  
5

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 14-402(a) reads as rewritten:

8 "(a) It shall be unlawful for any person, firm, or corporation in this State to sell,  
9 give away, or transfer, or to purchase or receive, at any place within this State from any  
10 other place within or without the State any pistol or crossbow unless a license or permit  
11 therefor has first been obtained by the purchaser or receiver from the sheriff of the  
12 county in which that purchaser or receiver ~~resides~~resides, and the permit is delivered to  
13 the transferor at the time of purchase or receipt.

14 It shall be unlawful for any person or persons to receive from any postmaster, postal  
15 clerk, employee in the parcel post department, rural mail carrier, express agent or  
16 employee, railroad agent or employee within the State of North Carolina any pistol or  
17 crossbow without having in his or their possession and without exhibiting at the time of  
18 the delivery of the same and to the person delivering the same the permit from the  
19 sheriff as provided in G.S. 14-403. Any person violating the provisions of this section  
20 shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less  
21 than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00), or imprisoned  
22 not less than 30 days nor more than six months, or both, in the discretion of the court.

23 In any civil action for damages resulting from the criminal misuse of a pistol or

1 crossbow, the selling, giving away, or transferring of the pistol or firearm in violation of  
2 this Article shall be negligence per se."

3 Sec. 2. G.S. 14-406 reads as rewritten:

4 **"§ 14-406. ~~Dealer to keep record of sales.~~ Records to be maintained.**

5 Every dealer in or transferor of pistols and other weapons mentioned in this Article  
6 shall keep and maintain an accurate record of all sales and transfers thereof, including  
7 the name, place of residence, date of ~~sale,~~ sale or transfer, the permit issued by the  
8 authorized state official, etc., of each person, firm, or corporation to whom or which  
9 such sales or transfers are made, which record shall be open to the inspection of any  
10 duly constituted State, county or ~~police officer,~~ municipal law enforcement officer,  
11 within this State."

12 Sec. 3. G.S. 14-409.1(a) reads as rewritten:

13 "(a) It shall be unlawful for any person, firm, or corporation in this State to sell,  
14 give away, or transfer, or to purchase or receive, at any place within this State from any  
15 other place within or without the State any pistol or crossbow unless a license or permit  
16 therefor has first been obtained by the purchaser or receiver from the clerk of the  
17 superior court of the county in which that purchaser or receiver ~~resides,~~ resides, and the  
18 permit is delivered to the transferor at the time of purchase or receipt.

19 It shall be unlawful for any person or persons to receive from any postmaster, postal  
20 clerk, employee in the parcel post department, rural mail carrier, express agent or  
21 employee, railroad agent or employee within the State of North Carolina any pistol  
22 without having in his or their possession and without exhibiting at the time of the  
23 delivery of the same and to the person delivering the same, the permit from the clerk of  
24 superior court as provided in G.S. 14-409.2. Any person violating the provisions of this  
25 section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not  
26 less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00), or  
27 imprisoned not less than 30 days nor more than six months, or both, in the discretion of  
28 the court. In any civil action for damages resulting from the criminal misuse of a pistol  
29 or crossbow, the selling, giving away, or transferring of the pistol firearm in violation of  
30 this Article shall be negligence per se."

31 Sec. 4. G.S. 14-409.5 reads as rewritten:

32 **"§ 14-409.5. ~~Dealer to keep record of sales.~~ Records to be maintained.**

33 Every dealer in or transferor of pistols and other weapons mentioned in this Article  
34 shall keep and maintain an accurate record of all sales and transfers thereof, including  
35 the name, place of residence, date of ~~sale,~~ sale or transfer, the permit issued by the  
36 authorized state official, etc., of each person, firm, or corporation to whom or which  
37 such sales or transfers are made, which record shall be open to the inspection of any  
38 duly constituted State, county or ~~police officer,~~ municipal law enforcement officer,  
39 within this State."

40 Sec. 5. This act becomes effective July 1, 1994, and applies to sales, gifts, or  
41 transfers made on or after that date.