

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 568

Short Title: Vehicle Damage Disclosure.

(Public)

Sponsors: Representatives Cocklereece; Beall, Buchanan, Capps, Clary, Easterling, Eddins, Ives, Kiser, Lemmond, McMahan, K. Miller, Owens, Pulley, Rayfield, Reynolds, Sexton, Sharpe, and Snowden.

Referred to: Judiciary I.

March 28, 1995

A BILL TO BE ENTITLED

AN ACT TO CLARIFY AND IMPROVE SANCTIONS FOR WILLFUL FAILURE TO DISCLOSE PRIOR DAMAGE TO A MOTOR VEHICLE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-71.4 reads as rewritten:

"§ 20-71.4. Failure to disclose damage to a vehicle shall be a ~~misdemeanor~~ misdemeanor and subject violators to civil and administrative sanctions.

(a) It shall be unlawful ~~and constitute a Class 2 misdemeanor~~ for any transferor who knows or reasonably should know that a motor vehicle has been involved in a collision or other occurrence to the extent that the ~~cost of fair market value of the labor and materials for repairing that vehicle exceeds twenty-five percent (25%) of its the~~ vehicle's fair market retail value, at the time of the collision or other occurrence, or that the motor vehicle is, or was, a flood vehicle, a reconstructed vehicle, or a salvage motor vehicle, to fail to disclose that fact in writing to the transferee prior to transfer of any vehicle up to five model years old. ~~Failure to disclose any of the above information will also result in civil liability under G.S. 20-348.~~ For purposes of determining model year under this section, the current model year at the time of the transfer shall be deemed as the first model year. Every motor vehicle dealer, wholesaler, reconstructor, and other

- 1 person or other entity in this State which is in the business of repairing or reconstructing
- 2 motor vehicles is required to keep contemporaneous, detailed records of the amount and
- 3 fair market value of the labor and materials required to repair or reconstruct each vehicle
- 4 that is repaired or reconstructed.