HOUSE BILL 819

Short Title:  Larceny of Purchased Goods.                                    (Public)

---

Sponsors: Representative Hunt.

---

Referred to:  Judiciary II.

---

April 11, 1995

1        A BILL TO BE ENTITLED
2  AN ACT TO MAKE THE LARCENY OF PURCHASED GOODS BY THE SELLER A
3      CLASS H FELONY.
4  The General Assembly of North Carolina enacts:
5          Section 1.  Article 16 of Chapter 14 of the General Statutes is amended by
6  adding a new section to read:
7  "**§ 14-86.2.  Larceny of purchased goods by seller.**
8      (a)    It is a Class H felony for a seller, as defined in G.S. 25-2-103, to dispose of,
9  resell, convey, transfer, or surrender to a person other than the purchaser or the
10  purchaser's agent any goods, whether finished or unfinished, already existing and
11  identified in a purchase contract and paid for by the purchaser.
12      (b)    This section does not apply if the goods are disposed of, resold, conveyed,
13  transferred, or surrendered to one other than purchaser:
14              (1)    With the express consent of the purchaser;
15              (2)    Pursuant to the terms of the purchase agreement, or any separate
16                      bailment or lay-away agreement with the purchaser;
17              (3)    Pursuant to a court order;
18              (4)    Pursuant to any superior lien or security interest created by State or
19                      federal law; or

1                         (5)        If the party receiving the goods is an insurance carrier, or its agent,
2                                    settling a property damage claim involving the goods, and the purchaser
3                                    is to receive reimbursement from the insurance carrier.
4               (c)        Upon default of any agreement to deliver the goods to the purchaser, failure by
5       the seller to comply within 30 days with a written demand by the purchaser for the
6       delivery of the goods, or to account for the whereabouts of the goods within the 30-day
7       time limit, creates a presumption that the goods were disposed of, resold, conveyed,
8       transferred, or surrendered to one other than the purchaser."
9               Sec. 2.  This act becomes effective December 1, 1995, and applies to offenses
10      committed on or after that date.