

NORTH CAROLINA GENERAL ASSEMBLY
1969 SESSION

CHAPTER 833
SENATE BILL 515

1 AN ACT TO AMEND CHAPTER 75 OF THE GENERAL STATUTES TO PROVIDE CIVIL
2 REMEDIES AGAINST UNFAIR METHODS OF COMPETITION AND UNFAIR OR
3 DECEPTIVE ACTS OR PRACTICES IN TRADE OR COMMERCE.
4

5 The General Assembly of North Carolina do enact:
6

7 **Section 1.** G.S. Chapter 75, as the same appears in the 1965 Replacement Volume
8 2C of the General Statutes, is hereby amended as follows:

9 (a) By changing the chapter title from "Monopolies and Trusts" to "Monopolies,
10 Trusts and Consumer Protection."

11 (b) By adding a new section thereto immediately following G.S. 75-1, to be
12 designated as G.S. 75-1.1 and to read as follows:

13 **"G.S. 75-1.1. Methods of competition, acts and practices regulated: legislative policy.** (a)
14 Unfair methods of competition and unfair or deceptive acts or practices in the conduct of any
15 trade or commerce are hereby declared unlawful, (b) The purpose of this Section is to declare,
16 and to provide civil legal means to maintain, ethical standards of dealings between persons
17 engaged in business, and between persons engaged in business and the consuming public
18 within this State, to the end that good faith and fair dealings between buyers and sellers at all
19 levels of commerce be had in this State, (c) Nothing in this Section shall apply to acts done by
20 the publisher, owner, agent, or employee of a newspaper, periodical or radio or television
21 station, or other advertising medium in the publication or dissemination of an advertisement,
22 when the owner, agent or employee did not have knowledge of the false, misleading or
23 deceptive character of the advertisement and when the newspaper, periodical or radio or
24 television station, or other advertising medium did not have a direct financial interest in the sale
25 or distribution of the advertised product or service. (d) Any party claiming to be exempt from
26 the provisions of this Section shall have the burden of proof with respect to such claim."

27 (c) By inserting the words ", with the exception of G.S. 75-1.1 (the violation of
28 which does not constitute a crime)," between the word "chapter" and the word "shall" on line 6
29 of G.S. 75-6.

30 (d) By inserting the words ", with the exception of G.S. 75-1.1 (the violation of
31 which does not constitute a crime)," between the word "chapter" on line 4 and the word "shall"
32 on line 4 in G.S. 75-7.

33 (e) By inserting the words "or persons" between the word "corporations" on line 3
34 and the word "doing" on line 3 in G.S. 75-9, and by inserting the words "or persons" between
35 the word "corporations" on line 6 and the word "in" on line 7 in G.S. 75-9.

36 (f) By inserting the words "or business" between the word "corporation" and the
37 word "and" on line 3 in G.S. 75-10.

38 (g) By inserting the words "or businesses" between the word "corporations" and the
39 word "to" on line 5 in G.S. 75-10.

40 (h) By inserting the words "or businesses," between the word "corporations" and the
41 word "or" on line 6 in G.S. 75-10.

42 (i) By rewriting G.S. 75-11 to read as follows: "G.S. 75-11. Person examined
43 exempt from prosecution. No natural person examined, as provided in G.S. 75-10, shall be

1 subject to indictment, criminal prosecution, criminal punishment or criminal penalty by reason
2 of or on account of anything disclosed by him upon examination, and full immunity from
3 criminal prosecution and criminal punishment by reason of or on account of anything so
4 disclosed is hereby extended to all natural persons so examined. The immunity herein granted
5 shall not apply to civil actions instituted pursuant to this Chapter."

6 (j) By inserting the words "or person" between the word "corporation" and the
7 word "unlawfully" on lines 1 and 2 of G.S. 75-12 and between the word "corporation" and the
8 word "shall" on line 5 thereof and between the word "corporation" and the word "shall" on line
9 thereof.

10 (k) By adding in G.S. 75-14 the words ", including (but not limited to) permanent or
11 temporary injunctions and temporary restraining orders," immediately following the words
12 "mandatory order" in line 3 thereof.

13 (l) By deleting the words "If the business" at the beginning of G.S. 75-16 and
14 inserting in lieu thereof the words "If any person shall be injured or the business".

15 **Sec. 2.** All laws and clauses of laws in conflict with this Act are hereby repealed.

16 **Sec. 3.** This Act shall be effective upon its ratification.

17 In the General Assembly read three times and ratified, this the 12th day of June,
18 1969.