

GENERAL ASSEMBLY OF NORTH CAROLINA
1983 SESSION

CHAPTER 751
SENATE BILL 621

AN ACT TO AMEND CHAPTER 85B, RELATING TO AUCTIONS AND AUCTIONEERS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 85B-1 is amended by adding a new subdivision (3) to read:

"(3) 'Owner' means the bona fide owner of the property being offered for sale; in the case of corporations, 'owner' means an officer or director of a corporation that owns the property being offered for sale and that is qualified to do business in the State of North Carolina."

Sec. 2. G.S. 85B-2(1) is rewritten to read:

"(1) Sales at auction conducted by the owner of all of the goods or real estate being offered, or an attorney representing the owner, unless the owner's regular course of business includes engaging in the sale of goods or real estate by means of auction or unless the owner originally acquired the goods for the purposes of resale at auction;".

Sec. 3. G.S. 85B-2(7) is rewritten to read:

"(7) Sale at auction of automobiles conducted under the provisions of G.S. 20-77, or sale at auction of motor vehicles by a motor vehicle dealer licensed under Article 12, Chapter 20 of the General Statutes;".

Sec. 4. G.S. 85B-3(a) is amended by adding a new sentence at the end to read: "no member shall serve more than two complete consecutive terms."

Sec. 5. G.S. 85B-3(b) is rewritten to read:

"(b) At least three members of the Commission shall be experienced auctioneers who are licensed under this Chapter. One member shall be a person who shall represent the public at large and shall not be licensed under this Chapter. The Governor shall appoint a public member to fill the first vacancy on the Commission after July 1, 1983."

Sec. 6. G.S. 85B-4(b)(2) is repealed.

Sec. 7. G.S. 85B-4 is amended by renumbering subsection (c) as (c1) and adding a new subsection to read:

"(c2) Each apprentice auctioneer application and license shall name a licensed auctioneer to serve as the supervisor of the apprentice. No apprentice auctioneer may enter into an agreement to conduct an auction, or conduct an auction, without the express approval of his supervisor. The supervisor shall regularly review the records his apprentice is required to maintain under G.S. 85B-7 and see that they are accurate and current."

Sec. 8. The second sentence of G.S. 85B-4(e) is amended by deleting "90 days" and substituting "12 months".

Sec. 9. The first sentence of G.S. 85B-5 is rewritten to read:

"Any person who holds a valid auctioneer license in another state may apply for and be granted a North Carolina license if the state in which he is licensed has standards which are acceptable to the Commission but are not more lenient than those required by this Chapter."

Sec. 10. The first sentence of the second paragraph of G.S. 85B-5 is rewritten to read: "An applicant under this section shall file the bond required by G.S. 85B-4."

Sec. 11. The third paragraph of G.S. 85B-5 is repealed.

Sec. 12. The second paragraph of G.S. 85B-6 is rewritten to read:

"No local government or agency of local government may charge any fees or require any licenses for auctioneers, apprentice auctioneers, or auctioneer businesses in addition to those set out in this Chapter."

Sec. 13. This act shall become effective August 1, 1983.

In the General Assembly read three times and ratified, this the 14th day of July, 1983.