

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 511

Short Title: Late Video Rental Return/Treble Damages.

(Public)

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Sponsors: Representatives Weatherly; Barbee, Carpenter, Clary, Culp, Cummings, Dickson, Edwards, Lemmond, Linney, Luebke, McMahan, Pate, Sexton, and Shubert.

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Referred to: Judiciary I.

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March 21, 1995

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE FOR TREBLE DAMAGES IN A CIVIL ACTION TO  
2 ENFORCE PAYMENT OF EXTRA DAY CHARGES FOR THE LATE RETURN  
3 OF A RENTED VIDEO CASSETTE TAPE.  
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5 The General Assembly of North Carolina enacts:

6 Section 1. Article 13 of Chapter 66 is amended by adding a new section to  
7 read:

8 **"§ 66-67.3. Remedies for failure to pay extra day charges for late return of video.**

9 (a) The following definitions apply in this section:

10 (1) Extra day charge rate. – The same as the daily rental charge rate or the  
11 regular per day rental charge rate.

12 (2) Member of record. – A person in whose name a video rental store  
13 membership is held and on whose membership a video cassette is  
14 rented.

15 (3) Video rental store. – Any entity whose principal business is the rental of  
16 video cassette tapes for noncommercial use.

17 (b) A member of record who fails to pay the extra day charges assessed for the late  
18 return of a video cassette within 30 days after written demand for its return is liable to the

1 video rental store for a minimum amount of fifty dollars (\$50.00) or three times the  
2 amount of the extra day charges, whichever is greater.

3 (c) The written demand shall be mailed by certified mail to the member of record's  
4 last known address.

5 (d) The damages provided for in this section do not apply unless at the time of the  
6 rental of the video cassette tape the video rental store conspicuously displayed in the  
7 vicinity of the check-out counter a sign that displays the following warnings in block  
8 letters not less than one inch in height:

9 ' STATE LAW PROVIDES THAT FAILURE TO PAY THE LATE  
10 RETURN,  
11 EXTRA DAY CHARGES DUE ON ANY RENTED VIDEO CASSETTE  
12 TAPE,  
13 MAY RESULT IN DAMAGES OF TRIPLE THE AMOUNT OF THE  
14 LATE  
15 CHARGES, WITH A MINIMUM OF \$50. (G.S. 66-67.3).'

16 (e) The presiding judge or magistrate may award the prevailing party, as part of  
17 the court costs payable, a reasonable attorney's fee for the licensed attorney representing  
18 the prevailing party in an action under this section.

19 (f) Nothing contained in this section shall prohibit recovery upon any other theory of  
20 law."

21 Sec. 2. This act becomes effective October 1, 1995, and applies to rentals of  
22 video cassette tapes occurring on or after that date.