

March 27, 2003

S 558. DISCLOSURE OF PRIOR MV DAMAGE. TO PROTECT CONSUMERS AND TRANSFERORS OF MOTOR VEHICLES UNAWARE OF PRIOR DAMAGE OR WHEN PRIOR DAMAGE WAS MINOR. Adds new GS 20-71.3(a1) requiring that any insurance company that declares a motor vehicle a total loss must have the title and registration card marked "total loss claim" in type that is at least 14 points and insert a metal plate stating "total loss claim" in the doorjamb of the vehicle. Requires that if vehicle is reconstructed this metal plate must be inserted in doorjamb of reconstructed vehicle with same vehicle identification number as total loss vehicle. Amends GS 20-71.3(b) and GS 20-71.4 to specify manner of determining whether damaged vehicle is at least five or six model years old. Amends GS 20-71.4 to limit its application to transferors who have "actual knowledge" (now, transferors who know or reasonably should have known) of damage to motor vehicle that exceeded 25% of vehicle's fair market value. Amends GS 20-305(e) to provide that new motor vehicle dealer is not required to disclose damage to new motor vehicle if total cost of repairs does not exceed 5% of manufacturer's suggested retail price, and to provide that undisclosed damage and repair of vehicle is insufficient to support legal claim against dealer for breach of contract, breach of warranty, fraud, concealment, unfair and deceptive acts or practices, or otherwise if disclosure is not required under section.

Intro. by Hoyle, Swindell, Berger.

Ref. to Commerce	GS 20
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April 17, 2003

S 558. DISCLOSURE OF PRIOR MV DAMAGE. Intro. 3/27/03. Senate committee substitute makes the following changes to 1st edition. Deletes language in GS 20-71.3(a1)(2) requiring that reconstructed vehicle have same Vehicle Identification Number as total loss vehicle. Amends GS 20-71.4(c) to also make it unlawful for person to remove or alter other permanent markers affixed to vehicle. Adds new GS 20-136.2 making it a Class 1 misdemeanor to knowingly install an air bag that was not designed for particular vehicle. Deletes reference to specific kinds of damage in GS 20-305.1(e)(1). Makes technical changes.

June 9, 2003

S 558. DISCLOSURE OF PRIOR MV DAMAGE. Intro. 3/27/03. House committee substitute makes the following changes to 2nd edition. Amends GS 20-71.3(a1)(1) to delete requirement that total loss claim designation be in 14-point type or larger. Amends GS 20-71.3(a1)(2) to require that tamperproof permanent marker (was, metal plate or other permanent marker) be installed on vehicle at the time of final inspection that states "TOTAL LOSS CLAIM VEHICLE" (was, "TOTAL LOSS CLAIM). Adds new GS 20-71.3(d)(5) and (e)(5) to require that rebuilder disclose the existence of the "TOTAL LOSS" vehicle marker before vehicle may be retitled with an unbranded title. Adds new GS 20-71.3(e)(6) to require that prior to issuance of unbranded title, rebuilder must disclose the cost to replace the air bag system for vehicles more than six model years old. Amends GS 20-71.3(e) and (h)(2) and GS 20-71.4(a)(1) to exclude cost of air bag replacement from repair cost calculation. Further amends GS 20-71.4(a)(1) to clarify that vehicle transfer is unlawful only when transferee fails to disclose vehicle's involvement in a collision or other occurrence. Amends GS 20-71.4(c) to make violation of sec. a Class I felony punishable by a fine of less than \$5,000 per offense. Effective Dec. 1, 2003. Makes technical changes.

July 7, 2003

SL 2003-258 (S 558). DISCLOSURE OF PRIOR MOTOR VEHICLE DAMAGE. AN ACT TO PROTECT CONSUMERS AND TRANSFERORS OF MOTOR VEHICLES UNAWARE OF PRIOR DAMAGE OR WHEN PRIOR DAMAGE WAS MINOR. Summarized in *Daily Bulletin* 3/27/03, 4/17/03, and 6/9/03. Enacted June 26, 2003. Effective December 1, 2003.