

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003

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HOUSE BILL 404

Short Title: Flag Freedom Bill.

(Public)

Sponsors: Representatives Capps; Barnhart, Culp, Ellis, Frye, Gulley, Hilton,  
LaRoque, Moore, Preston, Rayfield, and Rhodes.

Referred to: Ways and Means, if favorable, Judiciary II.

March 11, 2003

A BILL TO BE ENTITLED

AN ACT PERTAINING TO THE DISPLAY OF THE UNITED STATES FLAG.

**SECTION 1.** Chapter 144 of the General Statutes is amended by adding a  
new section to read:

**"§ 144-7. Display of American flag.**

(a) No covenant, condition, or restriction set forth in a deed, and no rule, regulation, bylaw, or other governing document or agreement of a homeowners, neighborhood, civic, or other association, shall prohibit or be construed to prohibit the placement on any property of a flagpole that is to be used for the purpose of displaying, or shall prohibit or be construed to prohibit the display on any property of, the flag of the United States if the flag is displayed in accordance with any of the following:

- (1) The patriotic customs set forth in 4 U.S.C.A. 5-10, as amended, governing the display and use of the flag of the United States.
- (2) The consent of the property's owner or of any person having lawful control of the property.
- (3) The recommended flagpole standards set forth in "Our Flag," published pursuant to S.C.R. 61 of the 105<sup>th</sup> Congress, 1<sup>st</sup> Session (1998).
- (4) Any federal law, proclamation of the President of the United States or the governor, section of the Revised Code, or local ordinance or resolution.

(b) A covenant, condition, restriction, rule, regulation, bylaw, governing document, or agreement or a construction of any of these items that violates subsection (a) of this section is against public policy and unenforceable in any court of this State to the extent it violates subsection (a) of this section.

(c) No declaration, bylaw, rule, regulation, or agreement of a condominium property or construction of any of these items by the board of managers of its unit owners association shall prohibit the placement of a flagpole that is to be used for the

1 purpose of displaying, or shall prohibit the display of, the flag of the United States on or  
2 within the limited common areas and facilities of a unit owner or on the immediately  
3 adjacent exterior of the building in which the unit of a unit owner is located, if the flag  
4 is displayed in accordance with any of the following:

5 (1) The patriotic customs set forth in 4 U.S.C.A. 5-10, as amended,  
6 governing the display and use of the flag of the United States.

7 (2) The recommended flagpole standards set forth in "Our Flag,"  
8 published pursuant to S.C.R. 61 of the 105<sup>th</sup> Congress, 1<sup>st</sup> Session  
9 (1998).

10 (3) Any federal law, proclamation of the President of the United States or  
11 the governor, section of the General Statutes, or local ordinance or  
12 resolution.

13 (d) A declaration, bylaw, rule, regulation, or agreement or the construction of any  
14 of these items that violates subsection (c) of this section is against public policy and  
15 unenforceable in any court of this State to the extent it violates subsection (c) of this  
16 section."

17 **SECTION 2.** The title of Chapter 144 of the General Statutes reads as  
18 rewritten:

19 **"STATE FLAG, AMERICAN FLAG, ~~MOTTO~~ MOTTO, AND COLORS."**

20 **SECTION 3.** This act is effective when it becomes law.