

1 19A NCAC 03D .0219 is proposed for amendment as follows:

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3 **19A NCAC 03D .0219 BUSINESS RECORDS**

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5 (a) All motor vehicle dealers, manufacturers, factory branches, distributors, distributor ~~branches~~ branches, and
6 wholesalers shall keep a record for ~~at least~~ four years of all vehicles manufactured, received, sold, ~~traded~~ traded, or
7 junked. In ~~addition~~ addition, a copy of any disclosure required by G.S. 20-71.4 received or given by the dealer ~~must~~
8 shall be retained for four years. An odometer disclosure form shall be retained for a period of five years as required
9 by G.S. 20-347.1.

10 (b) All motor vehicle dealers, manufacturers, factory branches, distributors, distributor ~~branches~~ branches, and
11 wholesalers shall keep for a period of four years the following additional records for each ~~vehicle~~ vehicle, ~~and~~
12 ~~mobile/modular~~ mobile home, or modular home manufactured, received, sold, ~~traded~~ traded, or junked:

- 13 (1) ~~Make~~ the make, body style, and vehicle identification number, and year ~~model~~: model;
- 14 (2) ~~Name~~ the name of ~~the~~ person, ~~firm~~ firm, or corporation from whom ~~acquired~~: acquired;
- 15 (3) ~~Date~~ the date the vehicle ~~was~~ purchased or ~~manufactured~~: manufactured;
- 16 (4) ~~Name~~ the name of person, ~~firm~~ firm, or corporation to whom ~~the vehicle was~~ sold or traded. If ~~the~~
17 vehicle ~~was~~ junked, the date, and the name and address of the person, firm firm, or corporation to
18 whom the frame, motor the motor, and the body sold: were sold;
- 19 (5) ~~Date~~ the date the vehicle ~~was~~ sold or ~~traded~~: traded;
- 20 (6) ~~Copy of bill of sale (written statement)~~: the copy of the written bill of sale; and
- 21 (7) ~~The~~ the North Carolina oversize single trip or annual permit number issued pursuant to G.S. 20-
22 119 that authorizes authorizing movement of the ~~mobile/modular unit~~, mobile home or modular
23 home, serial number or vehicle identification number of the ~~mobile/modular unit~~, mobile home or
24 modular home, the date of move, transporter, and name and address of purchaser.

25 (c) All records required to be maintained in Paragraphs (a) and (b) shall be kept and maintained for every vehicle
26 purchased or sold and shall be kept so as to be ~~readily~~ available for inspection upon demand from an authorized
27 agent of the North Carolina Division of Motor Vehicles. ~~Vehicles in order that the ownership of any vehicle~~
28 ~~purchased or sold can be traced~~. All records that are required to be maintained by this Rule shall be either original or
29 electronic records as defined by this Rule.

30 (d) For the purpose of this Rule, an "original record" is the writing or recording itself or any non-electronic duplicate
31 intended to have the same effect by a person executing or issuing it. An "original" of a photograph includes the
32 negative or any print therefrom.

33 (e) For the purpose of this Rule, an "electronic record" is a duplicate produced by electronic re-recording or by
34 equivalent techniques, such as imaging or image processing, that reproduce the original record. If only electronic
35 records are maintained, the following requirements shall be met:

1 (1) Upon demand by the Division, the person(s) in possession of the demanded electronic records may
2 produce the records in either reproduced paper or electronic copies. All records shall be produced
3 in a readable format and identified by title.

4 (2) Any person(s) producing electronic records to the Division shall verify that the records being
5 produced to the Division consist of all information contained in the original records.

6 ~~(d) Manufacturer's Certificates of Origin and title for all vehicles owned by a motor vehicle dealer, manufacturer,~~
7 ~~factory branch, distributor, distributor branch or wholesaler must be immediately available to assign to the~~
8 ~~purchaser.~~

9 ~~(e) Retail installment sales must be made in accordance with G.S. 20-303. Cash sales may be made by proper~~
10 ~~endorsement and delivery of the title to the purchaser and any other receipt that the purchaser and seller agree upon.~~

11 ~~(f) Pursuant to 16 CFR 455.2 a dealer shall not willfully remove the "Monroney Label" or sticker from a new~~
12 ~~automobile that is displayed for sale. The "Monroney Label" must be affixed to the new automobile at the time of~~
13 ~~sale to the ultimate purchaser. "Ultimate Purchaser" means the first person, other than a dealer purchasing in his~~
14 ~~capacity as a dealer, who in good faith purchases a new automobile for purposes other than a resale.~~

15 ~~(g) Pursuant to 15 USC Sec. 1231 every dealer offering used cars for sale shall post buyers guides with warranty~~
16 ~~information as required by the Federal Trade Commission and same shall be displayed at the time of sale.~~

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18 *History Note: Authority G.S. 20-1; 20-52; 20-71.4; 20-75; 20-79(a) and (b); ~~20-82~~; 20-286(6) and (15); 20-297;*
19 *20-302; 20-303; 20-347;*
20 *Eff. June 1, 1988;*
21 *Amended Eff. January 1, 1994; October 1, 1991; October 1, 1989;*
22 *Filed as a Temporary Rule Eff. October 1, 2000;*
23 *Amended Eff. June 1, 2017; ~~August 1, 2002~~; ~~2002~~.*