

1 19A NCAC 03D .0226 is proposed for amendment without substantive changes as follows:

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3 **19A NCAC 03D .0226 VEHICLES OFFERED FOR SALE ON CONSIGNMENT**
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5 (a) Any dealer offering a vehicle for sale that is on consignment from a manufacturer, distributor, factory branch,
6 distributor branch, ~~wholesaler,~~ wholesaler, or individual shall have in his possession a consignment contract for each
7 vehicle, executed by both parties.

8 (b) The consignment contract shall consist of the following:

9 (1) The effective dates of the contract.

10 (2) The ~~complete name,~~ first, middle and last name, address, and the telephone number, if available, of
11 the owner.

12 (3) A ~~complete~~ description of the vehicle on consignment, including the make, model, body style, year,
13 and vehicle identification number.

14 (4) The listing charges.

15 (5) The percentage of commission or the amount of the commission the dealer is to get if the vehicle is
16 sold.

17 (6) The right of the dealer to receive the agreed upon commission, if vehicle is sold after the termination
18 of the agreement and as a result of the dealer's effort, which shall not exceed 30 days.

19 (c) Any dealer offering a vehicle for sale on consignment ~~must~~ shall tell the prospective customer that the vehicle is
20 on consignment unless the dealer is going to take ownership of the vehicle by completing a re-assignment on the title
21 documents. Any dealer selling a vehicle on consignment from a wholesaler ~~must~~ shall take ownership of that vehicle
22 prior to its retail sale.

23 (d) Dealer plates ~~cannot~~ shall not be used to demonstrate a vehicle on consignment. However, the consignor's
24 (owner's) The consignee's plate may be used so long as the vehicle registration is active and if liability insurance is in
25 effect.

26 (e) In addition to a consignment contract, the dealer shall ~~have in his possession~~ keep on file an equipment listing of
27 the vehicle, consisting of, but not limited to, the following:

28 (1) Owners name and address.

29 (2) ~~Complete~~ A description of the vehicle which shall include the year, make, model, body style, color,
30 odometer reading, ~~special or extra~~ additional equipment, and the disclosure of known defects.

31 (f) The ownership documents of any vehicle on consignment ~~must~~ shall be made available by the dealer to any
32 ~~authorized agent of the~~ North Carolina Division of Motor Vehicles employee on request. ~~The ownership documents~~
33 ~~must be readily available from the owner.~~

34 (g) The owner ~~must~~ shall execute the ownership documents and deliver them to the purchaser at the time the vehicle
35 is delivered.

36 ~~(h) The vehicle must display a current safety inspection certificate.~~
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1 *History Note: Authority G.S. 20-302;*
2 *Eff. June 1, 1988;*
3 *Amended Eff. January 1, 1994; October 1, 1991;*
4 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September*
5 *22, ~~2018-2018~~;*
6 *Readopted Eff. ____ 2021.*
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