

1 19A NCAC 03D .0219 is adopted with changes as published in 31:17 NCR 1754 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~~ all disclosure required by G.S. 20-71.4 received or given by the dealer
8 ~~must shall~~ be retained for four years. An odometer disclosure form shall be retained for a period of five years as
9 required 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,]~~ date and the name and address of the person, firm firm, or corporation
18 to 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. 20-119
22 that authorizes ~~authorizing~~ movement of the ~~mobile/modular unit~~ mobile home or modular home,
23 serial number or vehicle identification number of the ~~mobile/modular unit~~ mobile home or modular
24 home, the date of the move, transporter, and name and address of the 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]~~ request from an
27 authorized 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 required to be maintained shall be either original or electronic records.

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

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 an electronic
35 record is ~~[records are]~~ maintained, the following requirements shall be met:

- 36 (1) Upon ~~[demand]~~ request by the Division, the ~~[person(s)]~~ person in possession of the ~~[demanded]~~
37 requested electronic records may produce the records in either reproduced paper or electronic

1 copies. ~~[All records shall be made available for inspection in a readable format and identified by~~
2 ~~title.] [Record request types described as:] Records shall be made available for inspection in a~~
3 ~~readable format and identified by title. Record requests shall be responded to as follows:~~

4 (a) ~~[immediate requests are records inspections performed by the Division in accordance with~~
5 ~~G.S. 20-297(b), audits per G.S. 20-285 or investigations of illegal activity.] Records to be~~
6 ~~inspected by the Division in accordance with G.S. 20-297(b), audits per G.S. 20-285, or~~
7 ~~investigations of illegal activity shall be provided immediately upon request.~~

8 (b) ~~all other requests for records [may] shall be filled within the same business day.~~

9 (2) ~~Any [person(s)] person producing electronic records to the Division shall verify that the records~~
10 ~~being produced to the Division consist of all information contained in the original records.~~

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

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

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

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

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22 *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;*
23 *20-302; 20-303; 20-347;*

24 *Eff. June 1, 1988;*

25 *Amended Eff. January 1, 1994; October 1, 1991; October 1, 1989;*

26 *Filed as a Temporary Rule Eff. October 1, 2000;*

27 *Amended Eff. May 1, 2018; ~~August 1, 2002; 2002.~~*
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1 19A NCAC 03D .0237 is adopted with changes as published in 31:17 NCR 1754 as follows:
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3 **19A NCAC 03D .0237 VEHICLE RECORDS AND REQUIRED DISCLOSURES**
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5 (a) Manufacturer's Certificates of Origin and title for all vehicles owned by a motor vehicle dealer, manufacturer,
6 factory branch, distributor, distributor branch, or wholesaler shall be available to assign to the purchaser ~~at the time of~~
7 ~~purchase.~~ consistent with the provisions of G.S. 20-72 and other applicable laws.

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

10 (c) A dealer shall not willfully remove any label or sticker required by 15 USC § 1232 from a new automobile that is
11 displayed for sale. Any label or sticker required by 15 USC § 1232 shall be affixed to the new automobile at the time
12 of sale to the ultimate purchaser. "Ultimate Purchaser" means, with respect to any new automobile, the first person,
13 other than a dealer purchasing in his or her capacity as a dealer, who **in good faith** purchases such new automobile for
14 purposes other than resale.

15 (d) Every dealer offering used vehicles for sale shall post a "Buyers Guide" that complies with 16 CFR 455.2 on all
16 used vehicles offered for sale and shall display the same on the vehicle at the time of sale.

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18 *History Note: Authority G.S. 20-39; 20-79.1;*

19 *Eff. May 1, 2018*
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