

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 1295

Short Title: New Motor Vehicles Warranties. (Public)

Sponsors: Representatives Harrison, Weiss, Martin, Luebke (Primary Sponsors);
Bordsen, Coleman, Fisher, Glazier, Insko, Jones, and Pierce.

Referred to: Transportation.

April 19, 2005

A BILL TO BE ENTITLED

1 AN ACT TO CLARIFY THE MAXIMUM WEIGHT OF A MOTOR VEHICLE THAT
2 IS SUBJECT TO THE NEW MOTOR VEHICLES WARRANTIES ACT AND TO
3 PROMOTE THE EXPEDITIOUS SETTLEMENT OF CLAIMS WHEN THE
4 CONSUMER REQUESTS THE MANUFACTURER TO REPURCHASE THE
5 MOTOR VEHICLE.
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7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 20-351.1(3) reads as rewritten:

9 "(3) 'Motor vehicle' includes a motor vehicle as defined in G.S. 20-4.01
10 ~~which~~ that is sold or leased in this State, but does not include 'house
11 trailer' as defined in G.S. 20-4.01 or any motor vehicle ~~with a gross~~
12 ~~vehicle weight of~~ that weighs more than 10,000 pounds or
13 ~~more pounds.~~"

14 **SECTION 2.** G.S. 20-351.1(c) reads as rewritten:

15 "(c) Refunds shall be made to the consumer, ~~lessor-lessee~~, and any lienholders as
16 their interests may appear. The refund to the consumer shall be reduced by a reasonable
17 allowance for the consumer's use of the vehicle. A reasonable allowance for use is that
18 amount directly attributable to use by the consumer prior to his first report of the
19 nonconformity to the manufacturer, its agent, or its authorized ~~dealer, and during any~~
20 ~~subsequent period when the vehicle is not out of service because of repair dealer.~~
21 'Reasonable allowance' is presumed to be the cash price or the lease price, as the case
22 may be, of the vehicle multiplied by a fraction having as its denominator 100,000 miles
23 and its numerator the number of miles attributed to the consumer."

24 **SECTION 3.** This act is effective when it becomes law and applies to any
25 contracts entered into on or after that date.