

**19A NCAC 03D .0226 VEHICLES OFFERED FOR SALE ON CONSIGNMENT**

- (a) Any dealer offering a vehicle for sale that is on consignment from a manufacturer, distributor, factory branch, distributor branch, wholesaler, or individual shall have in his possession a consignment contract for each vehicle, executed by both parties.
- (b) The consignment contract shall consist of the following:
- (1) the effective dates of the contract;
  - (2) the first, middle and last name, address, and the telephone number, if available, of the owner;
  - (3) the description of the vehicle on consignment, including the make, model, body style, year, and vehicle identification number;
  - (4) the listing charges;
  - (5) the percentage of commission or the amount of the commission the dealer is to get if the vehicle is sold; and
  - (6) the right of the dealer to receive the agreed upon commission, if the vehicle is sold after the termination of the agreement and as a result of the dealer's effort, which shall not exceed 30 days.
- (c) Any dealer offering a vehicle for sale on consignment shall tell the prospective customer that the vehicle is on consignment unless the dealer is going to take ownership of the vehicle by completing a re-assignment on the title documents. Any dealer selling a vehicle on consignment from a wholesaler shall take ownership of that vehicle prior to its retail sale.
- (d) Dealer plates shall not be used to demonstrate a vehicle on consignment. However, the consignor's (owner's) plate may be used so long as the vehicle registration is active and liability insurance is in effect.
- (e) In addition to a consignment contract, the dealer shall keep on file an equipment listing of the vehicle, consisting of, but not limited to, the following:
- (1) owners name and address; and
  - (2) a description of the vehicle which shall include the year, make, model, body style, color, odometer reading, additional equipment, and the disclosure of known defects.
- (f) The ownership documents of any vehicle on consignment shall be made available by the dealer to any North Carolina Division of Motor Vehicles employee on request.
- (g) The owner shall execute the ownership documents and deliver them to the purchaser at the time the vehicle is delivered.

*History Note: Authority G.S. 20-79(d); 20-302;  
Eff. June 1, 1988;  
Amended Eff. January 1, 1994; October 1, 1991;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018;  
Amended Eff. September 1, 2021.*