

# ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 184

AMENDMENT NO. A2  
(to be filled in by  
Principal Clerk)

H184-ARQ-33 [v.2]

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Amends Title [YES]  
Fourth Edition

Date \_\_\_\_\_, 2015

Senator Apodaca

1 moves to amend the bill on page 1, lines 8-11 by rewriting the lines to read:

2  
3 "A TIME LIMITATION ON CONFIDENTIALITY OF RECORDS; TO CLARIFY THAT  
4 PHOTOGRAPHS AND VIDEO RECORDINGS OF DERELICT VESSELS OR  
5 SHIPWRECKS ARE PUBLIC RECORDS WHEN IN THE CUSTODY OF NORTH  
6 CAROLINA AGENCIES; AND TO PROVIDE THAT CERTAIN MERCHANDISE  
7 CREDITS ARE NOT DEEMED ABANDONED PROPERTY.";

8  
9 And on page 6, lines 38-39 by inserting the following between those lines:

10  
11 "SECTION 4.5.(a) G.S. 116B-54 reads as rewritten:

12 "§ 116B-54. Exclusion for forfeited reservation deposits, certain gift certificates or  
13 electronic gift cards, prepaid calling cards, certain manufactured home buyer  
14 deposits, and ~~certain credit balances.~~certain credit balances, unclaimed lottery  
15 prizes, and certain merchandise credits.

16 (a) A forfeited reservation deposit is not abandoned property. For the purposes of this  
17 section, the term "reservation deposit" means an amount of money paid to a business  
18 association to guarantee that the business association holds a specific service, such as a room  
19 accommodation at a hotel, seating at a restaurant, or an appointment with a doctor, for a  
20 specified date and place. The term "reservation deposit" does not include an application fee, a  
21 utility deposit, or a deposit made toward the purchase of real property.

22 (b) A gift certificate or electronic gift card is not abandoned property when the gift  
23 certificate or electronic gift card:

- 24 (1) Conspicuously states that the gift certificate or electronic gift card does not  
25 expire;
- 26 (2) Bears no expiration date; or
- 27 (3) States that a date of expiration printed on the gift certificate or electronic gift  
28 card is not applicable in North Carolina.

29 (c) A prepaid calling card issued by a public utility as defined in G.S. 62-3(23)a.6. is  
30 not abandoned property.

31 (d) A buyer deposit that a dealer is authorized to retain under either G.S. 143-143.21A  
32 or G.S. 143-143.21B is not abandoned property and is not subject to this Article.



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1 (e) Credit balances as shown on the records of a business association to or for the  
2 benefit of another business association, shall not constitute abandoned property. For purposes  
3 of this section, the term "credit balances" means items such as overpayments or underpayments  
4 on the sale of goods or services.

5 (f) A lottery prize that remains unclaimed after the period set by the North Carolina  
6 State Lottery Commission for claiming those prizes shall not constitute abandoned property.

7 (g) A card or certificate, whether paper, electronic or other format, issued for a  
8 merchandise credit that meets the requirements of subsection (b) of this section is not  
9 abandoned property under G.S. 116B-53(c)(7)."

10 **SECTION 4.5.(b)** This section becomes effective July 1, 2012, and applies to  
11 merchandise credits issued on or after July 1, 2012. This section shall not be construed to  
12 affect the interpretation of any statute that is the subject of pending litigation or future litigation  
13 based on merchandise credits issued prior to the effective date of this section."  
14  
15  
16  
17  
18

SIGNED \_\_\_\_\_  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_

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and vote information, is available in the  
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