

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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**SENATE BILL 680
Judiciary II Committee Substitute Adopted 4/25/01
Finance Committee Substitute Adopted 6/26/01
Fourth Edition Engrossed 6/27/01
House Committee Substitute Favorable 8/1/01**

Short Title: Lawful Firearm Activities Protected.

(Public)

Sponsors:

Referred to:

March 26, 2001

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE THAT ONLY THE STATE MAY BRING CERTAIN CIVIL
2 ACTIONS AGAINST FIREARMS OR AMMUNITION MARKETERS,
3 MANUFACTURERS, DISTRIBUTORS, DEALERS, SELLERS, OR TRADE
4 ASSOCIATIONS AND TO AMEND THE LAW REGARDING CONCEALED
5 HANDGUN PERMIT FEES.
6

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 14-409.40 reads as rewritten:

9 **"§ 14-409.40. Statewide uniformity of local regulation.**

10 (a) It is declared by the General Assembly that the regulation of firearms is
11 properly an issue of general, statewide concern, and that the entire field of regulation of
12 firearms is preempted from regulation by local governments except as provided by this
13 section.

14 (b) Unless otherwise permitted by statute, no county or municipality, by
15 ordinance, resolution, or other enactment, shall regulate in any manner the possession,
16 ownership, storage, transfer, sale, purchase, licensing, or registration of firearms,
17 firearms ammunition, components of firearms, dealers in firearms, or dealers in
18 handgun components or parts.

19 (c) Notwithstanding subsection (b) of this section, a county or municipality, by
20 zoning or other ordinance, may regulate or prohibit the sale of firearms at a location
21 only if there is a lawful, general, similar regulation or prohibition of commercial
22 activities at that location. Nothing in this subsection shall restrict the right of a county or
23 municipality to adopt a general zoning plan that prohibits any commercial activity
24 within a fixed distance of a school or other educational institution except with a special
25 use permit issued for a commercial activity found not to pose a danger to the health,

1 safety, or general welfare of persons attending the school or educational institution
2 within the fixed distance.

3 (d) No county or municipality, by zoning or other ordinance, shall regulate in any
4 manner firearms shows with regulations more stringent than those applying to shows of
5 other types of items.

6 (e) A county or municipality may regulate the transport, carrying, or possession
7 of firearms by employees of the local unit of government in the course of their
8 employment with that local unit of government.

9 (f) Nothing contained in this section prohibits municipalities or counties from
10 application of their authority under G.S. 153A-129, 160A-189, 14-269, 14-269.2,
11 14-269.3, 14-269.4, 14-277.2, 14-415.11, 14-415.23, including prohibiting the
12 possession of firearms in public-owned buildings, on the grounds or parking areas of
13 those buildings, or in public parks or recreation areas, except nothing in this subsection
14 shall prohibit a person from storing a firearm within a motor vehicle while the vehicle is
15 on these grounds or areas. Nothing contained in this section prohibits municipalities or
16 counties from exercising powers provided by law in declared states of emergency under
17 Article 36A of this Chapter.

18 (g) The authority to bring suit and the right to recover against any firearms or
19 ammunition marketer, manufacturer, distributor, dealer, seller, or trade association by or
20 on behalf of any governmental unit, created by or pursuant to an act of the General
21 Assembly or the Constitution, or any department, agency, or authority thereof, for
22 damages, abatement, injunctive relief, or any other remedy resulting from or relating to
23 the lawful design, marketing, manufacture, distribution, sale, or transfer of firearms or
24 ammunition to the public is reserved exclusively to the State. Any action brought by the
25 State pursuant to this section shall be brought by the Attorney General on behalf of the
26 State. This section shall not prohibit a political subdivision or local governmental unit
27 from bringing an action against any firearms or ammunition marketer, manufacturer,
28 distributor, dealer, seller, or trade association for breach of contract or warranty for
29 defect of materials or workmanship as to firearms or ammunition purchased by the
30 political subdivision or local governmental unit."

31 **SECTION 2.** G.S. 14-415.19(a) reads as rewritten:

32 "(a) The permit fees assessed under this Article are payable to the sheriff. The
33 sheriff shall transmit the proceeds of these fees to the county finance officer to be
34 remitted or credited by the county finance officer in accordance with the provisions of
35 this subsection. The permit fees are as follows:

36	Application fee.....	\$80.00
37	Renewal fee.....	\$75.00
38	<u>Age 70 renewal fee</u>	<u>\$5.00</u>
39	Duplicate permit fee.....	\$15.00

40 ~~The~~ Except in the case of a renewal issued to an individual who is at least 70 years
41 of age, the county finance officer shall remit forty-five dollars (\$45.00) of each new
42 application fee and forty dollars (\$40.00) of each renewal fee to the North Carolina

1 Department of Justice for the costs of State and federal criminal record checks
2 performed in connection with processing applications and for the implementation of the
3 provisions of this Article. The remaining thirty-five dollars (\$35.00) of each application
4 or renewal fee shall be used by the sheriff to pay the costs of administering this Article
5 and for other law enforcement purposes. The county shall expend the restricted funds
6 for these purposes only."

7 **SECTION 3.** The provisions of this act are severable. If any provision of
8 this act is held invalid by a court of competent jurisdiction, the invalidity does not affect
9 other provisions of the act that can be given effect without the invalid provision.

10 **SECTION 4.** Section 1 of this act is effective when it becomes law and
11 applies to any action pending or filed on or after that date. Section 2 of this act becomes
12 effective December 1, 2001, and applies to fees assessed on or after that date. Sections 3
13 and 4 of this act are effective when they become law.