

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 829

Short Title: Display of American Flag. (Public)

Sponsors: Representatives Capps, Owens, Crawford, Langdon (Primary Sponsors);
Current, Almond, Barnhart, Blust, Brown, Cleveland, Culp, Frye,
Gillespie, Gulley, Hilton, Hollo, Holloway, Pate, Rayfield, Stam, Steen,
and Wiley.

Referred to: Judiciary I.

March 22, 2005

A BILL TO BE ENTITLED

AN ACT PERTAINING TO THE DISPLAY OF THE UNITED STATES FLAG.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 144 of the General Statutes is amended by adding a new section to read:

"§ 144-7. Display of the American flag; private restrictions.

No private restriction on the use of land shall be construed to regulate or prohibit the display of the flag of the United States, of a size no greater than four feet by six feet, which is displayed in accordance with the patriotic customs set forth in 4 U.S.C. §§ 5-10, as amended, governing the display and use of the flag of the United States unless:

(1) For restrictions registered prior to October 1, 2005, the restriction specifically uses the following terms:

- a. Flag of the United States of America;
- b. American flag; or
- c. United States flag.

(2) For restrictions registered on or after October 1, 2005, the restriction shall be written on the first page of the instrument or conveyance in print that is in boldface type, capital letters, and no smaller than the largest print used elsewhere in the instrument or conveyance. The restriction shall be construed to regulate or prohibit the display of the United States flag only if the restriction specifically states: **'THIS DOCUMENT REGULATES OR PROHIBITS THE DISPLAY OF THE FLAG OF THE UNITED STATES OF AMERICA'**.

1 This section shall apply to owners of property who display the flag of the United
2 States on their property and does not apply to common areas, easements, rights-of-way,
3 or other areas owned by others.

4 **SECTION 2.** Chapter 144 of the General Statutes is amended by adding a
5 new section to read:

6 **"§ 144-7.1. Display of the American flag; public restrictions.**

7 (a) A unit of local government shall not prohibit the flag of the United States
8 from being flown or displayed if the flag is flown or displayed:

9 (1) In accordance with the patriotic customs set forth in 4 U.S.C. §§ 5-10,
10 as amended, governing the display and use of the flag of the United
11 States, and

12 (2) Upon private or public property with the consent of either the owner of
13 the property or of any person having lawful control of the property.

14 (b) Notwithstanding subsection (a) of this section, for the purpose of protecting
15 the public health, safety, and welfare, reasonable restrictions on flag size, number of
16 flags, location, and height of flagpoles are not prohibited provided that such restrictions
17 shall not discriminate against the flag in any manner."

18 **SECTION 3.** The title of Chapter 144 of the General Statutes reads as
19 rewritten:

20 **"State Flag, American Flag, ~~Motto~~ Motto, And Colors."**

21 **SECTION 4.** This act becomes effective October 1, 2005, but it applies to
22 the construction of instruments or ordinances adopted or registered prior to its effective
23 date.