

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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SENATE BILL 1136  
PROPOSED COMMITTEE SUBSTITUTE S1136-PCS75398-RW-82

Short Title: Regulate Towing From Private Lots.

(Public)

Sponsors:

Referred to:

May 17, 2010

A BILL TO BE ENTITLED

AN ACT TO STRENGTHEN THE REGULATION OF THE TOWING OF VEHICLES  
FROM PRIVATE LOTS IN CERTAIN COUNTIES AND CITIES, AS RECOMMENDED  
BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 20-219.2 reads as rewritten:

**"§ 20-219.2. Removal of unauthorized vehicles from private lots.**

(a) It shall be unlawful for any person other than the owner or lessee of a privately owned or leased parking space to park a motor or other vehicle in such private parking space without the express permission of the owner or lessee of such space; ~~provided, that such if the private parking lot be is~~ clearly designated as such by a sign no smaller than 24 inches by 24 inches prominently displayed at the entrance ~~thereto-thereto, displaying the name and phone number of the towing and storage company, and-and, if individually owned or leased,~~ the parking spaces within the lot ~~be-are~~ clearly marked by signs setting forth the name of each individual lessee or ~~owner, owner, a-A~~ vehicle parked in a privately owned parking space in violation of this section may be removed from such space upon the written request of the parking space owner or lessee to a place of storage and the registered owner of such motor vehicle shall become liable for removal and storage charges. Any person who removes a vehicle pursuant to this section shall not be held liable for damages for the removal of the vehicle to the owner, lienholder or other person legally entitled to the possession of the vehicle removed; however, any person who intentionally or negligently damages a vehicle in the removal of such vehicle, or intentionally or negligently inflicts injury upon any person in the removal of such vehicle, may be held liable for damages.

(a1) Any vehicle removed pursuant to this section shall not be transported for storage more than 15 miles from the place of removal.

(a2) Any person or company that tows or stores a vehicle subject to this section shall charge reasonable fees for the services rendered, and any fee charged shall not exceed the fee for other service calls the person or company provides for the same service, labor, and conditions.

(a3) Any person or company that tows or stores a vehicle subject to this section shall not require any person retrieving a vehicle to sign any waiver of rights or other similar document as a condition of the release of their vehicle, other than a form acknowledging release and receipt of the vehicle.



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1 (b) Any person violating any of the provisions of this section shall be guilty of a Class 3  
2 misdemeanor and upon conviction shall be only fined not more than ~~ten dollars (\$10.00)~~ one  
3 hundred dollars (\$100.00) in the discretion of the court.

4 (c) This section shall apply only to the Counties of Craven, Dare, Forsyth, Gaston,  
5 Guilford, Mecklenburg, New Hanover, Orange, Richmond, Robeson, Wake, Wilson and  
6 municipalities in those counties, and to the Cities of ~~Durham~~, Jacksonville, Charlotte and  
7 Fayetteville.

8 (d) The provisions of this section shall not be interpreted to preempt the authority of  
9 any county or municipality to enact ordinances regulating towing from private lots, as  
10 authorized by general law."

11 **SECTION 2.** G.S. 7A-292 is amended by adding a new subdivision to read:  
12 **"§ 7A-292. Additional powers of magistrates.**

13 In addition to the jurisdiction and powers assigned in this Chapter to the magistrate in civil  
14 and criminal actions, each magistrate has the following additional powers:

15 ...

16 (17) To determine if a violation of G.S. 20-219.2(a2) has occurred."

17 **SECTION 3.** This act becomes effective October 1, 2010, and applies to vehicles  
18 towed on or after that date.