

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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SENATE BILL 1136  
Transportation Committee Substitute Adopted 6/9/10  
PROPOSED COMMITTEE SUBSTITUTE S1136-PCS85378-RW-93

Short Title: Regulate Towing From Private Lots.

(Public)

Sponsors:

Referred to:

May 17, 2010

1 A BILL TO BE ENTITLED  
2 AN ACT TO STRENGTHEN THE REGULATION OF THE TOWING OF VEHICLES  
3 FROM PRIVATE LOTS IN CERTAIN COUNTIES AND CITIES, AS RECOMMENDED  
4 BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

5 The General Assembly of North Carolina enacts:

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

7 "§ 20-219.2. **Removal of unauthorized vehicles from private lots.**

8 (a) It shall be unlawful for any person other than the owner or lessee of a privately  
9 owned or leased parking space to park a motor or other vehicle in such private parking space  
10 without the express permission of the owner or lessee of such ~~spacespace~~; ~~provided, that such if~~  
11 the private parking lot be-is clearly designated as such by a sign no smaller than 24 inches by  
12 24 inches prominently displayed at the entrance ~~thereto~~-thereto, displaying the name and phone  
13 number of the towing and storage company, and-and, if individually owned or leased, the  
14 parking lot or spaces within the lot be-are clearly marked by signs setting forth the name of  
15 each individual lessee or ~~owner~~-owner. ~~a-A~~ vehicle parked in a privately owned parking space  
16 in violation of this section may be removed from such space upon the written request of the  
17 parking space owner or lessee to a place of storage and the registered owner of such motor  
18 vehicle shall become liable for removal and storage charges. Any person who removes a  
19 vehicle pursuant to this section shall not be held liable for damages for the removal of the  
20 vehicle to the owner, lienholder or other person legally entitled to the possession of the vehicle  
21 removed; however, any person who intentionally or negligently damages a vehicle in the  
22 removal of such vehicle, or intentionally or negligently inflicts injury upon any person in the  
23 removal of such vehicle, may be held liable for damages.

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

26 (a2) Any person who tows or stores a vehicle subject to this section shall inform the  
27 owner in writing at the time of retrieval of the vehicle that the owner has the right to pay the  
28 amount of the lien asserted, request immediate possession, and contest the lien for towing  
29 charges pursuant to the provisions of G.S. 44A-4.

30 (a3) Any person who tows or stores a vehicle subject to this section shall not require any  
31 person retrieving a vehicle to sign any waiver of rights or other similar document as a condition  
32 of the release of the person's vehicle, other than a form acknowledging the release and receipt  
33 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~~ an infraction and upon conviction shall be only ~~fin~~ penalized not more than ~~ten~~  
3 ~~dollars (\$10.00)~~ one hundred dollars (\$100.00) in the discretion of the court.

4 (c) This section shall apply only to the Counties of Craven, Cumberland, Dare, Forsyth,  
5 Gaston, Guilford, Mecklenburg, New Hanover, Orange, Richmond, Robeson, Wake, Wilson  
6 and 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.** This act becomes effective October 1, 2010, and applies to vehicles  
12 towed on or after that date.