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SENATE BILL 1136
Transportation Committee Substitute Adopted 6/9/10
House Committee Substitute Favorable 6/30/10
PROPOSED HOUSE COMMITTEE SUBSTITUTE S1136-PCS35485-LA-41

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 space~~space; 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)   If any vehicle is removed pursuant to this section and there is a place of storage
25 within 15 miles, the vehicle shall not be transported for storage more than 15 miles from the
26 place of removal. For all other vehicles, the vehicle shall not be transported for storage more
27 than 25 miles from the place of removal.
28   (a2)   Any person who tows or stores a vehicle subject to this section shall inform the
29 owner in writing at the time of retrieval of the vehicle that the owner has the right to pay the
30 amount of the lien asserted, request immediate possession, and contest the lien for towing
31 charges pursuant to the provisions of G.S. 44A-4.

1   (a3)   Any person who tows or stores a vehicle subject to this section shall not require any
2   person retrieving a vehicle to sign any waiver of rights or other similar document as a condition
3   of the release of the person's vehicle, other than a form acknowledging the release and receipt
4   of the vehicle.
5   (b)   Any person violating any of the provisions of this section shall be guilty of a Class 3
6   misdemeanor an infraction and upon conviction shall be only fined penalized not more than ten
7   dollars ($10.00) one hundred dollars ($100.00) in the discretion of the court.
8   (c)   This section shall apply only to the Counties of Craven, Cumberland, Dare, Forsyth,
9   Gaston, Guilford, Mecklenburg, New Hanover, Orange, Richmond, Robeson, Wake, Wilson
10 and municipalities in those counties, and to the Cities of Durham, Jacksonville, Charlotte and
11 Fayetteville.
12   (d)   The provisions of this section shall not be interpreted to preempt the authority of
13 any county or municipality to enact ordinances regulating towing from private lots, as
14 authorized by general law."
15   **SECTION 2.** This act becomes effective October 1, 2010, and applies to vehicles
16 towed on or after that date.