

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H

D

HOUSE BILL 626
Committee Substitute Favorable 5/13/13
PROPOSED SENATE COMMITTEE SUBSTITUTE H626-PCS70457-RW-66

Short Title: Notify Law Enforcement of Towed Vehicles.

(Public)

Sponsors:

Referred to:

April 10, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO PROMPTLY NOTIFY LOCAL LAW ENFORCEMENT AGENCIES OF
3 CERTAIN INFORMATION ABOUT VEHICLES THAT HAVE BEEN TOWED AT THE
4 DIRECTION OF A PERSON OTHER THAN THE OWNER OR OPERATOR OF THE
5 VEHICLE.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Chapter 20 of the General Statutes is amended by adding a new
8 Article to read:

9 "Article 7A.

10 "Notification of Towing.

11 "**§ 20-219.20. Requirement to give notice of vehicle towing.**

12 (a) Whenever a vehicle is towed at the request of a person other than the owner or
13 operator of the vehicle, the tower shall provide the following information to the local law
14 enforcement agency having jurisdiction through calling the 10-digit telephone number
15 designated by the local law enforcement agency having jurisdiction prior to moving the
16 vehicle:

17 (1) A description of the vehicle.

18 (2) The place from which the vehicle was towed.

19 (3) The place where the vehicle will be stored.

20 (4) The contact information for the person from whom the vehicle owner may
21 retrieve the vehicle.

22 If the vehicle is impeding the flow of traffic or otherwise jeopardizing the public welfare so that
23 immediate towing is necessary, the notice to the local law enforcement agency having
24 jurisdiction may be provided by a tower within 30 minutes of moving the vehicle rather than
25 prior to moving the vehicle. If a caller to a local law enforcement agency having jurisdiction
26 can provide the information required under subdivisions (1) and (2) of this subsection, then a
27 local law enforcement agency having jurisdiction shall provide to the caller the information
28 provided under subdivisions (3) and (4) of this subsection. The local law enforcement agency
29 having jurisdiction shall preserve the information required under this subsection for a period of
30 not less than 30 days from the date on which the tower provided the information to the local
31 law enforcement agency having jurisdiction.

32 (b) This section shall not apply to vehicles that are towed at the direction of a law
33 enforcement officer or to vehicles removed from a private lot where signs are posted in
34 accordance with G.S. 20-219.2(a).



* H 6 2 6 - P C S 7 0 4 5 7 - R W - 6 6 *

1 (c) Violation of this section shall constitute an infraction subject to a penalty of not
2 more than one hundred dollars (\$100.00)."

3 **SECTION 2.** G.S. 20-219.2 reads as rewritten:

4 "**§ 20-219.2. Removal of unauthorized vehicles from private lots.**

5 (a) It shall be unlawful for any person other than the owner or lessee of a privately
6 owned or leased parking space to park a motor or other vehicle in such private parking space
7 without the express permission of the owner or lessee of such space if the private parking lot is
8 clearly designated as such by ~~a sign~~ legible signs no smaller than 24 inches by 24 inches
9 prominently displayed at ~~the entrance~~ all entrances thereto, displaying the current name and
10 current phone number of the towing and storage company, and, if individually owned or leased,
11 the parking lot or spaces within the lot are clearly marked by signs setting forth the name of
12 each individual lessee or owner. A vehicle parked in a privately owned parking space in
13 violation of this section may be removed from such space upon the written request of the
14 parking space owner or lessee to a place of storage and the registered owner of such motor
15 vehicle shall become liable for removal and storage charges. Any person who removes a
16 vehicle pursuant to this section shall not be held liable for damages for the removal of the
17 vehicle to the owner, lienholder or other person legally entitled to the possession of the vehicle
18 removed; however, any person who intentionally or negligently damages a vehicle in the
19 removal of such vehicle, or intentionally or negligently inflicts injury upon any person in the
20 removal of such vehicle, may be held liable for damages. The provisions of this section shall
21 not apply until 72 hours after the required signs are posted.

22 (a1) If any vehicle is removed pursuant to this section and there is a place of storage
23 within 15 miles, the vehicle shall not be transported for storage more than 15 miles from the
24 place of removal. For all other vehicles, the vehicle shall not be transported for storage more
25 than 25 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.

34 (b) Any person violating any of the provisions of this section shall be guilty of an
35 infraction and upon conviction shall be only penalized not more than one hundred dollars
36 (\$100.00) in the discretion of the court.

37 (c) This section shall apply only to the Counties of Craven, Cumberland, Dare, Forsyth,
38 Gaston, Guilford, Mecklenburg, New Hanover, Orange, Richmond, Robeson, Wake, Wilson
39 and municipalities in those counties, and to the Cities of Durham, Jacksonville, Charlotte and
40 Fayetteville.

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

44 **SECTION 3.** This act becomes effective December 1, 2013, and applies to
45 violations committed on or after that date.