

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H.B. 308
Mar 9, 2017
HOUSE PRINCIPAL CLERK

H

D

HOUSE BILL DRH30127-ML-90 (02/14)

Short Title: No Insurance While Driving/Tow Vehicle. (Public)

Sponsors: Representatives Cleveland, Clampitt, Collins, and Millis (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE THE TOWING AND STORAGE OF A VEHICLE BEING OPERATED
3 BY A DRIVER WHO IS CHARGED WITH FAILING TO MAINTAIN FINANCIAL
4 RESPONSIBILITY.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 20-313 reads as rewritten:

7 "§ 20-313. Operation of motor vehicle without financial responsibility a misdemeanor.

8 (a) Punishment. – On or after July 1, 1963, any owner of a motor vehicle registered or
9 required to be registered in this State who shall operate or permit such motor vehicle to be
10 operated in this State without having in full force and effect the financial responsibility required
11 by this Article shall be guilty of a Class 3 misdemeanor.

12 (b) Evidence. – Evidence that the owner of a motor vehicle registered or required to be
13 registered in this State has operated or permitted such motor vehicle to be operated in this State,
14 coupled with proof of records of the Division of Motor Vehicles indicating that the owner did not
15 have financial responsibility applicable to the operation of the motor vehicle in the manner
16 certified by him for purposes of G.S. 20-309, shall be prima facie evidence that such owner did at
17 the time and place alleged operate or permit such motor vehicle to be operated without having in
18 full force and effect the financial responsibility required by the provisions of this Article.

19 (c) Towing and Storage. – At the time a person is charged with a violation of subsection
20 (a) of this section, the charging law enforcement officer shall have the vehicle driven by the
21 person towed and stored. A person in custody of a vehicle towed and stored pursuant to this
22 subsection may charge a reasonable fee for storage not to exceed ten dollars (\$10.00) per calendar
23 day. A person in custody of a vehicle towed and stored pursuant to this subsection shall release the
24 vehicle to its owner when both of the following conditions are met:

25 (1) The owner presents proof of financial responsibility required by this Article
26 covering the vehicle for a period of at least six months to the charging law
27 enforcement agency. The charging law enforcement agency shall present the
28 owner with documentation acknowledging that the owner has complied with
29 the requirement set forth in this subdivision.

30 (2) The owner submits to the person in custody of the vehicle (i) the documentation
31 provided by the charging law enforcement agency pursuant to subdivision (1)
32 of this subsection and (ii) payment in full of any towing and storage costs.

33 (d) Failure of Owner to Obtain Release. – Notwithstanding G.S. 44A-2(d), if the owner of
34 a motor vehicle towed and stored pursuant to subsection (c) of this section does not obtain release
35 of the vehicle within 90 days from the date the vehicle was towed and stored, the person in
36 custody of the motor vehicle has a mechanics' lien on the motor vehicle for the full amount of the



1 towing and storage costs incurred since the motor vehicle was towed and stored and may dispose
2 of the motor vehicle pursuant to Article 1 of Chapter 44A of the General Statutes.

3 (e) Construction. – If the person charged with a violation of subsection (a) of this section
4 is also charged with a violation of law arising out of the same transaction that requires seizure of
5 the vehicle, nothing in this section shall be construed to alter or supersede the law requiring
6 seizure of the vehicle."

7 **SECTION 2.** G.S. 44A-2(d) reads as rewritten:

8 "(d) Any person who repairs, services, tows, or stores motor vehicles in the ordinary course
9 of the person's business pursuant to an express or implied contract with an owner or legal
10 possessor of the motor vehicle, except for a motor vehicle seized pursuant to ~~G.S.~~
11 ~~20-28.3~~, G.S. 20-28.3 or towed and stored pursuant to G.S. 20-313, has a lien upon the motor
12 vehicle for reasonable charges for such repairs, servicing, towing, storing, or for the rental of one
13 or more substitute vehicles provided during the repair, servicing, or storage. This lien shall have
14 priority over perfected and unperfected security interests. Payment for towing and storing a motor
15 vehicle seized pursuant to G.S. 20-28.3 shall be as provided for in G.S. 20-28.2 through
16 G.S. 20-28.5. Payment for towing and storing a motor vehicle pursuant to G.S. 20-313 shall be as
17 provided in G.S. 20-313."

18 **SECTION 3.** This act becomes effective December 1, 2017, and applies to charges
19 filed on or after that date.