

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H.B. 341  
Mar 14, 2017  
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH30128-ML-91 (02/14)

Short Title: Unlicensed Driver/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 MOTOR VEHICLE BEING  
3 OPERATED BY A DRIVER CHARGED WITH AN UNLICENSED DRIVER VIOLATION.  
4 The General Assembly of North Carolina enacts:

5 SECTION 1. Article 2 of Chapter 20 of the General Statutes is amended by adding a  
6 new section to read:

7 **"§ 20-35.1. Towing and storage of vehicle for unlicensed driving.**

8 (a) Definitions. – The following definitions apply in this section:

9 (1) Innocent owner. – A motor vehicle owner who did not know and had no reason  
10 to know that the person charged did not have a valid drivers license.

11 (2) Unlicensed driver acknowledgement. – A written document acknowledging  
12 both of the following:

13 a. The motor vehicle was operated by a person charged with an unlicensed  
14 driver violation.

15 b. The motor vehicle owner has taken all reasonable precautions to prevent  
16 the use of the motor vehicle by the person charged and will immediately  
17 report, upon discovery, any unauthorized use to the appropriate law  
18 enforcement agency.

19 (3) Unlicensed driver violation. – A violation of any of the following:

20 a. G.S. 20-7(a) for failing to obtain a license before driving a motor  
21 vehicle.

22 b. G.S. 20-7(e) for failing to comply with drivers license restrictions.

23 c. G.S. 20-7(f) for operating a motor vehicle with an expired license.

24 (b) Towing and Storage. – At the time a person is charged with an unlicensed driver  
25 violation, the charging law enforcement officer shall have the vehicle driven by the person towed  
26 and stored, unless the person charged can contact a licensed driver while the charging law  
27 enforcement officer is present and the licensed driver can pick up the motor vehicle no later than  
28 one hour from the time the person charged initially contacted the licensed driver. A person in  
29 custody of a vehicle towed and stored pursuant to this subsection may charge a reasonable fee for  
30 storage not to exceed ten dollars (\$10.00) per calendar day.

31 (c) Release of Vehicle. – A person in custody of a vehicle towed and stored pursuant to  
32 subsection (b) of this section shall release the vehicle to its owner when both of the following  
33 conditions are met:

34 (1) The owner presents to the charging law enforcement agency (i) a valid drivers  
35 license and (ii) an unlicensed driver acknowledgment if the owner is an  
36 innocent owner. For an innocent owner, the charging law enforcement agency



1                   shall also confirm the identity of the person as the owner of the motor vehicle.  
2                   The charging law enforcement agency shall present the owner with  
3                   documentation certifying that the owner has complied with the requirements set  
4                   forth in this subdivision.

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

8           (d)       Failure of Owner to Obtain Release. – Notwithstanding G.S. 44A-2(d), if the owner of  
9                   a motor vehicle towed and stored pursuant to subsection (b) of this section does not obtain release  
10                  of the vehicle within 90 days from the date the vehicle was towed and stored, the person in  
11                  custody of the motor vehicle has a mechanics' lien on the motor vehicle for the full amount of the  
12                  towing and storage costs incurred since the motor vehicle was towed and stored and may dispose  
13                  of the motor vehicle pursuant to Article 1 of Chapter 44A of the General Statutes.

14           (e)       Construction. – If the person charged with an unlicensed driver violation is also  
15                  charged with a violation of law arising out of the same transaction that requires seizure of the  
16                  vehicle, nothing in this section shall be construed to alter or supersede the law requiring seizure of  
17                  the vehicle."

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

19           (d)       Any person who repairs, services, tows, or stores motor vehicles in the ordinary course  
20 of the person's business pursuant to an express or implied contract with an owner or legal  
21 possessor of the motor vehicle, except for a motor vehicle seized pursuant to ~~G.S.~~  
22 ~~20-28.3~~,G.S. 20-28.3 or towed and stored pursuant to G.S. 20-35.1, has a lien upon the motor  
23 vehicle for reasonable charges for such repairs, servicing, towing, storing, or for the rental of one  
24 or more substitute vehicles provided during the repair, servicing, or storage. This lien shall have  
25 priority over perfected and unperfected security interests. Payment for towing and storing a motor  
26 vehicle seized pursuant to G.S. 20-28.3 shall be as provided for in G.S. 20-28.2 through  
27 G.S. 20-28.5. Payment for towing and storing a motor vehicle pursuant to G.S. 20-35.1 shall be as  
28 provided in G.S. 20-35.1."

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