

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 1024
PROPOSED COMMITTEE SUBSTITUTE H1024-PCS40627-CNfa-7

Short Title: Nonconsensual Booting and Towing Reform.

(Public)

Sponsors:

Referred to:

May 7, 2024

1 A BILL TO BE ENTITLED
2 AN ACT REFORMING THE LAWS RELATED TO NONCONSENSUAL BOOTING AND
3 TOWING.

4 The General Assembly of North Carolina enacts:

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

7 "Article 7C.

8 "Nonconsensual Booting and Towing.

9 "§ 20-219.31. Definitions.

10 The following definitions apply in this Article:

- 11 (1) Reserved for future codification purposes.
12 (2) Reserved for future codification purposes.
13 (3) Boot. – To attach any device or instrument to a motor vehicle, without the
14 prior consent or authorization of the owner or operator of the motor vehicle,
15 for the purpose of preventing that motor vehicle from exiting a parking lot or
16 area on private property.
17 (4) Reserved for future codification purposes.
18 (5) Reserved for future codification purposes.
19 (6) Commission. – The Towing and Recovery Commission.
20 (7) Consensual towing business. – Any person or entity that engages in the towing
21 of motor vehicles from private property with the consent of the owner of the
22 motor vehicle.
23 (8) Reserved for future codification purposes.
24 (9) Reserved for future codification purposes.
25 (10) Nonconsensual tow. – Towing without the prior consent or authorization of
26 the owner or operator of the motor vehicle being towed.
27 (11) Nonconsensual towing business. – Any person or entity that engages in the
28 booting or towing of improperly parked motor vehicles from private property
29 without the consent of the owner of the motor vehicle.
30 (12) Private property. – Any parcel or space of private real property.
31 (13) Reserved for future codification purposes.
32 (14) Reserved for future codification purposes.
33 (15) Tow. – To use any motor vehicle to pull, load and carry, or otherwise to
34 transport another motor vehicle over a public highway or road, except that
35 transportation by a motor vehicle with a capacity of three or more vehicles



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1 shall not be included in the definition of tow, no matter how many vehicles
2 that vehicle is transporting at any given time.

3 **"§ 20-219.35. Limitation of Article.**

4 This Article does not apply to the towing of a vehicle pursuant to the direction of a law
5 enforcement officer or to any other towing subject to the provisions of Article 7A of Chapter 20
6 of the General Statutes.

7 **"§ 20-219.40. Towing and Recovery Commission.**

8 (a) Commission Established. – There is established the Towing and Recovery
9 Commission within the Department of Public Safety.

10 (b) Responsibilities. – The Commission shall have the following responsibilities:

11 (1) To issue permits to consensual towing businesses and nonconsensual towing
12 businesses in accordance with G.S. 20-219.50.

13 (2) To annually establish the maximum fees that a nonconsensual towing business
14 may charge for booting, towing, storage, and the handling of commercial
15 cargo. In establishing these fees, the Commission shall have the authority to
16 do the following:

17 a. The Commission may, in its discretion, create different maximum fees
18 for towing based on the type of vehicle towed.

19 b. The Commission shall consider regional variations in the cost of a
20 nonconsensual towing business.

21 c. The Commission may, in its discretion, divide the State into different
22 regions based on the cost of a nonconsensual towing business.

23 d. The Commission may, in its discretion, establish different maximum
24 fees for the different regions of the State.

25 (3) To create a standardized form for use by nonconsensual towing businesses to
26 itemize charges billed for booting, towing, storage, and the handling of
27 commercial cargo.

28 (4) To maintain a nonconsensual towing business database in accordance with
29 G.S. 20-219.55.

30 (5) To record reports from the public of suspected noncompliance with this
31 Article and any resolutions of those complaints in accordance with
32 G.S. 20-219.55.

33 (6) To otherwise administer the provisions of this Article.

34 (c) Annual Report. – Beginning with the 2026 calendar year, the Commission shall, by
35 February 15 each year, prepare and submit an annual report to the chairs of the Joint Legislative
36 Oversight Committee on Justice and Public Safety containing the following information:

37 (1) Reports from the public of suspected noncompliance with this Article.

38 (2) Any resolutions of reported noncompliance with this Article.

39 (3) The implementation of the nonconsensual towing business database.

40 (4) The number of permits issued pursuant to G.S. 20-219.50.

41 **"§ 20-219.45. Commission Membership and Meetings.**

42 (a) Membership. – The Commission shall consist of nine members who shall be
43 appointed as follows:

44 (1) The Secretary of the Department of Public Safety or the Secretary's designee.

45 (2) Three members by the General Assembly, upon the recommendation of the
46 Speaker of the House of Representatives:

47 a. One member of the Towing and Recovery Professionals Association
48 of North Carolina.

49 b. One member of the North Carolina Trucking Association.

50 c. One representative of local law enforcement.

- 1 (3) Three members by the General Assembly, upon the recommendation of the
2 President Pro Tempore of the Senate:
3 a. One member of the Towing and Recovery Professionals Association
4 of North Carolina.
5 b. One member of the North Carolina Trucking Association.
6 c. One representative of local law enforcement.
7 (4) Two members appointed by the Governor:
8 a. One member of a consumer advocacy organization.
9 b. One member of the North Carolina Bar Association.
10 (b) Terms of Office. – Appointments to the Commission shall be for three-year terms,
11 commencing January 1, 2025, except as follows:
12 (1) The following Commission members whose terms begin on January 1, 2025,
13 shall serve an initial term of one year:
14 a. The member of the Towing and Recovery Professionals Association
15 of North Carolina recommended by the Speaker of the House of
16 Representatives.
17 b. The member of the North Carolina Trucking Association
18 recommended by the President Pro Tempore of the Senate.
19 c. The member of a consumer advocacy group appointed by the
20 Governor.
21 (2) The following Commission members whose terms begin on January 1, 2025,
22 shall serve an initial term of two years:
23 a. The member of the North Carolina Trucking Association
24 recommended by the Speaker of the House of Representatives.
25 b. The representative of local law enforcement recommended by the
26 President Pro Tempore of the Senate.
27 c. The member of the North Carolina Bar Association appointed by the
28 Governor.
29 At the expiration of these initial terms, appointments shall be for three years and shall be
30 made by the appointing authorities designated in subsection (a) of this section.
31 (c) Chair; Meetings. – The Secretary of the Department of Public Safety or the Secretary's
32 designee shall serve as chair. The Commission members shall elect a vice-chair from the
33 membership of the Commission at its first meeting. The chair shall call the first meeting of the
34 Commission no later than April 1, 2025. The Commission shall meet at least twice annually at
35 times and places deemed necessary by the chair or, in the absence of the chair, by the vice-chair.
36 (d) Compensation. – Commission members shall not receive compensation but are
37 entitled to be paid necessary subsistence and travel expenses in accordance with G.S. 138-5 and
38 G.S. 138-6 as applicable.
39 (e) Vacancies. – If a vacancy occurs in the membership of the Commission, the chair of
40 the Commission shall appoint another person meeting the same qualifications to serve for the
41 balance of the unexpired term.
42 **"§ 20-219.50. Permits.**
43 (a) Every consensual towing business and nonconsensual towing business shall obtain a
44 permit from the Commission before operating in the State and shall renew the permit annually.
45 (b) The Commission shall collect a nonrefundable fee for a permit application or renewal
46 of a permit. The fee shall not exceed the total direct and indirect costs of administering the
47 permitting system and the database required by G.S. 20-219.55.
48 (c) The Commission shall prescribe the form of the application for a permit and renewal
49 of a permit. The initial application and renewal application shall require information sufficient
50 to confirm compliance with this Article.

1 (d) The Commission shall issue or renew a permit if (i) the application is complete and
2 (ii) the applicant demonstrates the willingness and ability to comply with the requirements of this
3 Article and other applicable laws. Appeals from the denial of an initial or renewed permit shall
4 be governed by the provisions of Chapter 150B of the General Statutes.

5 (e) Engaging in the practice of nonconsensual booting or towing without a valid permit
6 is an unfair trade practice under G.S. 75-1.1.

7 **"§ 20-219.55. Nonconsensual towing business database.**

8 (a) The Commission shall develop and maintain, or contract with a qualified vendor to
9 develop and maintain, a statewide database on its website that does all of the following:

10 (1) Allows any member of the public to report suspected noncompliance with this
11 Article. The Commission shall provide the Attorney General with these
12 reports.

13 (2) Allows the owner or operator of a booted or nonconsensually towed motor
14 vehicle to search the database by entering that vehicle's make, model, and
15 license plate number or vehicle identification number and access the
16 information inputted by a nonconsensual towing business pursuant to
17 subsection (c) of this section with respect to that motor vehicle.

18 (3) Allows nonconsensual towing businesses to securely log in to the database
19 and input the information required by subsection (c) of this section.

20 (b) The information contained in the database described in subsection (a) of this section
21 shall be publicly accessible only upon a person entering (i) the make of the vehicle, (ii) the model
22 of the vehicle, and (iii) either the vehicle's license plate number or vehicle identification number.
23 Upon entering the information specified in this subsection, the person shall be shown the location
24 to which the vehicle was towed, the hours of operation of the location to which the vehicle was
25 towed, the phone number of the nonconsensual towing business, and the amount the person must
26 pay to retrieve the vehicle. All other information contained in the database shall be confidential
27 and accessible only upon a proper request pursuant to Chapter 132 of the General Statutes.

28 (c) A nonconsensual towing business shall, within one hour of completing a booting or
29 nonconsensual towing of a vehicle, input all of the following information into the database
30 created pursuant to this section:

31 (1) The name of the nonconsensual towing business employee who booted or
32 towed the vehicle, and the nonconsensual towing business's permit number.

33 (2) The name of the nonconsensual towing business employee or owner who
34 authorized the booting or towing, if different from the person in subdivision
35 (1) of this subsection.

36 (3) The color, make, model, license plate number, and vehicle identification
37 number of the vehicle booted or towed, and any trailer connected to the vehicle
38 at any point during or after the tow.

39 (4) The reason for booting or towing the vehicle.

40 (5) The address of the location where the vehicle was booted or towed from, a
41 certification that the location complied with the signage requirements of
42 G.S. 20-219.60, and whether the nonconsensual towing business has any
43 contractual relationship with the location's owner or the owner's designated
44 representative.

45 (6) The address of the location where a towed vehicle is currently stored.

46 (7) The fees the nonconsensual towing business will charge the vehicle owner for
47 towing, storage, and personal property handling.

48 **"§ 20-219.60. Required signage for nonconsensual towing.**

49 (a) Private property owners shall prominently display signs at each designated entrance
50 to a parking lot or area where parking prohibitions apply. The posted signs shall be a minimum
51 of 24 inches by 24 inches and shall legibly display the following information:

- 1 (1) The words "Private Property" printed in bold.
2 (2) A warning that unauthorized vehicles will be booted or towed.
3 (3) The name, address, telephone number, and hours of operation of the
4 nonconsensual towing business the owner will use to boot or tow unauthorized
5 vehicles.
6 (4) The booting, towing, storage, and personal property handling fees imposed by
7 the nonconsensual towing business the owner will use to boot or tow
8 unauthorized vehicles.
9 (5) A notification that nonconsensual towing businesses must accept payment by
10 debit card, credit card, and cash.
11 (b) A vehicle shall not be booted or nonconsensually towed on private property that does
12 not, at the time of the booting or towing and for at least 24 hours prior, have signs posted in
13 compliance with this section.
14 (c) A private property owner shall remove or correct any sign displaying incorrect
15 information within 15 days of discovering the information is incorrect.
16 (d) A violation of this section is punishable as follows:
17 (1) A private property owner that violates this section shall be guilty of an
18 infraction. A court may order a private property owner to make restitution to
19 the owner or operator of the improperly booted or towed motor vehicle in an
20 amount equal to the fees incurred by the owner or operator for the booting,
21 towing, and storage of the motor vehicle.
22 (2) A nonconsensual tow truck driver that violates this section shall be guilty of
23 an infraction and subject to a penalty of not more than one hundred dollars
24 (\$100.00). A second violation under this subdivision within 12 months of the
25 first violation shall be punished as an infraction with a penalty of not more
26 than two hundred dollars (\$200.00). A third or subsequent violation under this
27 subdivision within 12 months of the first violation shall be punished as a Class
28 3 misdemeanor.
29 (e) This section does not apply to the owners of private residential property that consists
30 of four or fewer residential units.
31 **§ 20-219.65. Towing and booting practices.**
32 (a) Any motor vehicle removed from a parking lot or area on private property pursuant
33 to this Article shall not be transported for storage more than 25 miles from the place of removal.
34 This subsection shall not apply if there is no storage area within 25 miles from the place of
35 removal that is suitably sized to store the motor vehicle.
36 (b) No towing business shall boot, tow, or attempt to boot or tow an occupied vehicle.
37 (c) A commercial motor vehicle shall not be booted.
38 (d) A nonconsensual towing business shall not attempt to impede or block an occupied
39 vehicle that has not yet been booted from being removed from a parking lot by its owner or
40 operator.
41 (e) After booting a vehicle, a nonconsensual towing business shall affix a notice on the
42 driver's side windshield of the car in a manner that will not damage the vehicle. The notice shall
43 be brightly colored, a minimum of 8.5 inches by 11 inches, and legibly state all of the following:
44 (1) That the vehicle to which the notice is affixed has been booted and that driving
45 the vehicle may damage it.
46 (2) The name and address of the nonconsensual towing business that booted the
47 vehicle.
48 (3) Any fees the nonconsensual towing business will charge before releasing the
49 boot from the vehicle.
50 (f) Booting, towing, or storing a motor vehicle in violation of this section is an unfair and
51 deceptive trade practice under Chapter 75 of the General Statutes.

1 **"§ 20-219.70. Nonconsensual towing fees.**

2 (a) All fees charged by a nonconsensual towing business shall be reasonable and not
3 excessive and shall not exceed the maximums established by the Commission. A nonconsensual
4 towing business shall prepare and distribute bills using the standardized form described in
5 G.S. 20-219.40(b).

6 (b) A nonconsensual towing business shall not charge a fee for the storage or handling of
7 cargo contained in a trailer or semitrailer. Property subject to this subsection shall be promptly
8 returned to the owner of the property upon request. In cases of a dispute, if the cargo is attached
9 to the trailer and cannot be removed from the trailer, the parties shall execute a trailer swap. The
10 swapped trailer must be of equal or better condition than the original towed trailer and owned,
11 leased, or operated by the same company.

12 (c) A nonconsensual towing business shall not charge a storage fee for days when the
13 business is not open from at least 9:00 A.M. to 4:00 P.M. Unless a nonconsensual towing business
14 is open for the recovery of a towed vehicle 24 hours per day, a nonconsensual towing business
15 shall not charge a storage fee for a towed vehicle until at least one business day has elapsed since
16 the towed vehicle could first be recovered.

17 (d) A nonconsensual towing business shall accept payment with a debit card, credit card,
18 and cash at any time during its operating hours, including at the time of booting or towing. Any
19 payment processing fees shall not exceed three percent (3%) of the owed amount.

20 (e) Charging a fee in violation of this section is an unfair and deceptive trade practice
21 under Chapter 75 of the General Statutes.

22 **"§ 20-219.75. Authority of Department of Public Safety.**

23 The Department of Public Safety may adopt rules to implement this Article."

24 **SECTION 1.(b)** On or before February 15, 2029, and every four years thereafter,
25 the Commission shall submit to the Joint Legislative Oversight Committee on Justice and Public
26 Safety a report recommending either (i) that the Commission continue existing or (ii) that the
27 Commission should sunset and its responsibilities be absorbed by the Department of Public
28 Safety.

29 **SECTION 1.(c)** The Commission shall create the permit process provided for in
30 G.S. 20-219.50 and issue permits under that statute no later than July 1, 2025.

31 **SECTION 1.(d)** G.S. 20-219.40 and G.S. 20-219.45, as enacted by subsection (a) of
32 this section, become effective January 1, 2025. G.S. 20-219.50, 20-219.55, 20-219.65, and
33 20-219.70, as enacted by subsection (a) of this section, become effective July 1, 2025.
34 G.S. 20-219.60, as enacted by subsection (a) of this section, becomes effective July 1, 2025, and
35 applies to offenses committed on or after that date. The remainder of this section is effective
36 when it becomes law.

37 **SECTION 2.(a)** G.S. 20-219.20 reads as rewritten:

38 **"§ 20-219.20. Requirement to give notice of vehicle towing.**

39 ...

40 (b) This section shall not ~~apply-apply:~~ (i) to vehicles that are towed at the direction of a
41 law enforcement officer or to vehicles removed from a private lot where signs are posted in
42 accordance with ~~G.S. 20-219.2(a)~~-G.S. 20-219.2(a) or (ii) to vehicles that are towed by a
43 nonconsensual towing business lawfully doing business in the State pursuant to Article 7C of
44 Chapter 20 of the General Statutes.

45"

46 **SECTION 2.(b)** This section becomes effective July 1, 2025.

47 **SECTION 3.(a)** G.S. 20-157 reads as rewritten:

48 **"§ 20-157. Approach of law enforcement, fire department or rescue squad ~~vehicles or~~**
49 **~~ambulances;~~ vehicles, ambulances, or public service vehicles; ~~driving over fire~~
50 ~~hose or blocking fire fighting equipment; parking, etc., near law enforcement,~~
51 ~~fire department, or rescue squad vehicle or ambulance.~~**

1 (a) Upon the approach of any law enforcement or fire department vehicle or public or
2 private ambulance or rescue squad emergency service vehicle, or a vehicle operated by the
3 Division of Marine Fisheries of the Department of Environmental Quality, or the Division of
4 Parks and Recreation of the Department of Natural and Cultural Resources, or the North Carolina
5 Forest Service of the Department of Agriculture and Consumer Services when traveling in
6 response to a fire alarm or other emergency response purpose, giving warning signal by
7 appropriate light and by audible bell, siren or exhaust whistle, audible under normal conditions
8 from a distance not less than 1000 feet, the driver of every other vehicle shall immediately drive
9 the same to a position as near as possible and parallel to the right-hand edge or curb, clear of any
10 intersection of streets or highways, and shall stop and remain in such position unless otherwise
11 directed by a law enforcement or traffic officer until the law enforcement or fire department
12 vehicle, or the vehicle operated by the Division of Marine Fisheries of the Department of
13 Environmental Quality, or the Division of Parks and Recreation of the Department of Natural
14 and Cultural Resources, or the North Carolina Forest Service of the Department of Agriculture
15 and Consumer Services, or the public or private ambulance or rescue squad emergency service
16 vehicle shall have passed. Upon the approach of any public service vehicle when traveling to the
17 scene of a wrecked or disabled vehicle, giving warning signal by appropriate light and by sound
18 audible under normal conditions from a distance not less than 1,000 feet, the driver of every other
19 vehicle shall immediately drive the same to a position as near as possible and parallel to the
20 right-hand edge or curb, clear of any intersection of streets or highways, and shall stop and remain
21 in such position unless otherwise directed by a law enforcement or traffic officer until the public
22 service vehicle shall have passed. Provided, however, this subsection shall not apply to vehicles
23 traveling in the opposite direction of the vehicles herein enumerated when traveling on a
24 four-lane limited access highway with a median divider dividing the highway for vehicles
25 traveling in opposite directions, and provided further that the violation of this subsection shall be
26 negligence per se. Violation of this subsection is a Class 2 misdemeanor.

27 ...

28 (f) When an authorized emergency vehicle listed in subsection (a) of this section, or a
29 public service vehicle, is parked or standing within 12 feet of a roadway and giving a warning
30 signal by appropriate light, the driver of every other approaching vehicle shall, as soon as it is
31 safe and when not otherwise directed by an individual lawfully directing traffic, do one of the
32 following:

- 33 (1) Move the vehicle into a lane that is not the lane nearest to the parked or
34 standing authorized emergency vehicle or public service vehicle and continue
35 traveling in that lane until safely clear of the authorized emergency vehicle or
36 public service vehicle. This subdivision applies only if the roadway has at least
37 two lanes for traffic proceeding in the direction of the approaching vehicle and
38 if the approaching vehicle may change lanes safely and without interfering
39 with any vehicular traffic.
- 40 (2) Slow the vehicle, maintaining a safe speed for traffic conditions, and operate
41 the vehicle at a reduced speed and be prepared to stop until completely past
42 the authorized emergency vehicle or public service vehicle. This subdivision
43 applies only if the roadway has only one lane for traffic proceeding in the
44 direction of the approaching vehicle or if the approaching vehicle may not
45 change lanes safely and without interfering with any vehicular traffic.

46 For purposes of this section, "public service vehicle" means a vehicle that is (i) being used to
47 assist motorists or law enforcement officers with wrecked or disabled vehicles, (ii) being used to
48 install, maintain, or restore utility service, including electric, cable, telephone, water, wastewater,
49 communications, and gas, (iii) being used in the collection of refuse, solid waste, or recycling, or
50 (iv) a highway maintenance vehicle owned and operated or contracted by the State or a local

1 government and is operating an amber-colored flashing light authorized by G.S. 20-130.2.
2 Violation of this subsection shall be negligence per se.

3 (g) Except as provided in subsections (a), (h), and (i) of this section, violation of this
4 section shall be an infraction punishable by a fine of two hundred fifty dollars (\$250.00).

5 (h) A person who violates this section and causes damage to property in the immediate
6 area of the authorized emergency vehicle or public service vehicle in excess of five hundred
7 dollars (\$500.00), or causes injury to a law enforcement officer, a firefighter, an emergency
8 vehicle operator, an Incident Management Assistance Patrol member, a public service vehicle
9 operator, or any other emergency response person in the immediate area of the authorized
10 emergency vehicle or public service vehicle is guilty of a Class 1 misdemeanor.

11 (i) A person who violates this section and causes serious injury or death to a law
12 enforcement officer, a firefighter, an emergency vehicle operator, an Incident Management
13 Assistance Patrol member, a public service vehicle operator, or any other emergency response
14 person in the immediate area of the authorized emergency vehicle or public service vehicle is
15 guilty of a Class F felony. The Division may suspend, for up to six months, the drivers license of
16 any person convicted under this subsection. If the Division suspends a person's license under this
17 subsection, a judge may allow the licensee a limited driving privilege for a period not to exceed
18 the period of suspension, provided the person's license has not also been revoked or suspended
19 under any other provision of law. The limited driving privilege shall be issued in the same manner
20 and under the terms and conditions prescribed in G.S. 20-16.1(b)."

21 **SECTION 3.(b)** This section becomes effective December 1, 2024, and applies to
22 offenses committed on or after that date.

23 **SECTION 4.(a)** There is appropriated from the Highway Fund to the Department of
24 Public Safety the sum of five hundred thousand dollars (\$500,000) in nonrecurring funds for the
25 2024-2025 fiscal year to be used to implement the provisions of this act.

26 **SECTION 4.(b)** This section becomes effective July 1, 2024.

27 **SECTION 5.** Except as otherwise provided, this act is effective when it becomes
28 law.