

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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HOUSE BILL 577
PROPOSED COMMITTEE SUBSTITUTE H577-PCS40585-BGfa-5

Short Title: Protect Towers and Truckers Act.

(Public)

Sponsors:

Referred to:

April 1, 2025

A BILL TO BE ENTITLED
AN ACT TO ENACT THE PROTECT OUR NORTH CAROLINA TOWERS AND
TRUCKERS ACT.

The General Assembly of North Carolina enacts:

TITLE

SECTION 1. This act shall be known as the "Protect Our North Carolina Towers and Truckers Act."

CREATION OF THE COMMERCIAL MOTOR VEHICLE TOWING AND RECOVERY COMMISSION

SECTION 2.1.(a) Article 17 of Chapter 143B of the General Statutes is amended by adding a new Part to read:

"Part 4. Commercial Motor Vehicle Towing and Recovery Commission.

"§ 143B-1765. Definitions.

The following definitions apply in this Part:

- (1) Reserved for future codification purposes.
- (2) Reserved for future codification purposes.
- (3) Commercial motor vehicle. – As defined in G.S. 20-4.01(3d)a. and G.S. 20-4.01(3d)b.
- (4) Tow operations. – The removal and storage of a commercial motor vehicle or commercial motor vehicle combination by a tower provided in response to a request from local law enforcement or State agency without prior consent or authorization of the owner or operator of the commercial motor vehicle.
- (5) Tower. – As defined in G.S. 20-219.9.

"§ 143B-1766. Creation and purpose.

There is created the Commercial Motor Vehicle Towing and Recovery Commission within the State Highway Patrol.

"§ 143B-1767. Commission membership and meetings.

(a) The Commission shall be comprised of the following members:

- (1) One voting member that is a State Highway Patrol Major appointed by the Commander. This member shall be the chair of the Commission.
- (2) One voting member appointed by the North Carolina Association of Chiefs of Police.



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- (3) One voting member and one alternate member appointed by the North Carolina Trucking Association. The alternate member may serve as the voting member in the absence of the appointed voting member.
- (4) One voting member and one alternate member appointed by the Towing and Recovery Professionals of North Carolina. The alternate member may serve as the voting member in the absence of the appointed voting member.
- (5) One voting member with experience in towing recovery and repair appointed by the Commissioner of Insurance of the Department of Insurance.
- (6) One nonvoting member appointed by the Secretary of the Department of Public Safety from the Office of Legal Counsel.

(b) Members shall be appointed for a period of two years with terms expiring on January 1 of the year in which the term expires. Members may serve consecutive terms. The appointing authority may appoint a member to serve out the unexpired term of any member.

(c) The Commission shall select a vice-chair from the voting members of the Commission. The Commission shall meet at least quarterly at times and places the Commission may designate and at such other times and places on the call of the chair or, in the absence of the chair, by the vice-chair. A quorum is a majority of the voting members present. Members shall receive no compensation for serving on the Commission, however, members may receive travel and subsistence expenses from funds made available to the Commission.

"§ 143B-1768. Commission powers and duties.

The Commission shall have the powers and duties necessary to administer the provisions of this Part. These powers include all of the following:

- (1) Adopting rules in accordance with Chapter 150B of the General Statutes.
- (2) Determining a range of towing, storage, and related fees for tow operations which are deemed reasonable, utilizing information compiled by the Commission pursuant to G.S. 143B-1769 and any relevant industry information regarding fees.
- (3) Creating and administering a non-binding process for fee dispute resolution with the purpose of facilitating communication, understanding, reconciliation, and settlement of fee disputes for extraordinary fees related to tow operations.
- (4) Cooperating, coordinating, and consulting with State agencies and local law enforcement agencies pursuant to this Article.
- (5) Receiving referrals from, and making recommendations to, State agencies and local law enforcement agencies related to fee disputes for tow operations pursuant to processes established by the Commission.

"§ 143B-1769. Commercial motor vehicle tow operation fees.

(a) With an application for inclusion on the State Highway Patrol rotation wrecker list, established under G.S. 143B-1716, or any local law enforcement agency wrecker rotation list to conduct tow operations, or to provide services under a contract with the Department of Transportation for the removal of vehicle, cargo, or other personal property pursuant to G.S. 20-161(f), the tower applicant must submit a form, developed by the State Highway Patrol, outlining towing, storage, and related fees and rates charged by the tower for tow operations. Any modification of the rates charged by a tower which are different from that submitted shall only be effective 30 days after resubmission of the form to the State agency or local law enforcement agency wrecker rotation list administrator. The Commission may request additional supplemental information from a tower applicant.

(b) The State agency or local law enforcement agency in receipt of the form required by this section shall forward a copy of the tower's rate information and subsequent resubmissions, as required by subsection (a) of this section, to the Commission.

(c) State agencies, local agencies, and the Commission shall maintain rate information for administrative purposes and will not publicly disclose them, except as otherwise required by law."

SECTION 2.1.(b) G.S. 143B-1716 reads as rewritten:

"§ 143B-1716. Duties of Highway Patrol.

The State Highway Patrol shall be subject to such orders, rules and regulations as may be adopted by the Commander, with the approval of the Governor, and shall regularly patrol the highways of the State and enforce all laws and regulations respecting travel and the use of vehicles upon the highways of the State and all laws for the protection of the highways of the State. To this end, the members of the Patrol are given the power and authority of peace officers for the service of any warrant or other process issuing from any of the courts of the State having criminal jurisdiction, and are likewise authorized to arrest without warrant any person who, in the presence of said officers, is engaged in the violation of any of the laws of the State regulating travel and the use of vehicles upon the highways, or of laws with respect to the protection of the highways, and they shall have jurisdiction anywhere within the State, irrespective of county lines. The State Highway Patrol shall enforce the provisions of G.S. 14-399.

The State Highway Patrol shall have full power and authority to perform such additional duties as peace officers as may from time to time be directed by the Governor, and such officers may at any time and without special authority, either upon their own motion or at the request of any sheriff or local police authority, arrest persons accused of highway robbery, bank robbery, murder, or other crimes of violence.

The Commander shall direct the officers and members of the State Highway Patrol in the performance of such other duties as may be required for the enforcement of the motor vehicle laws of the State.

Members of the State Highway Patrol, in addition to the duties, power and authority hereinbefore given, shall have the authority throughout the State of North Carolina of any police officer in respect to making arrests for any crimes committed in their presence and shall have authority to make arrests for any crime committed on any highway.

Regardless of territorial jurisdiction, any member of the State Highway Patrol who initiates an investigation of an accident or collision may not relinquish responsibility for completing the investigation, or for filing criminal charges as appropriate, without clear assurance that another law-enforcement officer or agency has fully undertaken responsibility, and in such cases he shall render reasonable assistance to the succeeding officer or agency if requested.

The State Highway Patrol recognizes the need to utilize private wrecker services to remove vehicles from public roadways as part of its public safety responsibility. In order to assure that this public safety responsibility is accomplished, the Troop Commander shall include on the Highway Patrol's rotation wrecker list only those wrecker services which agree in writing to impose reasonable charges for work performed and present one bill to the owner or operator of any towed vehicle. Towing, storage, and related fees charged may not be greater than fees charged for the same service for nonrotation calls that provide the same service, labor, and conditions. The zone of operation of a private wrecker service participating in the rotation wrecker list shall be determined by the State Highway Patrol and listed on its website and updated at least quarterly."

SECTION 2.1.(c) G.S. 20-161 reads as rewritten:

"§ 20-161. Stopping on highway prohibited; warning signals; removal of vehicles from public highway.

(a) No person shall park or leave standing any vehicle, whether attended or unattended, upon the main-traveled portion of any highway or highway bridge with the speed limit posted less than 45 miles per hour unless the vehicle is disabled to such an extent that it is impossible to avoid stopping and temporarily leaving the vehicle upon the paved or main traveled portion of the highway or highway bridge. This subsection shall not apply to a solid waste vehicle stopped

on a highway while engaged in collecting garbage as defined in G.S. 20-118(c)(5)g. or recyclable material as defined in G.S. 130A-290(a)(26).

(a1) No person shall park or leave standing any vehicle, whether attended or unattended, upon the paved or main-traveled portion of any highway or highway bridge with the speed limit posted 45 miles per hour or greater unless the vehicle is disabled to such an extent that it is impossible to avoid stopping and temporarily leaving the vehicle upon the paved or main-traveled portion of the highway or highway bridge. This subsection shall not apply to a solid waste vehicle stopped on a highway while engaged in collecting garbage as defined in G.S. 20-118(c)(5)g. or recyclable material as defined in G.S. 130A-290(a)(26).

(b) No person shall park or leave standing any vehicle upon the shoulder of a public highway unless the vehicle can be clearly seen by approaching drivers from a distance of 200 feet in both directions and does not obstruct the normal movement of traffic.

(c) The operator of any truck, truck tractor, trailer or semitrailer which is disabled upon any portion of the highway shall display warning devices of a type and in a manner as required under the rules and regulations of the United States Department of Transportation as adopted by the Division of Motor Vehicles. Such warning devices shall be displayed as long as the vehicle is disabled.

(d) The owner of any vehicle parked or left standing in violation of law shall be deemed to have appointed any investigating law-enforcement officer his agent:

(1) For the purpose of removing the vehicle to the shoulder of the highway or to some other suitable place; and

(2) For the purpose of arranging for the transportation and safe storage of any vehicle which is interfering with the regular flow of traffic or which otherwise constitutes a hazard, in which case the officer shall be deemed a legal possessor of the vehicle within the meaning of G.S. 44A-2(d).

(e) When any vehicle is parked or left standing upon the right-of-way of a public highway, including rest areas, for a period of 24 hours or more, the owner shall be deemed to have appointed any investigating law-enforcement officer his agent for the purpose of arranging for the transportation and safe storage of such vehicle and such investigating law-enforcement officer shall be deemed a legal possessor of the motor vehicle within the meaning of that term as it appears in G.S. 44A-2(d).

(f) An investigating law enforcement officer, with the concurrence of the Department of Transportation, or the Department of Transportation, with the concurrence of an investigating law enforcement officer, may immediately remove or cause to be removed from the State highway system any wrecked, abandoned, disabled, unattended, burned, or partially dismantled vehicle, cargo, or other personal property interfering with the regular flow of traffic or which otherwise constitutes a hazard. In the event of a motor vehicle crash involving serious personal injury or death, no removal shall occur until the investigating law enforcement officer determines that adequate information has been obtained for preparation of a crash report. No state or local law enforcement officer, Department of Transportation employee, or person or firm contracting or assisting in the removal or disposition of any such vehicle, cargo, or other personal property shall be held criminally or civilly liable for any damage or economic injury related to carrying out or enforcing the provisions of this section. Part 4 of Article 17 of Chapter 143B of the General Statutes applies to Department of Transportation contracts with vendors for tow operations as defined in G.S. 143B-1765.

(g) The owner shall be liable for any costs incurred in the removal, storage, and subsequent disposition of a vehicle, cargo, or other personal property under the authority of this section."

SECTION 2.1.(d) This section becomes effective July 1, 2026.

SECTION 2.2. The State Highway Patrol shall promulgate rules to effectuate the provisions of Section 2.1 of this act, to become effective July 1, 2026.

SECTION 2.3. The State Highway Patrol shall publish updated wrecker list application requirements, and develop a form for towing, storage, and related fees for towers, as required by G.S. 143B-1769, as enacted by Section 2.1 of this act, by January 1, 2026.

SECTION 2.4. Of funds appropriated to the State Highway Patrol beginning with the 2026-2027 fiscal year, the sum of ten thousand dollars (\$10,000) in recurring funds shall be allocated for administrative costs, stipends, and travel associated with the Commercial Motor Vehicle Towing and Recovery Commission, as created by Section 2.1 of this act.

COMMERCIAL MOTOR VEHICLE TOWER PERMITS AND REGULATIONS

SECTION 3.1.(a) Chapter 20 of the General Statutes is amended by adding a new Article to read:

"Article 7C.

"Commercial Motor Vehicle Tower Permits and Regulation.

"§ 20-219.35. Definitions.

The following definitions apply in this Article:

- (1) Reserved for future codification purposes.
- (2) Reserved for future codification purposes.
- (3) Commercial motor vehicle. – As defined in G.S. 20-4.01(3d)a. and G.S. 20-4.01(3d)b.
- (4) Tow operations. – The removal and storage of a commercial motor vehicle or commercial motor vehicle combination by a tower. Tow operations does not include a commercial transaction for transport of a damaged vehicle arranged or authorized by an insurance company and delivered to a salvage pool operator.
- (5) Tower. – As defined in G.S. 20-219.9, and includes owners and employee operators.

"§ 20-219.36. Commercial motor vehicle tower permit.

- (a) A tower engaged in the business of conducting tow operations shall obtain a commercial motor vehicle tower permit from the Division of Motor Vehicles.
- (b) A permit issued by the Division shall be valid for a period of two years unless revoked or suspended by the Division.
- (c) The Division is authorized to charge a nonrefundable fee for an initial application and for the renewal application for a permit.
- (d) A tower shall pay the costs associated with any background checks required by this Article for permit applicants.
- (e) A commercial motor vehicle tower permit is nontransferable.

"§ 20-219.37. Commercial motor vehicle tower permit application requirements.

- (a) The Division shall prescribe the form of the application for a commercial motor vehicle tower permit.
- (b) The Division shall issue a permit when the applicant provides evidence of meeting all of the following requirements:
- (1) The applicant completes a criminal background check. If the permit applicant is an employee operator of a business engaged in tow operations, the applicant has had no felony convictions within the previous five years. If the applicant is an owner of business engaged in tow operations, the applicant has had no felony convictions within the previous 10 years.
 - (2) The applicant has a valid commercial drivers license for the class of motor vehicle conducting tow operations.
 - (3) The applicant utilizes a storage yard that complies with the minimum space requirements of the city, county, and State zoning regulations with valid zoning permits.

- (4) The applicant carries, or is covered by, the minimum insurance requirements required by the Division for on-hook liability and garage keepers insurance.
- (5) The applicant has completed an accredited training program, approved by the Division, related to conducting tow operations. This training must offer continuing education credits.
- (6) The applicant owner or employee operator of business engaged in tow operations is a United States citizen or possesses evidence of work authorization in compliance with federal law.

"§ 20-219.38. Permit appeals; criminal conviction reporting.

(a) An appeal of a decision to deny, suspend, or revoke a permit by the Division shall be governed by the provisions of Chapter 150B of the General Statutes.

(b) The Division may issue temporary permits valid for 60 days, effective upon submission of an application for initial issuance or renewal of a permit, pending the completion of an application process. Temporary permits expire upon issuance or denial of the permit application.

(c) A person issued a permit under this Article that has been found guilty of, or has pleaded guilty or nolo contendere to, any felony or misdemeanor shall notify the Division within 14 days.

(d) A tower must carry its permit when conducting tow operations.

"§ 20-219.39. Return of commercial cargo.

A permit holder shall promptly return any commercial cargo towed by the tower to the owner of the commercial cargo, or to a designee of the owner, upon request. In the case of a trailer containing commercial cargo, the tower shall allow the trailer containing the commercial cargo to be exchanged with a trailer of similar type that is in working condition and was manufactured within five years of the manufacturing date of the original trailer, or newer, as arranged by the commercial cargo owner and upon verification the released trailer is covered by collision insurance coverage or a rider for towing and remediation insurance. The insurance requirement of this section does not apply to vehicles registered as farm vehicles.

"§ 20-219.40. Towing practices deemed unfair trade practice.

A tower engaging in tow operations without a valid permit constitutes an unfair trade practice under G.S. 75-1.1."

SECTION 3.1.(b) This section becomes effective July 1, 2026.

SECTION 3.2. The Division of Motor Vehicles shall publish notice of the requirements for commercial motor vehicle tower permits as required by Article 7C of Chapter 20 of the General Statutes, as enacted by Section 3.1 of this act, on its website by January 1, 2026.

SECTION 3.3.(a) Article 7 of Chapter 20 of the General Statutes is amended by adding a new section to read:

"§ 20-219.3A. Commercial booting.

A commercial motor vehicle shall not be immobilized using a device such as a boot or any other device for the purposes of parking enforcement. Using an immobilization device on a commercial vehicle in violation of this section is a Class 2 misdemeanor."

SECTION 3.3.(b) This section becomes effective December 1, 2025, and applies to offenses committed on or after that date.

TOWERS AND POSSESSORY LIENS ON COMMERCIAL VEHICLE TRAILERS

SECTION 4.(a) G.S. 44A-2 reads as rewritten:

"§ 44A-2. Persons entitled to lien on personal property.

...

(d) Any person who repairs, services, tows, or stores motor vehicles in the ordinary course of the person's business pursuant to an express or implied contract with an owner or legal

1 possessor of the motor vehicle, except for a motor vehicle seized pursuant to G.S. 20-28.3, has a
2 lien upon the motor vehicle for reasonable charges for such repairs, servicing, towing, storing, or
3 for the rental of one or more substitute vehicles provided during the repair, servicing, or storage.
4 This lien shall have priority over perfected and unperfected security interests. Payment for towing
5 and storing a motor vehicle seized pursuant to G.S. 20-28.3 shall be as provided for in
6 G.S. 20-28.2 through G.S. 20-28.5.

7 (d1) Any person who is entitled to a lien under subsection (d) of this section for towing a
8 commercial motor vehicle is also entitled to a lien on any trailer attached to the commercial motor
9 vehicle combination at the time of towing. A lien under this subsection shall not extend to
10 personal items, including medications, wallets, purses and their contents, prescription eyeglasses,
11 prosthetics, cell phones, and keys of the commercial motor vehicle operator. These items shall
12 be released without charge to the owner or operator of the towed commercial motor vehicle or to
13 a designee of the owner or operator.

14"

15 **SECTION 4.(b)** This section becomes effective January 1, 2026.

16
17 **EFFECTIVE DATE**

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