

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40097-NEf-27A

Short Title: Nonconsensual Booting and Towing Reform. (Public)

Sponsors: Representative Carson Smith.

Referred to:

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 or
22 operator of the 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 or operator 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



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 this Chapter.

6 **"§ 20-219.40. Towing and Recovery Commission.**

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

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

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

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

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

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

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

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

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

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

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

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

33 (c) Annual Report. – Beginning with the 2027 calendar year, the Commission shall, by
34 February 15 of each year, prepare and submit an annual report to the chairs of the Joint
35 Legislative Oversight Committee on Justice and Public Safety containing the following
36 information:

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

38 (2) Any resolutions of reported noncompliance with this Article, including the
39 total number of permits revoked or not renewed in the preceding calendar year
40 based on noncompliance.

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

42 (4) The number of permits issued pursuant to G.S. 20-219.50 in the preceding
43 calendar year and the total number of active permits overall.

44 **"§ 20-219.45. Commission membership and meetings.**

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

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

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

50 a. One member of the Towing and Recovery Professionals Association
51 of North Carolina.

- 1 b. One member of the North Carolina Trucking Association.
2 c. One representative of local law enforcement.
3 (3) Three members by the General Assembly, upon the recommendation of the
4 President Pro Tempore of the Senate:
5 a. One member of the Towing and Recovery Professionals Association
6 of North Carolina.
7 b. One member of the North Carolina Trucking Association.
8 c. One representative of local law enforcement.
9 (4) Two members appointed by the Governor:
10 a. One member of a consumer advocacy organization.
11 b. One member of the North Carolina Bar Association.
12 (b) Terms of Office. – Appointments to the Commission shall be for three-year terms,
13 commencing January 1, 2026, except as follows:
14 (1) The following Commission members whose terms begin on January 1, 2026,
15 shall serve an initial term of one year:
16 a. The member of the Towing and Recovery Professionals Association
17 of North Carolina recommended by the Speaker of the House of
18 Representatives.
19 b. The member of the North Carolina Trucking Association
20 recommended by the President Pro Tempore of the Senate.
21 c. The member of a consumer advocacy group appointed by the
22 Governor.
23 (2) The following Commission members whose terms begin on January 1, 2026,
24 shall serve an initial term of two years:
25 a. The member of the North Carolina Trucking Association
26 recommended by the Speaker of the House of Representatives.
27 b. The representative of local law enforcement recommended by the
28 President Pro Tempore of the Senate.
29 c. The member of the North Carolina Bar Association appointed by the
30 Governor.
31 At the expiration of these initial terms, appointments shall be for three years and shall be
32 made by the appointing authorities designated in subsection (a) of this section.
33 (c) Chair; Meetings. – The Secretary of the Department of Public Safety or the Secretary's
34 designee shall serve as chair. The Commission members shall elect a vice-chair from the
35 membership of the Commission at its first meeting. The chair shall call the first meeting of the
36 Commission no later than April 1, 2026. The Commission shall meet at least twice annually at
37 times and places deemed necessary by the chair or, in the absence of the chair, by the vice-chair.
38 (d) Compensation. – Commission members shall not receive compensation but are
39 entitled to be paid necessary subsistence and travel expenses in accordance with G.S. 138-5 and
40 G.S. 138-6 as applicable.
41 (e) Vacancies. – If a vacancy occurs in the membership of the Commission, the
42 appointing authority shall appoint another person meeting the same qualifications to serve for the
43 balance of the unexpired term.
44 **§ 20-219.50. Permits.**
45 (a) Every consensual towing business and nonconsensual towing business shall obtain a
46 permit from the Commission before operating in the State and shall renew the permit annually.
47 (b) The Commission shall collect a nonrefundable fee for a permit application or renewal
48 of a permit. The fee shall not exceed the total direct and indirect costs of administering the
49 permitting system and the database required by G.S. 20-219.55.

1 (c) The Commission shall prescribe the form of the application for a permit and renewal
2 of a permit. The initial application and renewal application shall require information sufficient
3 to confirm compliance with this Article.

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

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

10 **"§ 20-219.55. Nonconsensual towing business database.**

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

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

16 (2) Allows the owner or operator of a booted or nonconsensually towed motor
17 vehicle to search the database by entering that vehicle's make, model, and
18 license plate number or vehicle identification number and access the
19 information required to be provided to the owner or operator pursuant to
20 subsection (b) of this section with respect to that motor vehicle.

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

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

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

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

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

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

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

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

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

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

51 **"§ 20-219.60. Required signage for nonconsensual towing.**

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

4 (1) The words "Private Property" printed in bold.

5 (2) A warning that unauthorized vehicles will be booted or towed.

6 (3) The name, address, telephone number, and hours of operation of the
7 nonconsensual towing business the owner will use to boot or tow unauthorized
8 vehicles.

9 (4) The booting, towing, storage, and personal property handling fees imposed by
10 the nonconsensual towing business the owner will use to boot or tow
11 unauthorized vehicles.

12 (5) A notification that nonconsensual towing businesses must accept payment by
13 debit card, credit card, and cash.

14 (b) A vehicle shall not be booted or nonconsensually towed on private property that does
15 not, at the time of the booting or towing and for at least 24 hours prior, have signs posted in
16 compliance with this section.

17 (c) A private property owner shall remove or correct any sign displaying incorrect
18 information within 15 days of discovering the information is incorrect.

19 (d) A violation of this section is punishable as follows:

20 (1) A private property owner that violates this section shall be guilty of an
21 infraction. A court may order a private property owner to make restitution to
22 the owner or operator of the improperly booted or towed motor vehicle in an
23 amount equal to the fees incurred by the owner or operator for the booting,
24 towing, and storage of the motor vehicle.

25 (2) A nonconsensual tow truck driver that violates this section shall be guilty of
26 an infraction and subject to a penalty of not more than one hundred dollars
27 (\$100.00). A second violation under this subdivision within 12 months of the
28 first violation shall be punished as an infraction with a penalty of not more
29 than two hundred dollars (\$200.00). A third or subsequent violation under this
30 subdivision within 12 months of the first violation shall be punished as a Class
31 3 misdemeanor.

32 (e) This section does not apply to the owners of private residential property that consists
33 of four or fewer residential units.

34 **"§ 20-219.65. Towing and booting practices.**

35 (a) Any motor vehicle removed from a parking lot or area on private property pursuant
36 to this Article shall not be transported for storage more than 25 miles from the place of removal.
37 This subsection shall not apply if there is no storage area within 25 miles from the place of
38 removal that is suitably sized to store the motor vehicle.

39 (b) No towing business shall boot, tow, or attempt to boot or tow an occupied vehicle.

40 (c) A commercial motor vehicle shall not be booted.

41 (d) A nonconsensual towing business shall not attempt to impede or block an occupied
42 vehicle that has not yet been booted from being removed from a parking lot by its owner or
43 operator.

44 (e) After booting a vehicle, a nonconsensual towing business shall affix a notice on the
45 driver's side windshield of the car in a manner that will not damage the vehicle. The notice shall
46 be brightly colored, a minimum of 8.5 inches by 11 inches, and legibly state all of the following:

47 (1) That the vehicle to which the notice is affixed has been booted and that driving
48 the vehicle may damage it.

49 (2) The name and address of the nonconsensual towing business that booted the
50 vehicle.

1 (3) Any fees the nonconsensual towing business will charge before releasing the
2 boot from the vehicle.

3 (f) Booting, towing, or storing a motor vehicle in violation of this section is an unfair and
4 deceptive trade practice under Chapter 75 of the General Statutes.

5 "§ 20-219.70. Nonconsensual towing fees.

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

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

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

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

24 (e) If a truck tractor, trailer, or semitrailer remains in storage more than 60 days after it
25 is towed, a nonconsensual towing business may sell the truck tractor, trailer, or semitrailer in a
26 nonjudicial auction or private sale pursuant to this subsection. The nonconsensual towing
27 business shall mail written notice to the property owner of the intent to auction or sell the truck
28 tractor, trailer, or semitrailer by registered or certified mail, return receipt requested, addressed
29 to the property owner at the address on the vehicle registration records maintained by the
30 Division. If the property owner does not contact the nonconsensual towing company within 30
31 days of receipt of the written notice, the nonconsensual towing company may sell the truck
32 tractor, trailer, or semitrailer at auction or private sale. Proceeds from the sale of the property
33 shall go toward paying outstanding towing, recovery, or storage fees and the remainder shall be
34 returned to the property owner. This relief is only available to the nonconsensual towing business
35 from which the tow originated.

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

38 "§ 20-219.75. Authority of Department of Public Safety.

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

40 **SECTION 1.(b)** On or before February 15, 2030, and every four years thereafter,
41 the Commission shall submit to the Joint Legislative Oversight Committee on Justice and Public
42 Safety a report recommending either (i) that the Commission continue existing or (ii) that the
43 Commission should sunset and its responsibilities be absorbed by the Department of Public
44 Safety.

45 **SECTION 1.(c)** The Commission shall create the permit process provided for in
46 G.S. 20-219.50 and issue permits under that statute no later than July 1, 2026.

47 **SECTION 1.(d)** G.S. 20-219.40 and G.S. 20-219.45, as enacted by subsection (a) of
48 this section, become effective January 1, 2026. G.S. 20-219.50, 20-219.55, 20-219.65, and
49 20-219.70, as enacted by subsection (a) of this section, become effective July 1, 2026.
50 G.S. 20-219.60, as enacted by subsection (a) of this section, becomes effective July 1, 2026, and

1 applies to offenses committed on or after that date. The remainder of this section is effective
2 when it becomes law.

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

4 "**§ 20-219.20. Requirement to give notice of vehicle towing.**

5 ...

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

11"

12 **SECTION 2.(b)** This section becomes effective July 1, 2026.

13 **SECTION 3.** Except as otherwise provided, this act is effective when it becomes
14 law.