

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 1136
Transportation Committee Substitute Adopted 6/9/10

Short Title: Regulate Towing From Private Lots.

(Public)

Sponsors:

Referred to:

May 17, 2010

1 A BILL TO BE ENTITLED
2 AN ACT TO STRENGTHEN THE REGULATION OF THE TOWING OF VEHICLES
3 FROM PRIVATE LOTS IN CERTAIN COUNTIES AND CITIES, AS RECOMMENDED
4 BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 20-219.2 reads as rewritten:

7 "§ 20-219.2. Removal of unauthorized vehicles from private lots.

8 (a) It shall be unlawful for any person other than the owner or lessee of a privately
9 owned or leased parking space to park a motor or other vehicle in such private parking space
10 without the express permission of the owner or lessee of such space; ~~provided, that such if the~~
11 ~~private parking lot be is~~ clearly designated as such by a sign no smaller than 24 inches by 24
12 inches prominently displayed at the entrance ~~thereto thereto, displaying the name and phone~~
13 ~~number of the towing and storage company, and and, if individually owned or leased, the~~
14 parking spaces within the lot ~~be are~~ clearly marked by signs setting forth the name of each
15 individual lessee or ~~owner; owner. a~~ A vehicle parked in a privately owned parking space in
16 violation of this section may be removed from such space upon the written request of the
17 parking space owner or lessee to a place of storage and the registered owner of such motor
18 vehicle shall become liable for removal and storage charges. Any person who removes a
19 vehicle pursuant to this section shall not be held liable for damages for the removal of the
20 vehicle to the owner, lienholder or other person legally entitled to the possession of the vehicle
21 removed; however, any person who intentionally or negligently damages a vehicle in the
22 removal of such vehicle, or intentionally or negligently inflicts injury upon any person in the
23 removal of such vehicle, may be held liable for damages.

24 (a1) Any vehicle removed pursuant to this section shall not be transported for storage
25 more than 15 miles from the place of removal.

26 (a2) Any person or company that tows or stores a vehicle subject to this section shall
27 charge reasonable fees for the services rendered, and any fee charged shall not exceed the fee
28 for other service calls the person or company provides for the same service, labor, and
29 conditions.

30 (a3) Any person or company that tows or stores a vehicle subject to this section shall not
31 require any person retrieving a vehicle to sign any waiver of rights or other similar document as
32 a condition of the release of their vehicle, other than a form acknowledging release and receipt
33 of the vehicle.

34 (b) Any person violating any of the provisions of this section shall be guilty of a Class 3
35 misdemeanor and upon conviction shall be only fined not more than ~~ten dollars (\$10.00)~~ one
36 hundred dollars (\$100.00) in the discretion of the court.



1 (c) This section shall apply only to the Counties of Craven, Dare, Forsyth, Gaston,
2 Guilford, Mecklenburg, New Hanover, Orange, Richmond, Robeson, Wake, Wilson and
3 municipalities in those counties, and to the Cities of ~~Durham~~, Jacksonville, Charlotte and
4 Fayetteville.

5 (d) The provisions of this section shall not be interpreted to preempt the authority of
6 any county or municipality to enact ordinances regulating towing from private lots, as
7 authorized by general law."

8 **SECTION 2.** G.S. 7A-292 is amended by adding a new subdivision to read:

9 **"§ 7A-292. Additional powers of magistrates.**

10 In addition to the jurisdiction and powers assigned in this Chapter to the magistrate in civil
11 and criminal actions, each magistrate has the following additional powers:

12 ...

13 (17) To determine if a violation of G.S. 20-219.2(a2) has occurred."

14 **SECTION 3.** This act becomes effective October 1, 2010, and applies to vehicles
15 towed on or after that date.