

GENERAL ASSEMBLY OF NORTH CAROLINA
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HOUSE BILL 710*
Committee Substitute Favorable 4/25/17
Committee Substitute #2 Favorable 4/26/17
Fourth Edition Engrossed 4/26/17

Short Title: Private Parking/Immobilization Device.

(Public)

Sponsors:

Referred to:

April 11, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE USE OF IMMOBILIZATION DEVICES ON VEHICLES
3 UNLAWFULLY PARKED IN PRIVATELY OWNED OR LEASED PARKING LOTS
4 OR SPACES.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Article 7 of Chapter 20 of the General Statutes is amended by adding
7 a new section to read:

8 **"§ 20-219.5. Immobilization of unauthorized vehicles in private lots.**

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

10 (1) Immobilization company. – A person or company engaged in the business of
11 attaching immobilization devices to vehicles.

12 (2) Immobilization device. – A device attached to the wheel or wheels of a
13 vehicle for the purpose of preventing the vehicle from being moved from a
14 parking space or lot until the device is removed by the immobilization
15 company that attached the device to the vehicle. This term includes wheel
16 locks, wheel clamps, and wheel boots.

17 (b) Unlawful Parking. – It shall be unlawful for any person other than the owner or
18 lessee of a privately owned or leased parking space to park any vehicle in the private parking
19 space without the express permission of the owner or lessee of the space if the private parking
20 lot is clearly designated as private by a sign no smaller than 24 inches by 24 inches prominently
21 displayed at all entrances to the parking lot, displaying the current name and current phone
22 number of the immobilization company, and, if individually owned or leased, the parking lot or
23 spaces within the lot are clearly marked by signs setting forth the name of each individual
24 lessee or owner.

25 (c) Immobilization Authority. – A vehicle parked in a privately owned parking space in
26 violation of subsection (b) of this section may be immobilized in the space upon the written
27 request of the parking space owner or lessee and the registered owner of the vehicle shall
28 become liable for removal of the immobilization device. Except as otherwise provided in this
29 subsection, any person who attaches an immobilization device pursuant to this section shall not
30 be liable for damages for the installation, removal, or installation and removal of the
31 immobilization device to the owner, lienholder, or other person legally entitled to the
32 possession of the vehicle immobilized. Any person who intentionally or negligently inflicts
33 physical damage upon a vehicle while installing or removing the immobilization device may be
34 liable for damages.



1 (d) Tampering or Removal. – It shall be unlawful for any person other than the
2 immobilization company that attached the immobilization device to remove or otherwise
3 tamper with an immobilization device attached to a vehicle in accordance with this section.

4 (e) Penalties. – The following penalties apply to violations of this section:

5 (1) Except as provided in subdivision (2) of this subsection, a person who
6 commits a violation of subsection (b) or (d) of this section is guilty of an
7 infraction punishable by a fine of not more than one hundred dollars
8 (\$100.00).

9 (2) A person who violates subsection (d) of this section and causes damage to
10 the immobilization device to the extent that the device is unusable for its
11 primary purpose, or otherwise prevents the immobilization company from
12 further using the device, is guilty of a Class 1 misdemeanor.

13 (e1) Nothing in this section shall be construed to prohibit a vehicle owner or lessee
14 parked in a manner that does not violate this section to recover from an immobilization
15 company for liability for damages for improperly affixing an immobilization device to the
16 given vehicle.

17 (f) Local Ordinance. – Notwithstanding any other provision of law, no local
18 government may pass an ordinance regulating the immobilization of vehicles unlawfully
19 parked in privately owned or leased parking spaces or lots."

20 **SECTION 2.** This act becomes effective December 1, 2017, and applies to
21 offenses committed on or after that date.