

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 773
Transportation Committee Substitute Adopted 5/9/89

Short Title: Towing Liability Amendments.

(Public)

Sponsors:

Referred to:

April 4, 1989

1 A BILL TO BE ENTITLED
2 AN ACT TO REMOVE FROM TOWING PROVISIONS CERTAIN LANGUAGE
3 CONCERNING IMMUNITIES.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 20-219.2 reads as rewritten:

6 "**§ 20-219.2. Removal of unauthorized vehicles from private lots.**

7 (a) It shall be unlawful for any person other than the owner or lessee of a
8 privately owned or leased parking space to park a motor or other vehicle in such private
9 parking space without the express permission of the owner or lessee of such space;
10 provided, that such private parking lot be clearly designated as such by a sign no smaller
11 than 24 inches by 24 inches prominently displayed at the entrance thereto and the
12 parking spaces within the lot be clearly marked by signs setting forth the name of each
13 individual lessee or owner; a vehicle parked in a privately owned parking space in
14 violation of this section may be removed from such space upon the written request of
15 the parking space owner or lessee to a place of storage and the registered owner of such
16 motor vehicle shall become liable for removal and storage charges. No person shall be
17 held to answer in any civil or criminal action to any owner, lienholder or other person
18 legally entitled to the possession of any motor vehicle removed from such lot pursuant
19 to this section except when there is a claim for personal injury resulting from the
20 removal or towing of the vehicle or where such motor vehicle is willfully, maliciously
21 or negligently damaged in the removal from aforesaid space to place of storage.

1 (b) Any person violating any of the provisions of this section shall be guilty of a
2 misdemeanor and upon conviction shall be fined not more than ten dollars (\$10.00) in
3 the discretion of the court.

4 (c) This section shall apply only to the Counties of Craven, Dare, Forsyth,
5 Gaston, Guilford, New Hanover, Orange, Robeson, Wake, Wilson and to the Cities of
6 Durham, Charlotte and Fayetteville."

7 Sec. 2. G.S. 20-219.3 reads as rewritten:

8 **"§ 20-219.3. Removal of unauthorized vehicles from gasoline service station**
9 **premises.**

10 (a) No motor vehicle shall be left for more than 48 hours upon the premises of
11 any gasoline service station without the consent of the owner or operator of the service
12 station.

13 (b) The registered owner of any motor vehicle left unattended upon the premises
14 of a service station in violation of subsection (a) shall be given notice by the owner or
15 operator of said station of said violation. The notice given shall be by certified mail
16 return receipt requested addressed to the registered owner of the motor vehicle.

17 (c) Upon the expiration of 10 days from the return of the receipt showing that
18 the notice was received by the addressee, such vehicle left on the premises of a service
19 station in violation of this section may be removed from the station premises to a place
20 of storage and the registered owner of such vehicle shall become liable for the
21 reasonable removal and storage charges and the vehicle subject to the storage lien
22 created by G.S. 44A-1 **et seq.** No person shall be held to answer in any civil or criminal
23 action to any owner, lienholder or other person legally entitled to the possession of any
24 vehicle removed from such station premises pursuant to this section except when there
25 is a claim for personal injury or where such vehicle is willfully or maliciously damaged
26 in the removal from such station premises to place of storage.

27 (d) In the alternative, the station owner or operator may charge for storage, assert
28 a lien, and dispose of the vehicle under the terms of G.S. 44A-4(b) through (g). The
29 proceeds from the sale of the vehicle shall be disbursed as provided in G.S. 44A-5."

30 Sec. 3. G.S. 20-37.6 reads as rewritten:

31 **"§ 20-37.6. Handicapped; drivers and passengers; parking privileges.**

32 (a) Any vehicle driven by or transporting a person who is handicapped as defined
33 by G.S. 20-37.5 or transporting a person who is visually impaired as defined by G.S.
34 111-11, as certified by a licensed ophthalmologist, optometrist, or Division of Services
35 for the Blind, may be parked for unlimited periods in parking zones restricted as to
36 length of time parking is permitted. This provision has no application to those zones or
37 during times in which the stopping, parking, or standing of all vehicles is prohibited or
38 which are reserved for special types of vehicles. Any qualifying vehicle may park in
39 spaces designated by above ground markings as restricted to vehicles distinguished as
40 being driven by or as transporting the handicapped or as transporting the visually
41 impaired.

42 (b) Handicapped Car Owners; Distinguishing License Plates. If the handicapped
43 or visually impaired person is a registered owner of a vehicle, this vehicle may display a
44 distinguishing license plate. This license plate shall be issued for the normal fee

1 applicable to standard license plates. Any vehicle owner who qualifies for a
2 distinguishing license plate may also receive up to two distinguishing placards as
3 provided for in G.S. 20-37.6(c).

4 (c) Handicapped Drivers and Passengers; Distinguishing Placards. A person who
5 is either handicapped or visually impaired may apply for issuance of a distinguishing
6 placard to be designed by the Division of Motor Vehicles of the Department of
7 Transportation, in cooperation with the Office for the Handicapped of the Department
8 of Insurance. Any organization which, as determined and certified by the State
9 Vocational Rehabilitation Agency, regularly transports handicapped or visually
10 impaired people, may also apply. The placard shall be at least 6 inches by 12 inches in
11 size and shall contain all the information the Division of Motor Vehicles deems
12 necessary for purpose of designation and enforcement. The placard shall be displayed
13 on the driver's side of the dashboard of a vehicle only when the vehicle is being driven
14 by a duly licensed handicapped driver or is being used to transport handicapped or
15 visually impaired passengers. When the placard is properly displayed, all parking rights
16 and privileges extended to vehicles displaying a distinguishing license plate issued
17 pursuant to G.S. 20-37.6(b) shall apply. The Division of Motor Vehicles shall establish
18 procedures for the issuance of the distinguishing placards, may charge a fee sufficient to
19 pay the actual cost of issuance. Two placards may be issued to an applicant on request.
20 Applicants who are organizations may receive one placard for each transporting vehicle.

21 (d) Designation of Parking Places. Designation of parking spaces for the
22 physically handicapped and the visually impaired on streets and in other areas,
23 including public vehicular areas specified in G.S. 20-4.01(32), shall be by the use of
24 sign R7-8 for multiple parking spaces as shown in the Manual on Uniform Traffic
25 Control Devices, or sign R7-8a for single parking spaces as shown in the N.C.
26 Department of Transportation Supplement to the Manual on Uniform Traffic Control
27 Devices. Nonconforming signs in use prior to July 1, 1979, shall not constitute a
28 violation of G.S. 20-37.6(e)(4) during their useful lives, which shall not be extended by
29 other means than normal maintenance. These nonconforming signs shall be removed
30 and be replaced with conforming signs before January 1, 1989; provided that a sign or
31 symbol painted on the surface of a parking space need not be removed when a
32 conforming sign is erected.

33 (d1) Unique Properties. The owner of private property which contains a public
34 vehicular area, on which is to be designated one or more parking spaces for the
35 physically handicapped and the visually impaired, may file a written certification, on a
36 form supplied by the Department of Transportation, that signs conforming to G.S. 20-
37 37.6(d) would not be compatible with the unique visual character of the property. Upon
38 filing of the certification with the Department of Transportation, the owner may cause to
39 be erected signs of materials and colors different from signs R7-8 and R7-8a. The signs
40 shall be the same size and shape as signs R7-8 or R7-8a, as appropriate, with the same
41 letters, words, numbers and symbols. Such signs shall be deemed to conform to G.S.
42 20-37.6(d).

43 (e) Enforcement of Handicapped Parking Privileges. It shall be unlawful:

- 1 (1) To park or leave standing any vehicle in a space designated with a sign
2 pursuant to subsection (d) of this section for handicapped persons or
3 visually impaired persons when the vehicle does not display the
4 distinguishing license plate or placard as provided in this section or a
5 disabled veteran registration plate issued pursuant to G.S. 20-81.4;
- 6 (2) For any person not qualifying for the rights and privileges extended to
7 handicapped or visually impaired persons under this section to exercise
8 or attempt to exercise such rights or privileges by the unauthorized use
9 of a distinguishing license plate or placard issued pursuant to the
10 provisions of this section;
- 11 (3) To park or leave standing any vehicle so as to obstruct a curb ramp or
12 curb cut for handicapped persons as provided for by North Carolina
13 Building Code or as designated in G.S. 136-44.14;
- 14 (4) For those responsible for designating parking spaces for the
15 handicapped to erect or otherwise use signs not conforming to G.S. 20-
16 37.6(d) for this purpose.

17 This section is enforceable in all public vehicular areas specified in G.S. 20-4.01(32).

18 (f) Penalties for violation.

- 19 (1) A violation of G.S. 20-37.6(e)(1), (2) or (3) is an infraction which
20 carries a penalty of twenty-five dollars (\$25.00) and whenever
21 evidence shall be presented in any court of the fact that any
22 automobile, truck, or other vehicle was found to be parked in a
23 properly designated handicapped parking space in violation of the
24 provisions of this section, it shall be **prima facie** evidence in any court
25 in the State of North Carolina that the vehicle was parked and left in
26 the space by the person, firm, or corporation in whose name the
27 vehicle is registered and licensed according to the records of the
28 Division of Motor Vehicles. No evidence tendered or presented under
29 this authorization shall be admissible or competent in any respect in
30 any court or tribunal except in cases concerned solely with a violation
31 of this section.
- 32 (2) A violation of G.S. 20-37.6(e)(4) is an infraction which carries a
33 penalty of fifty dollars (\$50.00) and whenever evidence shall be
34 presented in any court of the fact that any such nonconforming sign or
35 markings are being used it shall be **prima facie** evidence in any court
36 in the State of North Carolina that the person, firm, or corporation with
37 ownership of the property where said nonconforming signs or
38 markings are located is responsible for violation of this section.
39 Building inspectors and others responsible for North Carolina State
40 Building Code violations specified in G.S. 143-138(h) where such
41 signs are required by the Handicapped Section of the North Carolina
42 State Building Code, may cause a citation to be issued for this
43 violation and may also initiate any appropriate action or proceeding to
44 correct such violation.

- 1 (3) A law-enforcement officer, including security officer who has
2 authority to enforce laws on the property of his employer as specified
3 in Chapter 74A, may cause a vehicle parked in violation of this section
4 to be towed; and such officer shall be a legal possessor as provided in
5 G.S. 20-161(d)(2). This law-enforcement officer, or security officer,
6 shall not be held to answer in any civil or criminal action to any owner,
7 lienholder or other person legally entitled to the possession of any
8 motor vehicle removed from such space pursuant to this section,
9 except where such motor vehicle is willfully, maliciously, or
10 negligently damaged in the removal from aforesaid space to place of
11 storage.
- 12 (4) Notwithstanding any other provision of the General Statutes, the
13 provisions of this section relative to handicapped parking shall be
14 enforced by State, county, city and other municipal authorities in their
15 respective jurisdictions whether on public or private property in the
16 same manner as is used to enforce other parking laws and ordinances
17 by said agencies.”

18 Sec. 4. G.S. 61-7 reads as rewritten:

19 **"§ 61-7. Governing body of assembly authorized to adopt traffic regulations.**

20 (a) The governing body of any religious organization or assembly may by
21 appropriate resolution establish rules and regulations with respect to the use of the
22 streets, roads, alleys, driveways, and parking lots on the grounds or premises owned or
23 under the exclusive control of such organization, and it shall be unlawful for any person
24 to park a motor vehicle or other vehicle on the streets, roads or on the premises of a
25 religious assembly where parking has been prohibited by the religious assembly by the
26 erection of "No Parking" signs at each space on the street, road or on the premises where
27 parking is prohibited. Each space in which parking is prohibited shall be clearly
28 designated as such by a sign no smaller than 24 inches by 24 inches. All rules and
29 regulations adopted pursuant to the authority of this section shall be recorded in the
30 proceedings of said governing body and copies thereof shall be filed in the office of the
31 Secretary of State of North Carolina.

32 (b) It shall be unlawful for any person to park a motor vehicle or other vehicle in
33 a parking space on the streets, roads, or premises of a religious assembly where the
34 parking space has been designated by the religious assembly as being limited to a
35 named individual or to a person holding a named position with the assembly; provided,
36 that such private parking space or private parking lot be clearly designated as such by a
37 sign no smaller than 24 inches by 24 inches prominently displayed at the entrance to the
38 parking lot, if within a parking lot, and provided further that the private parking spaces
39 within the lot or the private parking spaces on the streets, roads or on the premises of the
40 religious assembly be clearly marked by signs setting forth the name of each individual
41 for whom the space is reserved or the name of the position held with the assembly for
42 which space is reserved.

43 (c) It shall be unlawful for any person to park a motor vehicle or other vehicle on
44 the streets or roads of a religious assembly, except where parking is expressly

1 designated, so as to interfere with, or obstruct the free flow of vehicular traffic on the
2 streets or roads within the assembly grounds.

3 (d) It shall be unlawful for any person to park a motor vehicle or other vehicle at
4 the entrance to any driveway on the grounds of a religious assembly so as to block the
5 driveway.

6 (e) Any vehicle parked in violation of subsections (a), (b), (c), or (d) may be
7 removed by the assembly, or its agents, or its employees to a place of storage and the
8 registered owner of such motor vehicle shall become liable for removal and storage
9 charges. The assembly, nor any party acting under the directions of the assembly, shall
10 be held to answer any civil or criminal action to any owner, lienholder, or other person
11 legally entitled to the possession of any motor vehicle removed from such parking space
12 or parking lot pursuant to subsections (a), (b), (c), or (d) except when there is a claim for
13 personal injury or where such motor vehicle is willfully, maliciously or negligently
14 damaged in the removal from the aforesaid space to place of storage.

15 (f) A 'religious assembly' is defined as being a corporation or association formed
16 for the purpose of providing a resort community for religious and recreational purposes
17 and where the streets and roads are solely maintained by the religious assembly without
18 governmental funds."

19 Sec. 5. G.S. 115C-46 reads as rewritten:

20 "**§ 115C-46. Powers of local boards to regulate parking of motor vehicles.**

21 (a) Any local board of education may adopt reasonable rules and regulations with
22 respect to the parking of motor vehicles and other modes of conveyance on public
23 school grounds and may enforce such rules and regulations. A violation of a rule or
24 regulation concerning parking on public school grounds is an infraction punishable by a
25 penalty of not more than ten dollars (\$10.00) unless the regulation provides that the
26 violation is not punishable as an infraction. Rules and regulations adopted hereunder
27 shall be made available for inspection by any person upon request.

28 (b) Any local board of education may adopt written guidelines governing the
29 individual assignment of parking spaces on school grounds. Such guidelines shall give
30 first priority treatment to the physically handicapped.

31 (c) Any local board of education, by rules and regulations adopted hereunder,
32 may provide for the registration of motor vehicles and other modes of conveyance
33 maintained, operated or parked on school grounds. Any local board of education, by
34 rules and regulations adopted hereunder, may provide for the issuance of stickers,
35 decals, permits or other indicia representing the registration status of vehicles or the
36 eligibility of vehicles to park on school grounds and may prohibit the forgery,
37 counterfeiting, unauthorized transfer or unauthorized use of them.

38 (d) Any motor vehicle parked in a parking lot on school grounds, when such lot
39 is clearly designated as such by a sign no smaller than 24 inches by 24 inches
40 prominently displayed at each entrance thereto, in violation of the rules and regulations
41 adopted by the local board of education, or any motor vehicle otherwise parked on
42 school grounds in violation of the rules and regulations adopted by the county or city
43 local board of education, may be removed from school grounds to a place of storage and
44 the registered owner of that vehicle shall become liable for removal and storage charges.

1 No person shall be held to answer in any civil or criminal action to any owner,
2 lienholder, or other person legally entitled to the possession of any motor vehicle
3 removed pursuant to this section except when there is a claim for personal injury or
4 where such motor vehicle is willfully, maliciously or negligently damaged in the
5 removal from school grounds to place of storage."

6 Sec. 6. G.S. 143-340 reads as rewritten:

7 **"§ 143-340. Powers and duties of Secretary.**

8 The Secretary of Administration has the following powers and duties:

9 (1) To establish a meritorious service award system for State employee
10 suggestions which may include cash awards to be paid from savings
11 resulting from the adoption of employee suggestions, but in no case
12 shall the cash award exceed twenty-five percent (25%) of the savings
13 resulting during the first year following adoption or a maximum of five
14 thousand dollars (\$5,000).

15 (2) to (9) Repealed by Session Laws 1975, c. 879, s. 46.

16 (10) To require reports from any State agency at any time upon any matters
17 within the scope of the responsibilities of the Secretary or the
18 Department.

19 (11) Repealed by Session Laws 1975, c. 879, s. 46.

20 (12) To enter the premises of any State agency; to inspect its property; and
21 to examine its books, papers, documents, and all other agency records
22 and copy any of them; and any State agency shall permit such entry,
23 examination, and copying, and upon demand shall produce without
24 unnecessary delay all books, papers, documents, and other records in
25 its office and furnish information respecting its records and other
26 matters pertaining to that agency and related to the responsibilities of
27 the Department.

28 (13) Repealed by Session Laws 1975, c. 879, s. 46.

29 (14) With respect to the principal State offices and Departments as defined
30 in G.S. 143A-11 and 143B-6, or a division thereof, to exercise general
31 coordinating authority for all telecommunications matters relating to
32 the internal management and operations of State government. In
33 discharging that responsibility the Secretary may in cooperation with
34 affected State Agency Heads, do such of the following things as he
35 deems necessary and advisable:

36 a. Provide for the establishment, management, and operation,
37 through either State ownership or commercial leasing of the
38 following systems and services as they affect the internal
39 management and operation of State government:

- 40 1. Central telephone systems and telephone networks;
- 41 2. Teleprocessing systems;
- 42 3. Teletype and facsimile services;
- 43 4. Satellite services;
- 44 5. Closed-circuit TV systems;

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6. Two-way radio systems;
 7. Microwave systems;
 8. Related systems based on telecommunications technologies.
- b. Coordinate the development of cost sharing systems for respective user agencies for their proportionate parts of the cost of maintenance and operation of the systems and services listed in item a of this subdivision, in accordance with the rules and regulations adopted by the Governor and approved by the Council of State, pursuant to G.S. 143-341(8)k.
 - c. Assist in the development of coordinated telecommunications services or systems within and among all agencies and departments, and recommend, where appropriate, cooperative utilization of telecommunication facilities by aggregating users.
 - d. Perform traffic analysis and engineering for all telecommunications services and systems listed in item a of this subdivision.
 - e. Pursuant to G.S. 143-49, establish telecommunications specifications and designs so as to promote and support compatibility of the systems within State government.
 - f. Pursuant to G.S. 143-49 and 143-50, coordinate the review of requests by State agencies for the procurement of telecommunications systems or services.
 - g. Pursuant to G.S. 143-341 and Chapter 146, coordinate the review of requests by State agencies for State government property acquisition, disposition, or construction for telecommunications systems requirements.
 - h. Provide a periodic inventory of telecommunications costs, facilities, systems, and personnel within State government.
 - i. Promote, coordinate, and assist in the design and engineering of emergency telecommunications systems, including but not limited to the 911 emergency telephone number program, Emergency Medical Services, and other emergency telecommunications services.
 - j. Perform frequency coordination and management for State and local governments, including all public safety radio service frequencies, in accordance with the rules and regulations of the Federal Communications Commission or any successor federal agency.
 - k. Advise all State agencies and institutions on telecommunications management planning and related matters and provide through the State Personnel Training Center training to users with State government in telecommunications technology and systems.

- 1 l. Assist and coordinate the development of policies and long-
2 range plans, consistent with the protection of citizens' rights to
3 privacy and access to information, for the acquisition and use of
4 telecommunications systems; and base such policies and plans
5 on current information about State telecommunications
6 activities in relation to the full range of emerging technologies.
7 m. Work cooperatively with the North Carolina Agency for Public
8 Telecommunications in furthering the purpose of this
9 subdivision.

10 The provisions of this subdivision shall not apply to the Police Information Network
11 (P.I.N.) of the Department of Justice or to the Judicial Information System in the
12 Judicial Department.

13 (15), (16) Repealed by Session Laws 1975, c. 879, s. 46.

14 (17) To supervise the work of janitors appointed by the General Assembly
15 to perform services in connection with the sessions of the General
16 Assembly.

17 (18) To adopt reasonable rules and regulations with respect to the parking
18 of automobiles on all public grounds, subject to the approval of the
19 Governor and Council of State, and to enforce those rules and
20 regulations. Any person who violates a rule or regulation concerning
21 parking on public grounds is guilty of a misdemeanor, and upon
22 conviction is punishable in the discretion of the court. Upon the
23 allocation of parking spaces to any agency pursuant to such rules and
24 regulations, the agency shall adopt written guidelines governing the
25 individual assignment of such parking spaces by the agency. Such
26 guidelines shall give first priority treatment to the physically
27 handicapped and to carpoolers and vanpoolers, however, first priority
28 shall be given to those on call for duty at a time other than normal
29 working hours. A copy of said guidelines shall be made available for
30 inspection by any person upon request.

31 (19) Any motor vehicle parked in a State-owned parking lot, when such lot
32 is clearly designated as such by a sign no smaller than 24 inches by 24
33 inches prominently displayed at the entrance thereto, in violation of the
34 ‘Rules and Regulations Governing State-Owned Parking Lots’ dated
35 September, 1968 or as amended, may be removed from such lot to a
36 place of storage and the registered owner of that vehicle shall become
37 liable for removal and storage charges. No person shall be held to
38 answer in any civil or criminal action to any owner, lienholder, or
39 other person legally entitled to the possession of any motor vehicle
40 removed from such lots pursuant to this section except when there is a
41 claim for personal injury or where such motor vehicle is willfully,
42 maliciously or negligently damaged in the removal from aforesaid lot
43 to place of storage. Any motor vehicle parked without authorization
44 on State-owned public grounds under the control of the Department of

1 Administration other than a designated parking area may be removed
2 from that property to a storage area and the registered owner of the
3 vehicle shall be liable for removal and storage fees.

4 (20) To use at all times such means as, in his opinion, may be effective in
5 protecting all public buildings and grounds from fire.

6 (21) To serve as a special police officer and in that capacity to have the
7 same power of arrest as the police officers of the City of Raleigh. Such
8 authority may be exercised within the same territorial jurisdiction as
9 exercised by the police officers of the City of Raleigh, and in addition
10 thereto the authority of a deputy sheriff may be exercised on property
11 owned, leased or maintained by the State located in the County of
12 Wake.

13 (22) To appoint as special police officers such reliable persons as he may
14 deem necessary, and such officers shall have the same power of arrest
15 as herein conferred upon the Secretary. Before the Secretary or the
16 special police officers may exercise the power of arrest, they shall take
17 an oath, to be administered by any person authorized to administer
18 oaths, as required by law.

19 (23) Repealed by Session Laws 1975, c. 879, s. 46.

20 (24) To perform such additional duties as the Governor may direct.

21 (25) To make available, on a cost basis, to city and county agencies the
22 services of the State telephone network. These services are to be
23 charged to the local governments based on the proportional cost of
24 maintaining and operating the system and in accordance with rules and
25 regulations adopted by the Governor and approved by the Council of
26 State.”

27 Sec. 7. G.S. 153A-132 reads as rewritten:

28 **"§ 153A-132. Removal and disposal of abandoned and junked motor vehicles.**

29 (a) Grant of Power. A county may by ordinance prohibit the abandonment of
30 motor vehicles on public grounds and private property within the county's ordinance-
31 making jurisdiction and on county-owned property wherever located. The county may
32 enforce the ordinance by removing and disposing of abandoned or junked motor
33 vehicles according to the procedures prescribed in this section.

34 (b) Definitions. 'Motor vehicle' includes any machine designed or intended to
35 travel over land or water by self-propulsion or while attached to self-propelled vehicle.
36 An 'abandoned motor vehicle' is one that:

37 (1) Is left on public grounds or county-owned property in violation of a
38 law or ordinance prohibiting parking; or

39 (2) Is left for longer than 24 hours on property owned or operated by the
40 county; or

41 (3) Is left for longer than two hours on private property without the
42 consent of the owner, occupant, or lessee of the property; or

43 (4) Is left for longer than seven days on public grounds.

44 A 'junked motor vehicle' is an abandoned motor vehicle that also:

- 1 (1) Is partially dismantled or wrecked; or
- 2 (2) Cannot be self-propelled or moved in the manner in which it originally
- 3 was intended to move; or
- 4 (3) Is more than five years old and appears to be worth less than one
- 5 hundred dollars (\$100.00); or
- 6 (4) Does not display a current license plate.

7 (c) Removal of Vehicles. A county may remove to a storage garage or area an
8 abandoned or junked motor vehicle found to be in violation of an ordinance adopted
9 pursuant to this section. A vehicle may not be removed from private property, however,
10 without the written request of the owner, lessee, or occupant of the premises unless the
11 board of commissioners or a duly authorized county official or employee has declared
12 the vehicle to be a health or safety hazard. Appropriate county officers and employees
13 have a right, upon presentation of proper credentials, to enter on any premises within the
14 county ordinance-making jurisdiction at any reasonable hour in order to determine if
15 any vehicles are health or safety hazards. The county may require a person requesting
16 the removal from private property of an abandoned or junked motor vehicle to
17 indemnify the county against any loss, expense, or liability incurred because of the
18 vehicle's removal, storage, or sale.

19 When an abandoned or junked motor vehicle is removed, the county shall give
20 notice to the owner as required by G.S. 20-219.11(a) and (b).

21 (d) Hearing Procedure. Regardless of whether a county does its own removal
22 and disposal of motor vehicles or contracts with another person to do so, the county
23 shall provide a hearing procedure for the owner. For purposes of this subsection, the
24 definitions in G.S. 20-219.9 apply.

- 25 (1) If the county operates in such a way that the person who tows the
- 26 vehicle is responsible for collecting towing fees, all provisions of
- 27 Article 7A, Chapter 20, apply.
- 28 (2) If the county operates in such a way that it is responsible for collecting
- 29 towing fees, it shall:
 - 30 a. Provide by contract or ordinance for a schedule of reasonable
 - 31 towing fees,
 - 32 b. Provide a procedure for a prompt fair hearing to contest the
 - 33 towing,
 - 34 c. Provide for an appeal to district court from that hearing,
 - 35 d. Authorize release of the vehicle at any time after towing by the
 - 36 posting of a bond or paying of the fees due, and
 - 37 e. Provide a sale procedure similar to that provided in G.S. 44A-
 - 38 4, 44A-5, and 44A-6, except that no hearing in addition to the
 - 39 probable cause hearing is required. If no one purchases the
 - 40 vehicle at the sale and if the value of the vehicle is less than the
 - 41 amount of the lien, the county may destroy it.

42 (e) and (f) Repealed by Session Laws 1983, c. 420, s. 10, effective July 1, 1983.

43 (g) No Liability. No person nor any county may be held to answer in a civil or
44 criminal action to any owner or other person legally entitled to the possession of an

1 abandoned, junked, lost, or stolen motor vehicle for disposing of the vehicle as provided
2 in this section except when there is a claim for personal injury arising out of disposing
3 of the vehicle.

4 (h) Exceptions. This section does not apply to any vehicle in an enclosed
5 building, to any vehicle on the premises of a business enterprise being operated in a
6 lawful place and manner if the vehicle is necessary to the operation of the enterprise, or
7 to any vehicle in an appropriate storage place or depository maintained in a lawful place
8 and manner by the county."

9 Sec. 8. G.S. 160A-303 reads as rewritten:

10 **"§ 160A-303. Removal and disposal of junked and abandoned motor vehicles.**

11 (a) A city may by ordinance prohibit the abandonment of motor vehicles on the
12 public streets or on public or private property within the city, and may enforce any such
13 ordinance by removing and disposing of junked or abandoned motor vehicles according
14 to the procedures prescribed in this section.

15 (b) A motor vehicle is defined to include all machines designed or intended to
16 travel over land or water by self-propulsion or while attached to any self-propelled
17 vehicle. An abandoned motor vehicle is one that:

- 18 (1) Has been left upon a street or highway in violation of a law or
19 ordinance prohibiting parking; or
- 20 (2) Is left on property owned or operated by the city for longer than 24
21 hours; or
- 22 (3) Is left on private property without the consent of the owner, occupant,
23 or lessee thereof for longer than two hours; or
- 24 (4) Is left on any public street or highway for longer than seven days.

25 A junked motor vehicle is an abandoned motor vehicle that also:

- 26 (1) Is partially dismantled or wrecked; or
- 27 (2) Cannot be self-propelled or moved in the manner in which it was
28 originally intended to move; or
- 29 (3) Is more than five years old and worth less than one hundred dollars
30 (\$100.00); or
- 31 (4) Does not display a current license plate.

32 (c) Any junked or abandoned motor vehicle found to be in violation of an
33 ordinance adopted under this section may be removed to a storage garage or area, but no
34 such vehicle shall be removed from private property without the written request of the
35 owner, lessee, or occupant of the premises unless the council or a duly authorized city
36 official or employee has declared it to be a health or safety hazard. The city may require
37 any person requesting the removal of a junked or abandoned motor vehicle from private
38 property to indemnify the city against any loss, expense, or liability incurred because of
39 the removal, storage, or sale thereof. When an abandoned or junked motor vehicle is
40 removed, the city shall give notice to the owner as required by G.S. 20-219.11(a) and
41 (b).

42 (d) Hearing Procedure. Regardless of whether a city does its own removal and
43 disposal of motor vehicles or contracts with another person to do so, the city, shall

1 provide a hearing procedure for the owner. For purposes of this subsection, the
2 definitions in G.S. 20-219.9 apply.

3 (1) If the city operates in such a way that the person who tows the vehicle
4 is responsible for collecting towing fees, all provisions of Article 7A,
5 Chapter 20, apply.

6 (2) If the city operates in such a way that it is responsible for collecting
7 towing fees, it shall:

8 a. Provide by contract or ordinance for a schedule of reasonable
9 towing fees,

10 b. Provide a procedure for a prompt fair hearing to contest the
11 towing,

12 c. Provide for an appeal to district court from that hearing,

13 d. Authorize release of the vehicle at any time after towing by the
14 posting of a bond or paying of the fees due, and

15 e. Provide a sale procedure similar to that provided in G.S. 44A-4,
16 44A-5, and 44A-6, except that no hearing in addition to the
17 probable cause hearing is required. If no one purchases the
18 vehicle at the sale and if the value of the vehicle is less than the
19 amount of the lien, the city may destroy it.

20 (e) Repealed by Session Laws 1983, c. 420, s. 13, effective July 1, 1983.

21 (f) No person shall be held to answer in any civil or criminal action to any owner
22 or other person legally entitled to the possession of any abandoned, lost, or stolen motor
23 vehicle for disposing of the vehicle as provided in this section except when there is a
24 claim for personal injury arising out of disposing of the vehicle.

25 (g) Nothing in this section shall apply to any vehicle in an enclosed building or
26 any vehicle on the premises of a business enterprise being operated in a lawful place
27 and manner if the vehicle is necessary to the operation of the enterprise, or to any
28 vehicle in an appropriate storage place or depository maintained in a lawful place and
29 manner by the city.

30 (h) Repealed by Session Laws 1983, c. 420, s. 13, effective July 1, 1983."

31 Sec. 9. Section 3 of Chapter 936 of the 1983 Session Laws reads as
32 rewritten:

33 "Sec. 3. (a) Article 7 of Chapter 20 of the North Carolina General Statutes is
34 amended by adding a new section to read:

35 **‘§ 20-219.4. Removal of unauthorized vehicles from private property.**

36 (a) Subject to subsection (b) of this section, any motor vehicle left on private
37 property for more than 24 hours without permission of the person or party having
38 possession (actual or constructive) of such property may be removed by or at the
39 direction of such party to a place of storage, and the registered owner of such motor
40 vehicle shall become liable for removal and storage charges. No person shall be held to
41 answer in any civil or criminal action to any owner, lien holder or other person legally
42 entitled to the possession of any motor vehicle removed under this section except when
43 there is a claim for personal injury or where the person or party against whom liability is

1 asserted acted maliciously in directing the removal of the vehicle or negligently in
2 towing or storing the vehicle.

3 (b) The provisions of subsection (a) shall apply only to the following areas:

4 (1) Private roads, including shoulders, sidewalks, and medians, that are
5 adjacent to such, so long as at every entrance to such private road or at
6 every entrance to a subdivision or development containing private
7 roads, there is prominently displayed a sign that contains the following
8 message or any equally explicit message, printed in letters at least
9 three inches high: 'Private Road, No Parking In Or Along Road,
10 Violators Towed At Their Expense.' Such sign shall also display a
11 telephone number to be called for information about a towed vehicle.

12 (2) Privately owned parking lots or areas, regardless of whether such lots
13 or areas fall within the definition of 'public vehicular areas' contained
14 in G.S. 20-4.01(32), so long as there is prominently displayed at every
15 entrance to such lots or areas a sign that clearly informs, in letters at
16 least three inches in height, any person driving a motor vehicle onto
17 such lot or areas:

18 a. Either that (i) parking within such lot is restricted in a manner
19 indicated in such entrance sign, or (ii) parking within such lot is
20 restricted in a manner indicated in signs placed throughout the
21 lot, (and such signs are placed in such a manner and location as
22 reasonably to inform persons seeking to park in specific spaces
23 what limitations apply to such spaces); and

24 b. That violators may be towed at their expense; and

25 c. The telephone number to be called for information about a
26 towed vehicle.

27 (3) Any driveway or parking space that is manifestly designed to serve a
28 single family or two-family private residence, as well as any other
29 private property that is manifestly not designed or intended for the
30 parking of motor vehicles.

31 (c) A property owner or possessor who removes a vehicle or has a vehicle
32 removed pursuant to this section shall immediately thereafter contact the local law
33 enforcement agency (municipal police department or, if the property from which the
34 vehicle is removed is located outside the corporate limits of a municipality, the county
35 sheriff's department) and inform such agency that the vehicle has been removed, who
36 removed it, why it was removed, and where it can be reclaimed, and shall provide such
37 agency with the registration plate number or other identification of such vehicle.

38 (d) This section shall apply only to the Town of Carrboro, and applies only
39 within the corporate limits of that Town."

40 Sec. 10. Section 3 of Chapter 1023 of the 1987 Session Laws reads as
41 rewritten:

42 "TITLE III. TOWING OF ILLEGALLY PARKED VEHICLES FROM PARKING
43 LOTS OWNED BY THE TOWN OF CHAPEL HILL

1 Sec. 3. (a) The governing board of a town may enact reasonable ordinances
2 with respect to the parking of motor vehicles in any off-street parking facilities owned
3 by that town and to enforce those ordinances.

4 (b) Any motor vehicle parked in a town-owned parking lot, when such lot is
5 clearly designated as such by a sign no smaller than 24 inches by 24 inches stating the
6 ordinance regulations with respect to that lot and prominently displayed at the entrance
7 thereto, in violation of an ordinance adopted pursuant to this act may be removed from
8 such lot to a place of storage operated by the town and the registered owner of that
9 vehicle shall become liable for removal and storage charges. No person acting as an
10 agent for the town shall be held to answer in any civil or criminal action to any owner,
11 lienholder, or other person legally entitled to the possession of any motor vehicle
12 removed pursuant to this act except when there is a claim for personal injury or where
13 such motor vehicle is willfully, maliciously or negligently damaged in the removal from
14 aforesaid lot to place of storage.

15 (c) This section applies to the Town of Chapel Hill only."

16 Sec. 11. This act is effective upon ratification.