

GENERAL ASSEMBLY OF NORTH CAROLINA  
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SENATE BILL DRS45295-ML-127 (03/09)

Short Title: Private Parking/Immobilization Device.

(Public)

Sponsors: Senators Ballard and Britt (Primary Sponsors).

Referred to:

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. In addition, the sign required under this subsection shall clearly state that a  
25 vehicle parked in a privately owned parking space in violation of this subsection may be  
26 immobilized in accordance with this section, and the lettering on the sign shall be (i) no less  
27 than one and one-half inches in size and (ii) on a contrasting background.

28 (c) Immobilization Authority. – A vehicle parked in a privately owned parking space in  
29 violation of subsection (b) of this section may be immobilized in the space upon the written  
30 request of the parking space owner or lessee and the registered owner of the vehicle shall  
31 become liable for removal of the immobilization device. Except as otherwise provided in this  
32 subsection, any person who attaches an immobilization device pursuant to this section shall not  
33 be liable for damages for the installation, removal, or installation and removal, of the  
34 immobilization device to the owner, lienholder, or other person legally entitled to the  
35 possession of the vehicle immobilized. Any person who intentionally or negligently damages a  
36 vehicle while installing or removing the immobilization device may be 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        (f) Local Ordinance. – Notwithstanding any other provision of law, no local  
14 government may pass an ordinance regulating the immobilization of vehicles unlawfully  
15 parked in privately owned or leased parking spaces or lots."

16            **SECTION 2.** This act becomes effective July 1, 2017.