

NORTH CAROLINA GENERAL ASSEMBLY  
1971 SESSION

CHAPTER 489  
HOUSE BILL 686

AN ACT TO AMEND G.S. 153-9 BY ADDING TWO NEW SUBSECTIONS TO GRANT COUNTY BOARDS OF COMMISSIONERS AUTHORITY TO PROVIDE FOR DISPOSAL OF ABANDONED VEHICLES WITHIN COUNTY.

The General Assembly of North Carolina do enact:

**Section 1.** G.S. 153-9 is hereby amended by adding two new subsections to read as follows:

"(54a) To provide by ordinance not inconsistent with grant of authority of subdivision (55) of this section that whenever any motor vehicle is abandoned on county owned property or public grounds within such county or is abandoned upon privately owned property, any such vehicle may be removed for safekeeping by or under the direction of the sheriff or other official so designated by the board of commissioners to a storage garage or area; provided that no such vehicle shall be so removed from privately owned premises without the written request of the owner, lessee or occupant of the premises unless the same has been declared by the board of commissioners to be a health or safety hazard. Any such ordinance may also provide that the person at whose request such vehicle is removed from privately owned property shall indemnify such county against any loss or expense incurred by reason of the removal, storage or sale thereof. Written notice by mail of such removal shall be promptly given to the registered owner of the vehicle. The owner of such vehicle, before obtaining possession thereof, shall pay to the county all reasonable costs incidental to the removal, storage and locating the owner of the vehicle. Should such owner fail or refuse to pay the costs or should the identity or whereabouts of such owner be unknown and unascertainable after a diligent search has been made and after notice to him at his last known address and to the holder of any lien of record in the office of the Department of Motor Vehicles against the vehicle, the officer designated by the board of commissioners may, after holding the vehicle for 30 days and after having the value of the vehicle determined by three disinterested dealers or garagemen and after 20 days' notice has been given to the Department of Motor Vehicles before the date of sale, dispose of the same by public or private sale or in the event of an appraised value of less than fifty dollars (\$50.00) by other means in the discretion of the board of commissioners or the designated officer and the proceeds of any sale shall be forwarded to the treasurer or similar officer of the county. The treasurer or similar officer shall pay from the proceeds of any sale the cost of removal, storage, investigation as to ownership and sale, and liens in that order. Subject to (b) below, any remaining proceeds shall be deposited in the general fund of the county. Upon receipt of a county's bill of sale from a purchaser or other person entitled to receive any vehicle disposed of as hereinbefore provided, the Department of Motor Vehicles shall issue a

certificate of title to said person if a certification of title for such vehicle is required by law.

- a. For the purposes of this section, a vehicle shall be determined to have been abandoned in the following circumstances:
  1. It has been left upon county owned property or public grounds within the county in violation of a law or ordinance prohibiting parking; or
  2. The vehicle fails to display a current license plate; or
  3. It is partially dismantled or wrecked; or
  4. It is incapable of self-propulsion or being moved in the manner for which it was originally intended; or
  5. It is left on property owned or operated by the county for a period of not less than 24 hours; or
  6. It is left on private property without the consent of the owner, occupant or lessee thereof for a period of not less than two hours;
  7. It is left on any public grounds within such county for a period of not less than seven days.
- b. If, after the sale, the ownership of any vehicle at the time of its removal is established satisfactorily to the officer so designated by the board of commissioners by the person claiming such ownership, the owner shall be paid by such officer so much of the proceeds from the sale of such vehicle as remains after paying the cost of removal, storage, investigation of ownership and sale and any liens as hereinabove required.
- c. Any ordinance adopted pursuant hereto may provide that no person shall abandon within the above definitions any vehicle within the county and that no person shall leave or allow to remain any partially dismantled, nonoperating, junked or otherwise discarded vehicle on property under his control.
- d. No person shall be held to answer in any civil or criminal action to any owner or other person legally entitled to the possession of any abandoned, lost or stolen vehicle, or for disposing of such vehicle as provided by this subdivision.
- e. The term 'motor vehicle' or 'vehicle' as used herein is hereby defined to include all machines designed to be self-propelled or pulled and intended to travel along the ground by means of wheels, treads, runners or slides.
- f. Nothing herein shall be construed to apply to any vehicle in an enclosed building or vehicle on the premises of a business enterprise being operated in a lawful place and manner and the vehicle being necessary to the operation of such business enterprise, or to a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the county.

"(54b) The board of commissioners may provide by ordinance that whenever a vehicle is found to be an abandoned motor vehicle as defined in G.S. 153-9(54a)a and, in addition, is found to be inoperable, dismantled or damaged, five years old or older, and worth less than twenty-five dollars (\$25.00), it shall be deemed to be a junk motor vehicle. A junk motor vehicle may be removed from public or private property under the direction of an official designated by the board of commissioners to a storage area or garage,

provided no such vehicle shall be removed from private property without the written request of the owner, lessee or occupant of the property on which the vehicle is located unless the same has been declared a health or safety hazard by the board of commissioners. Any junk motor vehicles so removed shall be held at least 15 days. The owner of any such junk motor vehicle may reclaim his vehicle during the 15-day retention period by exhibiting proof of ownership to a designated official and paying all reasonable costs incident to the removal and storage of the vehicle and administrative expenses. If, after holding the vehicle 15 days, it remains unclaimed, said vehicle may be destroyed or otherwise disposed of as provided by ordinance or resolution of the board of commissioners. Further, any board of commissioners may, with the consent of the owner of the vehicle, remove and dispose of any motor vehicle as a junk motor vehicle regardless of the value, condition or age of such vehicle and without waiting the aforesaid 15-day period. Any proceeds derived from the disposition of junk motor vehicles shall be retained by the county for deposit in the general fund. Notice shall be given within 15 days after final disposition to the Department of Motor Vehicles, that such vehicle has been deemed to be a junk motor vehicle and has been disposed of as such. The notice shall contain as full and accurate a description of the vehicle as can reasonably be determined. No person shall be held to answer in any civil or criminal action to any owner, lienholder or other person legally entitled to the possession of any abandoned, lost or stolen junk motor vehicle for disposing of such vehicle as contemplated by this subdivision."

**Sec. 2.** This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 2nd day of June,

1971.