

NORTH CAROLINA GENERAL ASSEMBLY  
1973 SESSION

CHAPTER 720  
HOUSE BILL 878

AN ACT TO PROVIDE FOR THE COLLECTION AND DISPOSAL OF DERELICT AND  
ABANDONED MOTOR VEHICLES WITHIN THE STATE: TO PROHIBIT THE  
ABANDONMENT OF SUCH VEHICLES IN THE STATE, WITH EXCEPTIONS.

The General Assembly of North Carolina enacts:

**Section 1.** Article 3 of Chapter 20 is hereby amended by adding a new Part thereto to be designated "Part 4A" and to read as follows:

"Part 4A.

"Abandoned and Derelict Motor Vehicles.

"§ 20-78.1. **Declaration of purpose.** — Abandoned and derelict motor vehicles constitute a hazard to the health and welfare of the people of the State in that such vehicles can harbor noxious diseases, furnish shelter and breeding places for vermin, and present physical dangers to the safety and well-being of children and other citizens. It is therefore in the public interest that the present accumulation of abandoned and derelict motor vehicles be eliminated and that the future abandonment of such vehicles be prevented.

"§ 20-78.2. **Definitions of words and phrases.** — The following words and phrases when used in this Part shall for the purpose of this Part have the meaning respectively prescribed to them in this Part, except in those instances where the context clearly indicates a different meaning:

- (1) 'Abandoned vehicle' means a motor vehicle that has remained illegally on private or public property for a period of more than 10 days without the consent of the owner or person in control of the property.
- (2) 'Demolisher' means any person, firm or corporation whose business is to convert a motor vehicle into processed scrap or scrap metal or otherwise to wreck, or dismantle, such a vehicle.
- (3) 'Department' means the North Carolina Department of Transportation.
- (4) 'Derelict vehicle' means a motor vehicle:
  - a. whose certificate of registration has expired and the registered and legal owner no longer resides at the address listed on the last certificate of registration on record with the North Carolina Department of Transportation; or
  - b. whose major parts have been removed so as to render the vehicle inoperable and incapable of passing inspection as required under existing standards; or
  - c. manufacturer's serial plates, vehicle identification numbers, license number plates and any other means of identification have been removed so as to nullify efforts to locate or identify the registered and legal owner; or
  - d. whose registered and legal owner of record disclaims ownership or releases his rights thereto; or
  - e. which is more than twelve years old and does not bear a current license as required by the Department.

- (5) 'Officer' means any law enforcement officer of the State, of any county or of any municipality including county sanitation officers.
- (6) 'Salvage Yard' means a business or a person who possesses five or more derelict vehicles, regularly engages in buying and selling used vehicle parts.
- (7) 'Secretary' means the Secretary of the North Carolina Department of Transportation.
- (8) 'Tag' means any type of notice affixed to an abandoned or derelict motor vehicle advising the owner or the person in possession that the same has been declared an abandoned or derelict vehicle and will be treated as such, which tag shall be of sufficient size as to be easily discernable and contain such information as the Secretary deems necessary to enforce this act.
- (9) 'Vehicle' means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway by mechanical means.
- (10) 'Vehicle recycling' means the process whereby discarded vehicles (abandoned, derelict or wrecked) are collected and then processed by shredding, bailing or shearing to produce processed scrap iron and steel which is then remelted by steel mills and founderies to make raw materials which are subsequently used to manufacture new metal-based products for the consumer.

**"§ 20-78.3. Secretary may adopt rules and regulations.** — The Secretary is hereby vested with the power and is charged with the duties of administering the provisions of this Part and is authorized to adopt such rules and regulations as may be necessary to carry out the provisions thereof.

**"§ 20-78.4. Removal from private property.** — Any abandoned or any derelict vehicle in this State shall be subject to be removed from public or private property provided not objected to by the owner of the private property after notice as hereinafter provided and disposed of in accordance with the provisions of this Part, provided, that all abandoned motor vehicles left on any right-of-way of any road or highway in this State may be removed in accordance with G.S. 20-161.

**"§ 20-78.5. Abandoned and derelict vehicles to be tagged: determination of value.** — (a) When any vehicle is derelict or abandoned in this State, the Secretary shall cause a tag to be placed on the vehicle which shall be notice to the owner, the person in possession of the vehicle, or any lien holder that the same is considered to have been derelict or abandoned and is subject to forfeiture to the State.

(b) If the vehicle is determined to be valued at less than one hundred dollars (\$100.00), the tag shall so state and shall serve as the only legal notice that unless the vehicle is removed within five days from the date reflected on the tag, that it will thereafter become property of the State, removed and be sold for recycling purposes and that all proceeds derived from the sale thereof shall be deposited into a highway fund established for the purpose of administering the provisions of this Part.

(c) If the value of the vehicle is determined to be more than one hundred dollars (\$100.00) the tag shall so state and shall serve as the only legal notice that if the vehicle is not removed within five days from the date reflected on the tag, that it will be removed to a designated place to be sold. After the vehicle is removed, the Secretary shall give notice in writing to the person in whose name the vehicle was last registered at the last address reflected in the Department's records and to any lien holder of record that the vehicle is being held, designating the place where the vehicle is being held and that if it is not redeemed within 10 days from the date of the notice by paying all costs of removal and storage the same shall be sold for recycling purposes. The proceeds of the sale shall be deposited in the highway fund established for the purpose of administering the provisions of this Part.

(d) If the value of the vehicle is determined to be more than one hundred dollars (\$100.00), and if the identity of the last registered owner cannot be determined or if the registration contains no address for the owner, or if it is impossible to determine with reasonable certainty the identification and addresses of any lien holders, notice by one publication in a newspaper of general circulation in the area where the vehicle was located shall be sufficient to meet all requirements of notice pursuant to this Part. The notice of publication may contain multiple listings of vehicles. Five days after date of publication the advertised vehicles may be sold. The proceeds of such sale shall be deposited in the highway fund established for the purpose of administering the provisions of this Part.

(e) All officers, as defined in this Part, are given the authority to appraise or determine the value of derelict or abandoned vehicles as defined in this Part.

**"§ 20-78.6. Title to vest in State.** — Title to all vehicles sold or disposed of in accordance with this Part shall vest in the State. All manufacturers' serial number plates and any other identification numbers for all vehicles sold to any person other than a demolisher shall at the time of the sale be turned in to the Department for destruction. Any demolisher purchasing or acquiring any vehicle hereunder shall, under oath, state to the Department that the vehicles purchased or acquired by it have been shredded or recycled.

The Secretary shall remove and destroy all departmental records relating to such vehicles in such method and manner as he may prescribe.

**"§ 20-78.7. Secretary may contract for disposal.** — The Secretary is hereby authorized to contract with any federal, other state, county or municipal authority or private enterprise for tagging, collection, storage, transportation or any other services necessary to prepare derelict or abandoned vehicles for recycling or other methods of disposal. Publicly owned properties, when available, shall be provided as temporary collecting areas for the vehicles defined herein. The Secretary shall have full authority to sell such derelict or abandoned vehicles. If the Secretary deems it more advisable and practical, in addition, he is authorized to contract with private enterprise for the purchase of such vehicles for recycling.

**"§ 20-78.8. No liability for removal.** — No agent or employee of any federal, State, county or municipal government, no person or occupant of the premises from which any derelict or abandoned vehicle shall be removed, nor any person or firm contracting for the removal of or disposition of any such vehicle shall be held criminally or civilly liable in any way arising out of or caused by carrying out or enforcing any provisions of this Part.

**"§ 20-78.9. Enclosed, antique, registered and certain other vehicles exempt.** — The provisions of this Part shall not apply to vehicles located on used car lots, in private garages, enclosed parking lots, or on any other parking area on private property which is not visible from any public street or highway, nor to motor vehicles classified as antiques and registered under the laws of the State of North Carolina, those not required by law to be registered, or those in possession of a salvage yard as defined in Section 2 of this act, unless that vehicle presents some safety or health hazard or constitutes a nuisance."

**Sec. 2.** This act shall not repeal or modify G.S. 20-162.3 and shall become effective on September 3, 1973.

In the General Assembly read three times and ratified, this the 23rd day of May, 1973.