

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

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HOUSE DRH10590-MAF-256 (2/27)

Short Title: Regulation of Nonconsensual Towing/Asheville. (Local)

Sponsors: Representatives Goforth and Whilden (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW THE CITY OF ASHEVILLE TO ESTABLISH REGULATIONS FOR
3 THE TOWING OF MOTOR VEHICLES FROM PRIVATE LOTS, GARAGES, OR
4 OTHER PARKING FACILITIES.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 160A-301 is amended by adding a new subsection to read:

7 "(b2) With respect to any occurrence of a motor vehicle being towed from a private
8 parking lot, garage, or other facility that is subject to the requirements of subsection (b1) of this
9 section, a city may, by ordinance:

10 (1) Establish a rate for towing that is not less than the rate established by the
11 City for towing of junked or abandoned motor vehicles pursuant to
12 G.S. 160A-303 or Article 7A of Chapter 20 of the General Statutes.

13 (2) Require the release of a vehicle that has been attached to a wrecker if the
14 owner or operator of the vehicle encounters the wrecker in the parking lot
15 from which the vehicle is being removed, upon payment of a release fee that
16 may not exceed fifty percent (50%) of the towing fee established pursuant to
17 subdivision (1) of this subsection.

18 (3) Require that the tow operator accept, in addition to other forms of payment,
19 credit or debit cards in payment for towing services.

20 (4) Require that the tow operator allow the owner or operator of the vehicle to
21 have access to the vehicle to retrieve medicine, pets, and personal property.

22 (5) Require that the lot to which the vehicle is removed be secure and properly
23 lighted.

24 (6) Require the tow operator to notify the city police department within a
25 reasonable time after initiating a tow, to maintain a telephone number that is
26 answered 24 hours a day, and to respond to requests to release vehicles to
27 those owners or operators within a reasonable time after receiving a request
28 to do so.

29 (7) Require that daily vehicle storage fees may not take effect until the vehicle
30 has been stored at least 12 hours, and such fees may not exceed twenty
31 percent (20%) of the fee established pursuant to subdivision (1) of this
32 subsection.

33 Any ordinance adopted pursuant to this subsection shall be based on findings by the
34 governing body that such ordinance is in the interest of public safety."

35 **SECTION 2.** This act applies to the City of Asheville only.



1 **SECTION 3.** This act becomes effective December 1, 2009, and applies to vehicles
2 towed on or after that date.