

NORTH CAROLINA GENERAL ASSEMBLY
1967 SESSION

CHAPTER 1250
HOUSE BILL 1289

1 AN ACT TO AMEND G.S. 160-200(43) RELATING TO ABANDONED VEHICLES.

2
3 The General Assembly of North Carolina do enact:
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5 **Section 1.** G.S. 160-200(43) relating to abandoned vehicles is hereby amended to
6 read as follows:

7 "The governing body of any municipality may provide by ordinance that whenever any
8 motor vehicle is abandoned on the public streets or public grounds or is abandoned upon
9 privately owned property, any such vehicle may be removed for safekeeping by or under the
10 direction of a police officer or other official so designated by the governing body to a storage
11 garage or area; provided that no such vehicle shall be so removed from privately owned
12 premises without the written request of the owner, lessee or occupant of the premises unless the
13 same has been declared by the governing body to be a health or safety hazard. Any such
14 ordinance may also provide that the person at whose request such vehicle is removed from
15 privately owned property shall indemnify such municipality against any loss or expense
16 incurred by reason of the removal, storage or sale thereof. Written notice by mail of such
17 removal shall be promptly given to the registered owner of the vehicle. The owner of such
18 vehicle, before obtaining possession thereof, shall pay to the municipality all reasonable costs
19 incidental to the removal, storage and locating the owner of the vehicle. Should such owner fail
20 or refuse to pay the costs or should the identity or whereabouts of such owner be unknown and
21 unascertainable after a diligent search has been made and after notice to him at his last known
22 address and to the holder of any lien of record in the office of the Department of Motor
23 Vehicles against the vehicle, the officer designated by the governing body of the municipality
24 may, after holding the vehicle for 30 days and after having the value of the vehicle determined
25 by three disinterested dealers or garagemen and after 20 days notice has been given to the
26 Department of Motor Vehicles before the date of sale, dispose of the same by public or private
27 sale or in the event of an appraised value of less than fifty dollars (\$50.00) by other means in
28 the discretion of the governing body or the designated officer and the proceeds of any sale shall
29 be forwarded to the treasurer or similar officer of the municipality. The treasurer or similar
30 officer shall pay from the proceeds of any sale the cost of removal, storage, investigation as to
31 ownership and sale, and liens in that order. Subject to (b) below, any remaining proceeds shall
32 be deposited in the general fund of the municipality. Upon receipt of a municipality's bill of
33 sale from a purchaser or other person entitled to receive any vehicle disposed of as hereinbefore
34 provided, the Department of Motor Vehicles shall issue a certificate of title to said person if a
35 certificate of title for such vehicle is required by law.

36 (a) For the purposes of this Section, a vehicle shall be determined to have been
37 abandoned in the following circumstances:

- 38 (1) It has been left upon a street or highway in violation of a law or ordinance
39 prohibiting parking; or
40 (2) The vehicle fails to display a current license plate; or
41 (3) It is partially dismantled or wrecked; or
42 (4) It is incapable of self-propulsion or being moved in the manner for which it
43 was originally intended; or

- 1 (5) It is left on property owned or operated by the municipality for a period of
2 not less than 24 hours; or
3 (6) It is left on private property without the consent of the owner, occupant or
4 lessee thereof for a period of not less than two hours;
5 (7) It is left on any public street or highway of said municipality for a period of
6 not less than seven days.

7 (b) If, after the sale, the ownership of any vehicle at the time of its removal is
8 established satisfactorily to the officer so designated by the governing body by the person
9 claiming such ownership, the owner shall be paid by such officer so much of the proceeds from
10 the sale of such vehicle as remains after paying the cost of removal, storage, investigation of
11 ownership and sale and any liens as hereinabove required.

12 (c) Any ordinance adopted pursuant hereto may provide that no person shall abandon
13 within the above definitions any vehicle within the municipality and that no person shall leave
14 or allow to remain any partially dismantled, nonoperating, junked or otherwise discarded
15 vehicle on property under his control.

16 (d) No person shall be held to answer in any civil or criminal action to any owner or
17 other person legally entitled to the possession of any abandoned, lost or stolen vehicle, or for
18 disposing of such vehicle as provided by this subdivision.

19 (e) The term 'motor vehicle' or 'vehicle' as used herein is hereby defined to include all
20 machines designed to be self-propelled or pulled and intended to travel along the ground by
21 means of wheels, treads, runners or slides.

22 (f) Nothing herein shall be construed to apply to any vehicle in an enclosed building or
23 vehicle on the premises of a business enterprise being operated in a lawful place and manner
24 and the vehicle being necessary to the operation of such business enterprise, or to a vehicle in
25 an appropriate storage place or depository maintained in a lawful place and manner by the
26 municipality."

27 **Sec. 2.** All laws and clauses of laws in conflict with this Act are hereby repealed.

28 **Sec. 3.** This Act shall be in full force and effect from and after its ratification.

29 In the General Assembly read three times and ratified, this the 6th day of July, 1967.