

GENERAL ASSEMBLY OF NORTH CAROLINA
1989 SESSION

CHAPTER 644
SENATE BILL 773

AN ACT TO ADD TO TOWING PROVISIONS CERTAIN LANGUAGE
CONCERNING IMMUNITIES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-219.2 reads as rewritten:

"§ 20-219.2. Removal of unauthorized vehicles from private lots.

(a) It shall be unlawful for any person other than the owner or lessee of a privately owned or leased parking space to park a motor or other vehicle in such private parking space without the express permission of the owner or lessee of such space; provided, that such private parking lot be clearly designated as such by a sign no smaller than 24 inches by 24 inches prominently displayed at the entrance thereto and the parking spaces within the lot be clearly marked by signs setting forth the name of each individual lessee or owner; a vehicle parked in a privately owned parking space in violation of this section may be removed from such space upon the written request of the parking space owner or lessee to a place of storage and the registered owner of such motor vehicle shall become liable for removal and storage charges. ~~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 motor vehicle removed from such lot pursuant to this section except where such motor vehicle is willfully, maliciously or negligently damaged in the removal from aforesaid space to place of storage.~~ Any person who removes a vehicle pursuant to this section shall not be held liable for damages for the removal of the vehicle to the owner, lienholder or other person legally entitled to the possession of the vehicle removed; however, any person who intentionally or negligently damages a vehicle in the removal of such vehicle, or intentionally or negligently inflicts injury upon any person in the removal of such vehicle, may be held liable for damages.

(b) Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be fined not more than ten dollars (\$10.00) in the discretion of the court.

(c) This section shall apply only to the Counties of Craven, Dare, Forsyth, Gaston, Guilford, New Hanover, Orange, Robeson, Wake, Wilson and to the Cities of Durham, Charlotte and Fayetteville."

Sec. 2. G.S. 20-219.3 reads as rewritten:

"§ 20-219.3. Removal of unauthorized vehicles from gasoline service station premises.

(a) No motor vehicle shall be left for more than 48 hours upon the premises of any gasoline service station without the consent of the owner or operator of the service station.

(b) The registered owner of any motor vehicle left unattended upon the premises of a service station in violation of subsection (a) shall be given notice by the owner or operator of said station of said violation. The notice given shall be by certified mail return receipt requested addressed to the registered owner of the motor vehicle.

(c) Upon the expiration of 10 days from the return of the receipt showing that the notice was received by the addressee, such vehicle left on the premises of a service station in violation of this section may be removed from the station premises to a place of storage and the registered owner of such vehicle shall become liable for the reasonable removal and storage charges and the vehicle subject to the storage lien created by G.S. 44A-1 **et seq.** ~~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 vehicle removed from such station premises pursuant to this section except where such vehicle is willfully or maliciously damaged in the removal from such station premises to place of storage.~~ Any person who removes a vehicle pursuant to this section shall not be held liable for damages for the removal of the vehicle to the owner, lienholder or other person legally entitled to the possession of the vehicle removed; however, any person who intentionally or negligently damages a vehicle in the removal of such vehicle, or intentionally or negligently inflicts injury upon any person in the removal of such vehicle, may be held liable for damages.

(d) In the alternative, the station owner or operator may charge for storage, assert a lien, and dispose of the vehicle under the terms of G.S. 44A-4(b) through (g). The proceeds from the sale of the vehicle shall be disbursed as provided in G.S. 44A-5."

Sec. 3. G.S. 61-7 reads as rewritten:

"§ 61-7. Governing body of assembly authorized to adopt traffic regulations.

(a) The governing body of any religious organization or assembly may by appropriate resolution establish rules and regulations with respect to the use of the streets, roads, alleys, driveways, and parking lots on the grounds or premises owned or under the exclusive control of such organization, and it shall be unlawful for any person to park a motor vehicle or other vehicle on the streets, roads or on the premises of a religious assembly where parking has been prohibited by the religious assembly by the erection of 'No Parking' signs at each space on the street, road or on the premises where parking is prohibited. Each space in which parking is prohibited shall be clearly designated as such by a sign no smaller than 24 inches by 24 inches. All rules and regulations adopted pursuant to the authority of this section shall be recorded in the proceedings of said governing body and copies thereof shall be filed in the office of the Secretary of State of North Carolina.

(b) It shall be unlawful for any person to park a motor vehicle or other vehicle in a parking space on the streets, roads, or premises of a religious assembly where the parking space has been designated by the religious assembly as being limited to a named individual or to a person holding a named position with the assembly; provided, that such private parking space or private parking lot be clearly designated as such by a

sign no smaller than 24 inches by 24 inches prominently displayed at the entrance to the parking lot, if within a parking lot, and provided further that the private parking spaces within the lot or the private parking spaces on the streets, roads or on the premises of the religious assembly be clearly marked by signs setting forth the name of each individual for whom the space is reserved or the name of the position held with the assembly for which space is reserved.

(c) It shall be unlawful for any person to park a motor vehicle or other vehicle on the streets or roads of a religious assembly, except where parking is expressly designated, so as to interfere with, or obstruct the free flow of vehicular traffic on the streets or roads within the assembly grounds.

(d) It shall be unlawful for any person to park a motor vehicle or other vehicle at the entrance to any driveway on the grounds of a religious assembly so as to block the driveway.

(e) Any vehicle parked in violation of subsections (a), (b), (c), or (d) may be removed by the assembly, or its agents, or its employees to a place of storage and the registered owner of such motor vehicle shall become liable for removal and storage charges. ~~The assembly, nor any party acting under the directions of the assembly, shall be held to answer any civil or criminal action to any owner, lienholder, or other person legally entitled to the possession of any motor vehicle removed from such parking space or parking lot pursuant to subsections (a), (b), (c), or (d) except when there is a claim for personal injury or where such motor vehicle is willfully, maliciously or negligently damaged in the removal from the aforesaid space to place of storage. Any person who removes a vehicle pursuant to subsections (a), (b), (c), or (d) shall not be held liable for damages for the removal of the vehicle to the owner, lienholder or other person legally entitled to the possession of the vehicle removed; however, any person who intentionally or negligently damages a vehicle in the removal of such vehicle, or intentionally or negligently inflicts injury upon any person in the removal of such vehicle, may be held liable for damages.~~

(f) A 'religious assembly' is defined as being a corporation or association formed for the purpose of providing a resort community for religious and recreational purposes and where the streets and roads are solely maintained by the religious assembly without governmental funds."

Sec. 4. G.S. 115C-46 reads as rewritten:

"§ 115C-46. Powers of local boards to regulate parking of motor vehicles.

(a) Any local board of education may adopt reasonable rules and regulations with respect to the parking of motor vehicles and other modes of conveyance on public school grounds and may enforce such rules and regulations. A violation of a rule or regulation concerning parking on public school grounds is an infraction punishable by a penalty of not more than ten dollars (\$10.00) unless the regulation provides that the violation is not punishable as an infraction. Rules and regulations adopted hereunder shall be made available for inspection by any person upon request.

(b) Any local board of education may adopt written guidelines governing the individual assignment of parking spaces on school grounds. Such guidelines shall give first priority treatment to the physically handicapped.

(c) Any local board of education, by rules and regulations adopted hereunder, may provide for the registration of motor vehicles and other modes of conveyance maintained, operated or parked on school grounds. Any local board of education, by rules and regulations adopted hereunder, may provide for the issuance of stickers, decals, permits or other indicia representing the registration status of vehicles or the eligibility of vehicles to park on school grounds and may prohibit the forgery, counterfeiting, unauthorized transfer or unauthorized use of them.

(d) Any motor vehicle parked in a parking lot on school grounds, when such lot is clearly designated as such by a sign no smaller than 24 inches by 24 inches prominently displayed at each entrance thereto, in violation of the rules and regulations adopted by the local board of education, or any motor vehicle otherwise parked on school grounds in violation of the rules and regulations adopted by the county or city local board of education, may be removed from school grounds to a place of storage and the registered owner of that vehicle shall become liable for removal and storage charges. ~~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 motor vehicle removed pursuant to this section except where such motor vehicle is willfully, maliciously or negligently damaged in the removal from school grounds to place of storage.~~ Any person who removes a vehicle pursuant to this section shall not be held liable for damages for the removal of the vehicle to the owner, lienholder or other person legally entitled to the possession of the vehicle removed; however, any person who intentionally or negligently damages a vehicle in the removal of such vehicle, or intentionally or negligently inflicts injury upon any person in the removal of such vehicle, may be held liable for damages."

Sec. 5. G.S. 143-340 reads as rewritten:

"§ 143-340. Powers and duties of Secretary.

The Secretary of Administration has the following powers and duties:

- (1) To establish a meritorious service award system for State employee suggestions which may include cash awards to be paid from savings resulting from the adoption of employee suggestions, but in no case shall the cash award exceed twenty-five percent (25%) of the savings resulting during the first year following adoption or a maximum of five thousand dollars (\$5,000).
- (2) to (9) Repealed by Session Laws 1975, c. 879, s. 46.
- (10) To require reports from any State agency at any time upon any matters within the scope of the responsibilities of the Secretary or the Department.
- (11) Repealed by Session Laws 1975, c. 879, s. 46.
- (12) To enter the premises of any State agency; to inspect its property; and to examine its books, papers, documents, and all other agency records and copy any of them; and any State agency shall permit such entry, examination, and copying, and upon demand shall produce without unnecessary delay all books, papers, documents, and other records in its office and furnish information respecting its records and other

matters pertaining to that agency and related to the responsibilities of the Department.

(13) Repealed by Session Laws 1975, c. 879, s. 46.

(14) With respect to the principal State offices and Departments as defined in G.S. 143A-11 and 143B-6, or a division thereof, to exercise general coordinating authority for all telecommunications matters relating to the internal management and operations of State government. In discharging that responsibility the Secretary may in cooperation with affected State Agency Heads, do such of the following things as he deems necessary and advisable:

- a. Provide for the establishment, management, and operation, through either State ownership or commercial leasing of the following systems and services as they affect the internal management and operation of State government:
 1. Central telephone systems and telephone networks;
 2. Teleprocessing systems;
 3. Teletype and facsimile services;
 4. Satellite services;
 5. Closed-circuit TV systems;
 6. Two-way radio systems;
 7. Microwave systems;
 8. Related systems based on telecommunications technologies.
- b. Coordinate the development of cost sharing systems for respective user agencies for their proportionate parts of the cost of maintenance and operation of the systems and services listed in item a of this subdivision, in accordance with the rules and regulations adopted by the Governor and approved by the Council of State, pursuant to G.S. 143-341(8)k.
- c. Assist in the development of coordinated telecommunications services or systems within and among all agencies and departments, and recommend, where appropriate, cooperative utilization of telecommunication facilities by aggregating users.
- d. Perform traffic analysis and engineering for all telecommunications services and systems listed in item a of this subdivision.
- e. Pursuant to G.S. 143-49, establish telecommunications specifications and designs so as to promote and support compatibility of the systems within State government.
- f. Pursuant to G.S. 143-49 and 143-50, coordinate the review of requests by State agencies for the procurement of telecommunications systems or services.
- g. Pursuant to G.S. 143-341 and Chapter 146, coordinate the review of requests by State agencies for State government

- property acquisition, disposition, or construction for telecommunications systems requirements.
- h. Provide a periodic inventory of telecommunications costs, facilities, systems, and personnel within State government.
 - i. Promote, coordinate, and assist in the design and engineering of emergency telecommunications systems, including but not limited to the 911 emergency telephone number program, Emergency Medical Services, and other emergency telecommunications services.
 - j. Perform frequency coordination and management for State and local governments, including all public safety radio service frequencies, in accordance with the rules and regulations of the Federal Communications Commission or any successor federal agency.
 - k. Advise all State agencies and institutions on telecommunications management planning and related matters and provide through the State Personnel Training Center training to users with State government in telecommunications technology and systems.
 - l. Assist and coordinate the development of policies and long-range plans, consistent with the protection of citizens' rights to privacy and access to information, for the acquisition and use of telecommunications systems; and base such policies and plans on current information about State telecommunications activities in relation to the full range of emerging technologies.
 - m. Work cooperatively with the North Carolina Agency for Public Telecommunications in furthering the purpose of this subdivision.

The provisions of this subdivision shall not apply to the Police Information Network (P.I.N.) of the Department of Justice or to the Judicial Information System in the Judicial Department.

(15), (16) Repealed by Session Laws 1975, c. 879, s. 46.

(17) To supervise the work of janitors appointed by the General Assembly to perform services in connection with the sessions of the General Assembly.

(18) To adopt reasonable rules and regulations with respect to the parking of automobiles on all public grounds, subject to the approval of the Governor and Council of State, and to enforce those rules and regulations. Any person who violates a rule or regulation concerning parking on public grounds is guilty of a misdemeanor, and upon conviction is punishable in the discretion of the court. Upon the allocation of parking spaces to any agency pursuant to such rules and regulations, the agency shall adopt written guidelines governing the individual assignment of such parking spaces by the agency. Such

guidelines shall give first priority treatment to the physically handicapped and to carpoolers and vanpoolers, however, first priority shall be given to those on call for duty at a time other than normal working hours. A copy of said guidelines shall be made available for inspection by any person upon request.

- (19) Any motor vehicle parked in a State-owned parking lot, when such lot is clearly designated as such by a sign no smaller than 24 inches by 24 inches prominently displayed at the entrance thereto, in violation of the 'Rules and Regulations Governing State-Owned Parking Lots' dated September, 1968 or as amended, may be removed from such lot to a place of storage and the registered owner of that vehicle shall become liable for removal and storage charges. ~~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 motor vehicle removed from such lots pursuant to this section except where such motor vehicle is willfully, maliciously or negligently damaged in the removal from aforesaid lot to place of storage.~~ Any person who removes a vehicle pursuant to this section shall not be held liable for damages for the removal of the vehicle to the owner, lienholder or other person legally entitled to the possession of the vehicle removed; however, any person who intentionally or negligently damages a vehicle in the removal of such vehicle, or intentionally or negligently inflicts injury upon any person in the removal of such vehicle, may be held liable for damages. Any motor vehicle parked without authorization on State-owned public grounds under the control of the Department of Administration other than a designated parking area may be removed from that property to a storage area and the registered owner of the vehicle shall be liable for removal and storage fees.
- (20) To use at all times such means as, in his opinion, may be effective in protecting all public buildings and grounds from fire.
- (21) To serve as a special police officer and in that capacity to have the same power of arrest as the police officers of the City of Raleigh. Such authority may be exercised within the same territorial jurisdiction as exercised by the police officers of the City of Raleigh, and in addition thereto the authority of a deputy sheriff may be exercised on property owned, leased or maintained by the State located in the County of Wake.
- (22) To appoint as special police officers such reliable persons as he may deem necessary, and such officers shall have the same power of arrest as herein conferred upon the Secretary. Before the Secretary or the special police officers may exercise the power of arrest, they shall take an oath, to be administered by any person authorized to administer oaths, as required by law.
- (23) Repealed by Session Laws 1975, c. 879, s. 46.

- (24) To perform such additional duties as the Governor may direct.
- (25) To make available, on a cost basis, to city and county agencies the services of the State telephone network. These services are to be charged to the local governments based on the proportional cost of maintaining and operating the system and in accordance with rules and regulations adopted by the Governor and approved by the Council of State."

Sec. 6. Article 8 of the Town Charter of Carrboro, as set forth in Section 1 of Chapter 476 of the 1987 Session Laws, reads as rewritten:

"Article 8. Regulation of Streets, Sidewalks, Bikeways,
Parking, Etc.

"Section 8-1. Regulation of Vehicles Considered Abandoned. In addition to the authorization set forth in G.S. 160A-303(b), the town may, by ordinance, define an abandoned vehicle to include any motor vehicle parked under the circumstances listed below and may enforce such ordinance by towing under any ordinance adopted pursuant to the authorization contained in G.S. 160A-303:

- (1) Any motor vehicle that is left on property owned, leased, or operated by the town contrary to an ordinance prohibiting parking thereon during specified times or in excess of specified durations.
- (2) Any motor vehicle that has been left on private property in a properly designated fire lane in violation of an ordinance prohibiting parking in such specifically designated fire lanes.

"Section 8-2. Bikeways. The board of aldermen may adopt ordinances regulating the use of bikeways (thoroughfares suitable for bicycles) within the town, whether such bikeways exist within the rights-of-way of public streets or along separate and independent corridors. Without limiting the foregoing, such ordinances may establish traffic regulations for bicycles travelling in designated bikeways different than those established for other types of vehicular traffic.

"Section 8-3. Regulating Railroad Crossing. (a) Whenever the board of aldermen concludes, based upon a record of accidents or near accidents or the opinion of a professional traffic engineer or transportation planner deemed qualified by the board that a particular grade crossing located inside or within 500 yards of the corporate boundaries of the town is especially hazardous, the board may adopt an ordinance requiring the railroad company to install and maintain such warning signs, gates, lights or devices as the board deems reasonably necessary in the interest of public safety. The ordinance may provide that up to seventy-five percent (75%) of the cost of the acquisition and installation (or replacement) of such devices as well as one hundred percent (100%) of the maintenance cost shall be borne by the railroad, and the remaining cost shall be borne by the town.

(b) The intent of the section is to modify the provisions of G.S. 160A-298 as they would otherwise apply to the Town of Carrboro.

"Section 8-4. Removal of Unauthorized Vehicles from Private Property. (a) Subject to subsection (b) of this section, any motor vehicle left on private property within the town of Carrboro for more than 24 hours in an area described in subsection

(b)(1) or for any period of time in an area described in subsections (b)(2) and (b)(3) without permission of the person or party having possession (actual or constructive) of such property may be removed by or at the direction of such party to a place of storage, and the registered owner of such motor vehicle shall become liable for removal and storage charges. ~~No person shall be held to answer in any civil or criminal action to any owner, lien holder or other person legally entitled to the possession of any motor vehicle removed under this section except where the person or party against whom liability is asserted acted maliciously in directing the removal of the vehicle or negligently in towing or storing the vehicle.~~ Any person who removes a vehicle pursuant to this section shall not be held liable for damages for the removal of the vehicle to the owner, lienholder or other person legally entitled to the possession of the vehicle removed except where the person or party against whom liability is asserted acted maliciously in directing the removal of the vehicle; however, any person who intentionally or negligently damages a vehicle in the removal of such vehicle, or intentionally or negligently inflicts injury upon any person in the removal of such vehicle, may be held liable for damages.

(b) The provisions of subsection (a) shall apply only to the following areas:

- (1) Private roads, including adjacent shoulders, sidewalks, and medians, so long as at every entrance to such private road or at every entrance to a subdivision or development containing private roads, there is prominently displayed a sign that contains the following message or any equally explicit message, printed in letters at least three inches high: 'Private Road, No Parking In Or Along Road, Violators Towed At Their Expense.' Such sign shall also display a telephone number to be called for information about a towed vehicle.
- (2) Privately owned parking lots or areas, regardless of whether such lots or areas fall within the definition of 'public vehicular areas' contained in G.S. 20-4.01(32), so long as there is prominently displayed at every entrance to such lots or areas a sign that clearly informs, in letters at least three inches in height, any person driving a motor vehicle onto such lot or areas:
 - a. Either that (i) parking within such lot is restricted in a manner indicated in such entrance sign, or (ii) parking within such lot is restricted in a manner indicated in signs placed throughout the lot, (and such signs are placed in such a manner and location as reasonably to inform persons seeking to park in specific spaces what limitations apply to such spaces); and
 - b. That violators may be towed at their expense; and
 - c. What the telephone number is that should be called for information about a towed vehicle. (This information may be in letters or numbers less than three inches in height.)
- (3) Any driveway or parking space that is manifestly designed to serve a single family or two-family private residence, as well as any other

private property that is manifestly not designed or intended for the parking of motor vehicles.

(c) A property owner or possessor who removes a vehicle or has a vehicle removed pursuant to this section shall immediately thereafter contact the Town of Carrboro police department and inform such agency that the vehicle has been removed, who removed it, why it was removed, and where it can be reclaimed, and shall provide such agency with the registration plate number or other identification of such vehicle."

Sec. 7. Section 3 of Chapter 1023 of the 1987 Session Laws reads as rewritten:

"**Sec. 3.** (a) The governing board of a town may enact reasonable ordinances with respect to the parking of motor vehicles in any off-street parking facilities owned by that town and to enforce those ordinances.

(b) Any motor vehicle parked in a town-owned parking lot, when such lot is clearly designated as such by a sign no smaller than 24 inches by 24 inches stating the ordinance regulations with respect to that lot and prominently displayed at the entrance thereto, in violation of an ordinance adopted pursuant to this act may be removed from such lot to a place of storage operated by the town and the registered owner of that vehicle shall become liable for removal and storage charges. ~~No person acting as an agent for the town 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 motor vehicle removed pursuant to this act except where such motor vehicle is willfully, maliciously or negligently damaged in the removal from aforesaid lot to place of storage.~~ Any person who removes a vehicle pursuant to this section shall not be held liable for damages for the removal of the vehicle to the owner, lienholder or other person legally entitled to the possession of the vehicle removed; however, any person who intentionally or negligently damages a vehicle in the removal of such vehicle, or intentionally or negligently inflicts injury upon any person in the removal of such vehicle, may be held liable for damages.

(c) This section applies to the Town of Chapel Hill only."

Sec. 8. This act shall become effective October 1, 1989.

In the General Assembly read three times and ratified this the 15th day of July, 1989.