

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE BILL 832

Short Title: Tow Trucks and Recovery Vehicles.

(Public)

Sponsors: Senator Hagan.

Referred to: Judiciary I.

March 23, 2005

A BILL TO BE ENTITLED

AN ACT RELATING TO THE WEIGHTS OF TOW TRUCKS AND RECOVERY
VEHICLES AND TO STATUTORY LIENS ON CARGO CONTAINED IN
TOWED VEHICLES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 44A-1 reads as rewritten:

"§ 44A-1. Definitions.

As used in this Article:

(1) "Cargo" means property that is transported in the nonpassenger area of a vehicle or combination of vehicles with a GVWR of 10,001 lbs. or more.

~~(1)~~(1a) "Legal possessor" means

- a. Any person entrusted with possession of personal property by an owner thereof, or
- b. Any person in possession of personal property and entitled thereto by operation of law.

(2) "Lienor" means any person entitled to a lien under this Article.

(2a) "Motor Vehicle" has the meaning provided in G.S. 20-4.01.

(3) "Owner" means

- a. Any person having legal title to the property, or
- b. A lessee of the person having legal title, or
- c. A debtor entrusted with possession of the property by a secured party, or
- d. A secured party entitled to possession, or
- e. Any person entrusted with possession of the property by his employer or principal who is an owner under any of the above.

(4) "Secured party" means a person holding a security interest.

(5) "Security interest" means any interest in personal property ~~which interest~~ that is subject to the provisions of Article 9 of the Uniform

1 Commercial Code, or any other interest intended to create security in
2 real or personal property.

3 (6) "Vessel" has the meaning provided in G.S. 75A-2."

4 **SECTION 2.** G.S. 44A-2(d) reads as rewritten:

5 "(d) Any person who repairs, services, tows, or stores motor vehicles in the
6 ordinary course of the person's business pursuant to an express or implied contract with
7 an owner or legal possessor of the motor vehicle, except for a motor vehicle seized
8 pursuant to G.S. 20-28.3, has a lien upon the motor vehicle and any cargo being
9 transported by the motor vehicle for reasonable charges for ~~such the~~ repairs, servicing,
10 towing, storing, or for the rental of one or more substitute vehicles provided during the
11 repair, servicing, or storage. This lien shall have priority over perfected and unperfected
12 security interests. Payment for towing and storing a motor vehicle seized pursuant to
13 G.S. 20-28.3 shall be as provided for in G.S. 20-28.2 through G.S. 20-28.5."

14 **SECTION 3.** G.S. 20-118(c) reads as rewritten:

15 "(c) Exceptions. – The following exceptions apply to G.S. 20-118(b) and
16 20-118(e).

17 ...

18 (7) A wrecker may tow ~~a any~~ disabled vehicle or combination of vehicles
19 ~~in an emergency to a place for repairs, the nearest feasible point for~~
20 ~~parking parking,~~ or storage within 50 miles from the point that the
21 vehicle was disabled and may tow a truck tractor or other replacement
22 vehicle to the site of the disabled vehicle without being in violation of
23 G.S. 20-118 provided that the wrecker and towed vehicle or
24 combination of vehicles otherwise meet all requirements of this
25 section."

26 **SECTION 4.** G.S. 20-116(e) reads as rewritten:

27 "(e) Except as provided by G.S. 20-115.1, no combination of vehicles coupled
28 together shall consist of more than two units and no such combination of vehicles shall
29 exceed a total length of 60 feet inclusive of front and rear bumpers, subject to the
30 following exceptions: Said length limitation shall not apply to vehicles operated in the
31 daytime when transporting poles, pipe, machinery or other objects of a structural nature
32 which cannot readily be dismembered, nor to such vehicles transporting such objects
33 operated at nighttime by a public utility when required for emergency repair of public
34 service facilities or properties, but in respect to such night transportation every such
35 vehicle and the load thereon shall be equipped with a sufficient number of clearance
36 lamps on both sides and marker lamps upon the extreme ends of said projecting load to
37 clearly mark the dimensions of such load: Provided that vehicles designed and used
38 exclusively for the transportation of motor vehicles shall be permitted an overhang
39 tolerance front or rear not to exceed five feet. Provided, that wreckers ~~in an emergency~~
40 ~~may tow a combination tractor and trailer any disabled vehicle or combination of~~
41 vehicles to a place for to the nearest feasible point for repair and/or storage: repair,
42 parking, or storage within 50 miles of the point where the vehicle was disabled and may
43 tow a truck tractor or other replacement vehicle to the site of the disabled vehicle.
44 Provided, however, that a combination of a house trailer used as a mobile home,

1 together with its towing vehicle, shall not exceed a total length of 55 feet exclusive of
2 front and rear bumpers. Provided further, that the said limitation that no combination of
3 vehicles coupled together shall consist of more than two units shall not apply to trailers
4 not exceeding three in number drawn by a motor vehicle used by municipalities for the
5 removal of domestic and commercial refuse and street rubbish, but such combination of
6 vehicles shall not exceed a total length of 50 feet inclusive of front and rear bumpers.
7 Provided further, that the said limitation that no combination of vehicles coupled
8 together shall consist of more than two units shall not apply to a combination of
9 vehicles coupled together by a saddle mount device used to transport motor vehicles in a
10 driveway service when no more than three saddle mounts are used and provided further,
11 that equipment used in said combination is approved by the safety regulations of the
12 Federal Highway Administration and the safety rules of the Department of Crime
13 Control and Public Safety."

14 **SECTION 5.** This act is effective when it becomes law.