

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 341

Short Title: Unlicensed Driver/Tow Vehicle. (Public)

Sponsors: Representatives Cleveland, Clampitt, Collins, and Millis (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Judiciary I

March 15, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE THE TOWING AND STORAGE OF A MOTOR VEHICLE BEING
3 OPERATED BY A DRIVER CHARGED WITH AN UNLICENSED DRIVER VIOLATION.
4 The General Assembly of North Carolina enacts:

5 SECTION 1. Article 2 of Chapter 20 of the General Statutes is amended by adding a
6 new section to read:

7 **"§ 20-35.1. Towing and storage of vehicle for unlicensed driving.**

8 (a) Definitions. – The following definitions apply in this section:

9 (1) Innocent owner. – A motor vehicle owner who did not know and had no reason
10 to know that the person charged did not have a valid drivers license.

11 (2) Unlicensed driver acknowledgement. – A written document acknowledging
12 both of the following:

13 a. The motor vehicle was operated by a person charged with an unlicensed
14 driver violation.

15 b. The motor vehicle owner has taken all reasonable precautions to prevent
16 the use of the motor vehicle by the person charged and will immediately
17 report, upon discovery, any unauthorized use to the appropriate law
18 enforcement agency.

19 (3) Unlicensed driver violation. – A violation of any of the following:

20 a. G.S. 20-7(a) for failing to obtain a license before driving a motor
21 vehicle.

22 b. G.S. 20-7(e) for failing to comply with drivers license restrictions.

23 c. G.S. 20-7(f) for operating a motor vehicle with an expired license.

24 (b) Towing and Storage. – At the time a person is charged with an unlicensed driver
25 violation, the charging law enforcement officer shall have the vehicle driven by the person towed
26 and stored, unless the person charged can contact a licensed driver while the charging law
27 enforcement officer is present and the licensed driver can pick up the motor vehicle no later than
28 one hour from the time the person charged initially contacted the licensed driver. A person in
29 custody of a vehicle towed and stored pursuant to this subsection may charge a reasonable fee for
30 storage not to exceed ten dollars (\$10.00) per calendar day.

31 (c) Release of Vehicle. – A person in custody of a vehicle towed and stored pursuant to
32 subsection (b) of this section shall release the vehicle to its owner when both of the following
33 conditions are met:

34 (1) The owner presents to the charging law enforcement agency (i) a valid drivers
35 license and (ii) an unlicensed driver acknowledgment if the owner is an



1 innocent owner. For an innocent owner, the charging law enforcement agency
2 shall also confirm the identity of the person as the owner of the motor vehicle.
3 The charging law enforcement agency shall present the owner with
4 documentation certifying that the owner has complied with the requirements set
5 forth in this subdivision.

6 (2) The owner submits to the person in custody of the vehicle (i) the documentation
7 provided by the charging law enforcement agency pursuant to subdivision (1)
8 of this subsection and (ii) payment in full of any towing and storage costs.

9 (d) Failure of Owner to Obtain Release. – Notwithstanding G.S. 44A-2(d), if the owner of
10 a motor vehicle towed and stored pursuant to subsection (b) of this section does not obtain release
11 of the vehicle within 90 days from the date the vehicle was towed and stored, the person in
12 custody of the motor vehicle has a mechanics' lien on the motor vehicle for the full amount of the
13 towing and storage costs incurred since the motor vehicle was towed and stored and may dispose
14 of the motor vehicle pursuant to Article 1 of Chapter 44A of the General Statutes.

15 (e) Construction. – If the person charged with an unlicensed driver violation is also
16 charged with a violation of law arising out of the same transaction that requires seizure of the
17 vehicle, nothing in this section shall be construed to alter or supersede the law requiring seizure of
18 the vehicle."

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

20 "(d) Any person who repairs, services, tows, or stores motor vehicles in the ordinary course
21 of the person's business pursuant to an express or implied contract with an owner or legal
22 possessor of the motor vehicle, except for a motor vehicle seized pursuant to ~~G.S.~~
23 ~~20-28.3~~, G.S. 20-28.3 or towed and stored pursuant to G.S. 20-35.1, has a lien upon the motor
24 vehicle for reasonable charges for such repairs, servicing, towing, storing, or for the rental of one
25 or more substitute vehicles provided during the repair, servicing, or storage. This lien shall have
26 priority over perfected and unperfected security interests. Payment for towing and storing a motor
27 vehicle seized pursuant to G.S. 20-28.3 shall be as provided for in G.S. 20-28.2 through
28 G.S. 20-28.5. Payment for towing and storing a motor vehicle pursuant to G.S. 20-35.1 shall be as
29 provided in G.S. 20-35.1."

30 **SECTION 3.** This act becomes effective December 1, 2017, and applies to charges
31 filed on or after that date.