



HOUSE BILL 710: Private Parking/Immobilization Device.

2017-2018 General Assembly

Committee:	House Transportation. If favorable, re-refer to Judiciary III	Date:	April 25, 2017
Introduced by:	Reps. Jordan, Setzer	Prepared by:	Howard Marsilio
Analysis of:	PCS to First Edition H710-CSBG-18		Committee Counsel

OVERVIEW: *The Proposed Committee Substitute (PCS) for House Bill 710 would authorize immobilization companies to use immobilization devices on vehicles unlawfully parked in a privately owned or leased parking space, and would create criminal offenses for unlawful parking and tampering or removing immobilization devices.*

The PCS changes the effective date to December 1, 2017.

CURRENT LAW:

G.S. 14-401.9 makes it unlawful for any person other than the owner or lessee of a privately owned or leased parking space to park in that space without express permission of the owner or lessee. The private parking lot or leased space must be clearly posted with signs displaying the name of the lessee or owner as required by this section (Class 3 misdemeanor with a fine not to exceed \$10.00).

G.S. 20-219.2 makes it unlawful for any person other than the owner or lessee of a privately owned or leased parking space to park in that space without express permission of the owner or lessee. This section further authorizes and sets forth the requirements, and restrictions, for the towing of unlawfully parked vehicles pursuant to this section. The private parking lot or leased space must be clearly posted with signs displaying the name of the lessee or owner, and displaying the name and phone number of the towing and storage company. (Infraction with a fine of \$150.00). This section only applies to the listed counties and municipalities in subsection (c) of this section.

There are no laws specifically related to immobilization device usage on unlawfully parked vehicles in privately owned or leased parking spaces.

BILL ANALYSIS:

This bill would create a new section, G.S. 20-219.5, Removal of unauthorized vehicles from private lots, which would:

- Define the terms "immobilization company" and "immobilization device";
- Make it unlawful to park in a privately owned or leased parking space without consent if clearly posted with a signs displaying the name of the lessee or owner, and displaying the name and phone number of the immobilization company;
- Authorize an "immobilization company" to use an "immobilization device" upon the written request of the parking space owner or lessee, on a vehicle unlawfully parked pursuant to this section;

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- Require the registered owner to have the immobilization device removed from the vehicle;
- Shield the "immobilization company" from liability for damages related to the installation or removal of the device;
- Clarify that a person intentionally or negligently damaging a "immobilization device" may be liable for damages;
- Create an infraction for:
 - Unlawfully parking pursuant to subsection (b) of this section (with a fine not to exceed \$100.00); and
 - Tampering or removing an immobilization device attached to a vehicle pursuant to subsection (d) of this section (with a fine not to exceed \$100.00).
- Create a Class 1 misdemeanor for tampering or removing an immobilization device attached to a vehicle to the extent that the device is unusable for its primary purpose or otherwise prevents the company from further using the device;
- Prohibit a local government from passing any law or ordinance regulating the immobilization of vehicles parked in a privately owned or leased parking space or lot.

EFFECTIVE DATE: This act would become effective December 1, 2017 and would apply to offenses committed on or after that date.