

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 220*

Short Title: Wrecker Service System.

(Public)

Sponsors: Senator Sands.

Referred to: Judiciary I.

February 18, 1993

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE SECRETARY OF CRIME CONTROL AND
PUBLIC SAFETY TO ESTABLISH A WRECKER SERVICE SYSTEM.

The General Assembly of North Carolina enacts:

Section 1. Chapter 20 of the General Statutes is amended by adding a new section to read:

"§ 20-196.4. Wrecker service system authorized.

(a) The Secretary of Crime Control and Public Safety shall establish a wrecker service system for utilizing qualified, reputable 24-hour wrecker services to remove or store vehicles from highways, roads, right-of-ways, and adjacent areas. The State Highway Patrol shall use the wrecker service system established by the Secretary for the removal or storage of:

(1) A wrecked or disabled vehicle;

(2) An abandoned or derelict vehicle; or

(3) A vehicle whose owner, operator, or person in apparent control is arrested, incapacitated, or authorizes procurement of a wrecker to the State Highway Patrol.

(b) The Secretary shall establish minimum wrecker service system standards for safety, equipment, financial responsibility, experience, and reliability. Any wrecker service included in the system must be in substantial compliance with all applicable federal, State, and local laws. Any wrecker service that makes application and meets the minimum standards shall be utilized in the wrecker service system.

(c) The State Highway Patrol may deviate from the wrecker service system, and call the closest wrecker on the system, when a member of the State Highway Patrol

1 determines that public safety requires deviation from the system. The State Highway
2 Patrol may also deviate from the wrecker service system when:

3 (1) No wrecker service on the system is available;

4 (2) A municipal or county government has established a zone or other
5 wrecker system, and the State Highway Patrol determines that use of
6 the zone or other system is in the best interest of the public; or

7 (3) The owner, operator, or person in apparent control of the vehicle
8 requests a specific wrecker service.

9 (d) The Secretary may remove a wrecker service from the system if the wrecker
10 service:

11 (1) Fails to comply with the wrecker service system rules; or

12 (2) Arrives at the location of a vehicle described in subsection (a)(1), (2),
13 or (3) for the purpose of soliciting towing business and without being
14 requested by the State Highway Patrol or another person to provide
15 wrecker service.

16 (e) In accordance with G.S. 150B-22, the Secretary shall establish an informal
17 settlement committee composed of two representatives of the towing industry and three
18 representatives of the State Highway Patrol to hear any dispute concerning the wrecker
19 service system. No wrecker service may be removed from the wrecker service system
20 until the completion of the informal settlement procedure. No person may file a
21 contested case under Chapter 150B of the General Statutes without first utilizing the
22 informal settlement procedure. The time for filing a contested case provided in G.S.
23 150B-23(f) shall not begin to run until after completion of the informal settlement
24 procedure.

25 (f) Any wrecker service called pursuant to this section must enter into a contract
26 with the owner, operator, or person in apparent control of the vehicle for payment of
27 services. Nothing in this section shall be construed as creating a contract between the
28 State Highway Patrol or its employees and the wrecker service, or between the State
29 Highway Patrol or its employees and the owner, operator, or person in apparent control
30 of any vehicle towed. Neither the Secretary of Crime Control and Public Safety, the
31 State Highway Patrol, nor any employee performing any act pursuant to this section
32 shall be subject to monetary liability nor shall they be named as a defendant in any civil
33 action between the wrecker service or its agents or employees and the owner, operator,
34 or person in apparent control of any vehicle towed, stored, or subject to be towed or
35 stored under this section.

36 (g) The Secretary shall adopt rules to implement this section, in accordance with
37 Chapter 150B."

38 Sec. 2. Chapter 20 of the General Statutes is amended by adding a new
39 section to read:

40 **"§ 20-196.5. Unauthorized towing solicitation.**

41 No operator of a wrecker or person acting on behalf of a towing service shall stop,
42 park, or leave standing a vehicle on a highway right-of-way at an accident scene for the
43 purpose of soliciting towing business unless previously contacted by a vehicle operator
44 or someone acting on behalf of the operator or by a law enforcement agency. This

1 section applies regardless of participation in a wrecker service system established
2 pursuant to G.S. 20-196.4. A violation of this section is a misdemeanor punishable only
3 by a penalty of not more than five hundred dollars (\$500.00)."

4 Sec. 3. This act becomes effective October 1, 1993.