

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 220\*  
Judiciary I Committee Substitute Adopted 5/4/93

Short Title: Wrecker Service System.

(Public)

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Sponsors:

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Referred to:

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February 18, 1993

1 A BILL TO BE ENTITLED  
2 AN ACT TO REQUIRE THE SECRETARY OF CRIME CONTROL AND PUBLIC  
3 SAFETY TO ESTABLISH A WRECKER SERVICE SYSTEM AND TO CREATE  
4 A MISDEMEANOR OFFENSE RELATED TO TOWING SOLICITATIONS.

5 The General Assembly of North Carolina enacts:

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

8 **"§ 20-196.4. Wrecker service system required.**

9 (a) Establishment. – The Secretary of Crime Control and Public Safety shall  
10 establish a wrecker service system for utilizing qualified 24-hour wrecker services to  
11 remove or store vehicles from highways, roads, rights-of-way, or adjacent areas. The  
12 wrecker service system shall include rotation of wrecker services by the State Highway  
13 Patrol when a motorist does not express a preference for a particular wrecker service.  
14 The State Highway Patrol shall use the wrecker service system established by the  
15 Secretary for the removal or storage of any of the following:

16 (1) A wrecked or disabled vehicle.

17 (2) An abandoned or derelict vehicle.

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

21 (b) Standards. – The Secretary shall establish minimum wrecker service  
22 standards for safety, equipment, financial responsibility, experience, and reliability. As  
23 part of this system, the State Highway Patrol shall adopt a local plan for each district to

1 implement as many of the rules as feasible based upon the needs of the district and the  
2 available resources. Any wrecker service included in the system shall be in substantial  
3 compliance with all applicable federal, State, and local laws. Any wrecker service that  
4 applies and meets the minimum standards shall be qualified and utilized in the wrecker  
5 service system.

6 (c) Deviation. – The State Highway Patrol may deviate from the wrecker service  
7 system and local plan and call the closest wrecker on the system when a member of the  
8 State Highway Patrol determines that public safety requires deviation from the system.  
9 The State Highway Patrol may also deviate from the wrecker service system under any  
10 of the following situations:

11 (1) No wrecker service on the system is available.

12 (2) A municipal or county government has established a zone or other  
13 wrecker system, and the State Highway Patrol determines that use of  
14 the zone or other system is in the best interest of the public.

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

17 (d) Removal. – The Secretary shall provide for removal of a wrecker service  
18 from the system for:

19 (1) Failing to comply with the wrecker service system rules or district  
20 plan.

21 (2) Arriving at the location of a vehicle described in subsection (a) of this  
22 section for the purpose of soliciting towing business and without being  
23 requested to provide wrecker service by the State Highway Patrol or a  
24 person acting on behalf of the owner of the vehicle.

25 (e) Informal Settlement. – The Secretary shall establish an informal  
26 departmental procedure for reviewing any dispute concerning the wrecker service  
27 system. This procedure shall provide for participation of wrecker services in the  
28 process. Notwithstanding Chapter 150B of the General Statutes, the Secretary shall  
29 make the final decision on all such disputes, and there shall be no further appeals from  
30 the Secretary's decision.

31 (f) Construction. – Nothing in this section shall be construed as creating a  
32 contract between the State Highway Patrol or its employees and the wrecker service, or  
33 between the State Highway Patrol or its employees and the owner, operator, or person in  
34 apparent control of any vehicle towed or stored. Neither the Secretary of Crime Control  
35 and Public Safety, the State Highway Patrol, nor any employee of those departments  
36 performing any act under this section shall be subject to monetary liability or shall be  
37 named as a defendant in any civil action between the wrecker service or its agents or  
38 employees and the owner, operator, or person in apparent control of any vehicle towed,  
39 stored, or subject to be towed or stored under this section.

40 (g) Rules. – The Secretary of Crime Control and Public Safety shall adopt rules  
41 to implement this section."

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

44 **"§ 20-196.5. Certain towing solicitations prohibited.**

1       (a)    Offense. – No operator of a wrecker or person acting on behalf of a wrecker  
2 service shall stop, park, or leave standing a vehicle on a highway right-of-way at any  
3 accident scene for the purpose of soliciting towing business unless previously contacted  
4 by a vehicle operator, a person acting on behalf of the operator, or by a law enforcement  
5 agency.

6       (b)    Applicability. – This section applies regardless of participation in a wrecker  
7 service system established under G.S. 20-196.4.

8       (c)    Classification. – A violation of this section is a misdemeanor punishable by a  
9 fine of not more than five hundred dollars (\$500.00), imprisonment not to exceed 30  
10 days, or both."

11            Sec. 3. This act becomes effective January 1, 1994.