

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1208

Short Title: Wrecker Service Fees/Duties of SHP. (Public)

Sponsors: Representatives Cole, Faison, Gibson (Primary Sponsors); Dollar, England, Lucas, and Wray.

Referred to: Transportation, if favorable, Commerce, Small Business, and Entrepreneurship.

April 8, 2009

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY FROM REGULATING THE FEE AMOUNT CHARGED BY A WRECKER SERVICE THAT PARTICIPATES IN THE ROTATION WRECKER SYSTEM FOR THE STATE HIGHWAY PATROL FOR TOWING, REMOVAL, RECOVERY, AND STORAGE.

The General Assembly of North Carolina enacts:

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

"§ 20-187A. Wrecker service fees; crash scenes.

(a) Notwithstanding the provisions of G.S. 20-187, the Secretary of Crime Control and Public Safety is prohibited from establishing any orders, rules, or regulations related to the fees that may be charged by a wrecker service operator for towing, recovery, removal, or storage of a vehicle. Neither the Secretary of Crime Control and Public Safety nor the Commander of the State Highway Patrol shall prohibit inclusion in the rotation wrecker service list maintained by the State Highway Patrol for any reason based on a fee charged by a wrecker service operator. Any order, rule, or regulation regarding wrecker service fees in existence at the time this section becomes law is repealed.

(b) No law enforcement officer, agent, or State trooper investigating a crash, as required by G.S. 20-166.1, may leave the scene of a crash investigation until all vehicles and debris are cleared from the roadway and the flow of traffic is restored.

(c) Notwithstanding any rule of the Department of Crime Control and Public Safety to the contrary, any tow or wrecker service that is removed from the State Highway Patrol rotation wrecker service list may have an attorney represent them in any administrative or civil proceeding regarding removal from the list."

SECTION 2. This act becomes effective October 1, 2009.

