

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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SENATE BILL 417

Short Title: Private Parking/Immobilization Device. (Public)

Sponsors: Senators Ballard and Britt (Primary Sponsors).

Referred to: Rules and Operations of the Senate

March 29, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE USE OF IMMOBILIZATION DEVICES ON VEHICLES
3 UNLAWFULLY PARKED IN PRIVATELY OWNED OR LEASED PARKING LOTS
4 OR SPACES.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. Article 7 of Chapter 20 of the General Statutes is amended by adding
7 a new section to read:

8 "**§ 20-219.5. Immobilization of unauthorized vehicles in private lots.**

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

10 (1) Immobilization company. – A person or company engaged in the business of
11 attaching immobilization devices to vehicles.

12 (2) Immobilization device. – A device attached to the wheel or wheels of a
13 vehicle for the purpose of preventing the vehicle from being moved from a
14 parking space or lot until the device is removed by the immobilization
15 company that attached the device to the vehicle. This term includes wheel
16 locks, wheel clamps, and wheel boots.

17 (b) Unlawful Parking. – It shall be unlawful for any person other than the owner or
18 lessee of a privately owned or leased parking space to park any vehicle in the private parking
19 space without the express permission of the owner or lessee of the space if the private parking
20 lot is clearly designated as private by a sign no smaller than 24 inches by 24 inches prominently
21 displayed at all entrances to the parking lot, displaying the current name and current phone
22 number of the immobilization company, and, if individually owned or leased, the parking lot or
23 spaces within the lot are clearly marked by signs setting forth the name of each individual
24 lessee or owner. In addition, the sign required under this subsection shall clearly state that a
25 vehicle parked in a privately owned parking space in violation of this subsection may be
26 immobilized in accordance with this section, and the lettering on the sign shall be (i) no less
27 than one and one-half inches in size and (ii) on a contrasting background.

28 (c) Immobilization Authority. – A vehicle parked in a privately owned parking space in
29 violation of subsection (b) of this section may be immobilized in the space upon the written
30 request of the parking space owner or lessee and the registered owner of the vehicle shall
31 become liable for removal of the immobilization device. Except as otherwise provided in this
32 subsection, any person who attaches an immobilization device pursuant to this section shall not
33 be liable for damages for the installation, removal, or installation and removal, of the
34 immobilization device to the owner, lienholder, or other person legally entitled to the
35 possession of the vehicle immobilized. Any person who intentionally or negligently damages a
36 vehicle while installing or removing the immobilization device may be liable for damages.



1 (d) Tampering or Removal. – It shall be unlawful for any person other than the
2 immobilization company that attached the immobilization device to remove or otherwise
3 tamper with an immobilization device attached to a vehicle in accordance with this section.

4 (e) Penalties. – The following penalties apply to violations of this section:

5 (1) Except as provided in subdivision (2) of this subsection, a person who
6 commits a violation of subsection (b) or (d) of this section is guilty of an
7 infraction punishable by a fine of not more than one hundred dollars
8 (\$100.00).

9 (2) A person who violates subsection (d) of this section and causes damage to
10 the immobilization device to the extent that the device is unusable for its
11 primary purpose, or otherwise prevents the immobilization company from
12 further using the device, is guilty of a Class 1 misdemeanor.

13 (f) Local Ordinance. – Notwithstanding any other provision of law, no local
14 government may pass an ordinance regulating the immobilization of vehicles unlawfully
15 parked in privately owned or leased parking spaces or lots."

16 **SECTION 2.** This act becomes effective July 1, 2017.