

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1997

SESSION LAW 1998-80
HOUSE BILL 1508

AN ACT TO PERMIT THE CITY OF GREENVILLE TO HOLD POST-TOWING
HEARINGS FOR ABANDONED OR JUNKED VEHICLES REMOVED FROM
PRIVATE PROPERTY WITHOUT THE OWNER'S REQUEST.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-303.2(a3) reads as rewritten:

"(a3) Hearing Procedure. – Regardless of whether a city does its own removal and disposal of motor vehicles or contracts with another person to do so, the city shall provide a ~~prior~~ hearing procedure for the owner. For purposes of this subsection, the definitions in G.S. 20-219.9 apply.

- (1) If the city operates in such a way that the person who tows the vehicle is responsible for collecting towing fees, all provisions of Article 7A, Chapter 20, apply.
- (2) If the city operates in such a way that it is responsible for collecting towing fees, it shall:
 - a. Provide by contract or ordinance for a schedule of reasonable towing fees,
 - b. Provide a procedure for a prompt fair hearing to contest the towing,
 - c. Provide for an appeal to district court from that hearing,
 - d. Authorize release of the vehicle at any time after towing by the posting of a bond or paying of the fees due, and
 - e. Provide a sale procedure similar to that provided in G.S. 44A-4, 44A-5, and 44A-6, except that no hearing in addition to the probable cause hearing is required. If no one purchases the vehicle at the sale and if the value of the vehicle is less than the amount of the lien, the city may destroy it."

Section 2. This act applies to the City of Greenville only.

Section 3. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 10th day of August, 1998.

s/ Dennis A. Wicker
President of the Senate

s/ Harold J. Brubaker

Speaker of the House of Representatives