

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 69
Commerce Committee Substitute Adopted 5/12/09
House Committee Substitute Favorable 6/18/09
House Committee Substitute #2 Favorable 7/14/09

Short Title: CCPS Wrecker Service Fee Rules.

(Public)

Sponsors:

Referred to:

February 5, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE CERTAIN PARTS OF A RULE ADOPTED BY THE DEPARTMENT
3 OF CRIME CONTROL AND PUBLIC SAFETY RELATING TO ROTATION
4 WRECKER SERVICES VOID AND UNENFORCEABLE AND TO DIRECT THE
5 SECRETARY TO ADOPT RULES CONSISTENT WITH THIS ACT AND TO AMEND
6 THE DUTIES OF THE HIGHWAY PATROL.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** Notwithstanding the authority of the Secretary of Crime Control and
9 Public Safety to adopt rules for the maintenance and operation of a Highway Patrol rotation
10 wrecker system, the amendments to 14A NCAC 09H.0321(10), which became effective on July
11 18, 2008, are void and unenforceable to the extent such amendments:

- 12 (1) Limit submission of initial applications and reapplications for inclusion in
13 the Highway Patrol rotation wrecker list to an annual open enrollment
14 period.
15 (2) Limit vehicle storage fees to the maximum allowed by G.S. 20-28.3.
16 (3) Require that towing and recovery fees be within fifteen percent (15%) of the
17 median price charged within the applicable Highway Patrol Troop.

18 Notwithstanding the limitations set out in this section, the Highway Patrol may
19 require that wrecker services, when responding to rotation wrecker calls, charge reasonable fees
20 for services rendered and that any fee charged for rotation services not exceed the wrecker
21 service's charges for nonrotation service calls that provide the same service, labor, and
22 conditions.

23 **SECTION 2.** The Secretary of Crime Control and Public Safety shall adopt
24 amendments to 14A NCAC 09H.0321(10) to conform to the requirements of this act.

25 **SECTION 3.** G.S. 20-188 reads as rewritten:

26 **"§ 20-188. Duties of Highway Patrol.**

27 The State Highway Patrol shall be subject to such orders, rules and regulations as may be
28 adopted by the Secretary of Crime Control and Public Safety, with the approval of the
29 Governor, and shall regularly patrol the highways of the State and enforce all laws and
30 regulations respecting travel and the use of vehicles upon the highways of the State and all laws
31 for the protection of the highways of the State. To this end, the members of the Patrol are given
32 the power and authority of peace officers for the service of any warrant or other process issuing
33 from any of the courts of the State having criminal jurisdiction, and are likewise authorized to
34 arrest without warrant any person who, in the presence of said officers, is engaged in the
35 violation of any of the laws of the State regulating travel and the use of vehicles upon the



1 highways, or of laws with respect to the protection of the highways, and they shall have
2 jurisdiction anywhere within the State, irrespective of county lines. The State Highway Patrol
3 shall enforce the provisions of G.S. 14-399.

4 The State Highway Patrol shall have full power and authority to perform such additional
5 duties as peace officers as may from time to time be directed by the Governor, and such
6 officers may at any time and without special authority, either upon their own motion or at the
7 request of any sheriff or local police authority, arrest persons accused of highway robbery, bank
8 robbery, murder, or other crimes of violence.

9 The Secretary of Crime Control and Public Safety shall direct the officers and members of
10 the State Highway Patrol in the performance of such other duties as may be required for the
11 enforcement of the motor vehicle laws of the State.

12 Members of the State Highway Patrol, in addition to the duties, power and authority
13 hereinbefore given, shall have the authority throughout the State of North Carolina of any
14 police officer in respect to making arrests for any crimes committed in their presence and shall
15 have authority to make arrests for any crime committed on any highway.

16 Regardless of territorial jurisdiction, any member of the State Highway Patrol who initiates
17 an investigation of an accident or collision may not relinquish responsibility for completing the
18 investigation, or for filing criminal charges as appropriate, without clear assurance that another
19 law-enforcement officer or agency has fully undertaken responsibility, and in such cases he
20 shall render reasonable assistance to the succeeding officer or agency if requested.

21 The State Highway Patrol recognizes the need to utilize private wrecker services to remove
22 vehicles from public roadways as part of its public safety responsibility. In order to assure that
23 this public safety responsibility is accomplished, the Troop Commander shall include on the
24 Highway Patrol's rotation wrecker list only those wrecker services which agree in writing to
25 impose reasonable charges for work performed and present one bill to the owner or operator of
26 any towed vehicle. Towing, storage, and related fees charged may not be greater than fees
27 charged for the same service for nonrotation calls that provide the same service, labor, and
28 conditions."

29 **SECTION 4.** This act is effective when it becomes law.