

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 424

Short Title: Private Parking Immobilization. (Public)

Sponsors: Representative Pickett.

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Transportation, if favorable, Judiciary 1, if favorable, Rules, Calendar, and Operations of the House

March 22, 2023

A BILL TO BE ENTITLED
AN ACT TO PROTECT THE PRIVATE PROPERTY OWNER'S PARKING
ENFORCEMENT RIGHTS THROUGH THE USE OF IMMOBILIZATION DEVICES.

The General Assembly of North Carolina enacts:

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

"§ 20-219.2A. Immobilization of unauthorized vehicle on private lot.

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

(1) Immobilization device. – A device such as a wheel lock, wheel clamp, wheel boot, or other device used to immobilize a motor vehicle from being removed from a parking space or lot until the device is removed by the immobilizing company or individual who placed the device on the motor vehicle.

(2) Private lots. – A parking lot or parking space owned by a company or an individual that is not owned or leased by any federal, State, or local government agency.

(b) It shall be unlawful for any person other than the owner or lessee of a privately owned or leased parking space to park a motor vehicle in such private parking space without the express permission of the owner or lessee of such space if the private parking lot is clearly designated as such by legible signs no smaller than 24 inches by 24 inches prominently displayed at all entrances thereto, displaying the current name and current phone number of the immobilization company, and, if individually owned or leased, the parking lot or spaces within the lot are clearly marked by signs setting forth the name of each individual lessee or owner. A vehicle parked in a privately owned parking space in violation of this section may be immobilized in such space upon the written request of the parking space owner or lessee, and the registered owner of such motor vehicle shall become liable for removal of the immobilization device. Any person who immobilizes a vehicle pursuant to this section shall not be held liable for damages for the installation or removal of the immobilization device to the owner, lienholder, or other person legally entitled to the possession of the vehicle removed; however, any person who intentionally or negligently damages a vehicle while installing or removing the immobilization device may be liable for damages. The provisions of this section shall not apply until 72 hours after the required signs are posted.

(c) Any person violating any provision of this section except this subsection shall be guilty of an infraction and upon conviction shall be only penalized not more than one hundred dollars (\$100.00) in the discretion of the court.



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1 (d) A person who removes or attempts to remove an immobilization device, without
2 authorization from the person or company that installed the immobilization device, and by doing
3 so damages the device to cause its loss of use shall be guilty of a Class 1 misdemeanor.

4 (e) The provisions of this section shall be interpreted to preempt the authority of any
5 county or municipality to enact ordinances regulating immobilization devices on vehicles in
6 private lots."

7 **SECTION 2.** This act becomes effective December 1, 2023, and applies to offenses
8 committed on or after that date.