

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

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.

6 The General Assembly of North Carolina enacts:

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

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

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

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

24 **SECTION 3.** This act is effective when it becomes law.

