

CHAPTER 07 – STATE HIGHWAY PATROL

SUBCHAPTER 07A – ENFORCEMENT REGULATIONS

SECTION .0100 – ENFORCEMENT REGULATIONS

14B NCAC 07A .0104 VEHICLE REMOVAL PROCEDURES

- (a) Vehicles on the paved or main-traveled portion of the highway:
- (1) A member who encounters a vehicle parked, disabled from a collision, or otherwise left standing on the paved or main-traveled portion of the highway shall:
 - (A) remove the vehicle to a position off the roadway;
 - (B) with consent from the owner, operator, or legal possessor, arrange the transportation and storage of the vehicle; or
 - (C) without consent from the owner, operator, or legal possessor, arrange the transportation and storage of the vehicle if the vehicle presents a hazard, a potential hazard or otherwise as authorized by State law.
 - (2) A member shall permit an objecting owner, operator, or legal possessor to remove a vehicle to a safe position off the roadway, if the driver is competent and licensed to drive the vehicle. A member may arrange to transport and store a vehicle that cannot be safely parked off the roadway as authorized in this Rule.
- (b) Vehicles off the paved or main-traveled portion of the highway:
- (1) A member investigating an accident or collision in which a disabled vehicle is located off the paved or main-traveled portion of the highway may arrange the transportation and storage of the vehicle. If the owner, operator, or legal possessor objects, a member shall not transport and store a vehicle unless, as standing, the vehicle creates a hazard.
 - (2) A member who observes a vehicle unlawfully parked or disabled on the right-of-way, but not on the main-traveled portion of the highway, may remove and store the vehicle only if the vehicle interferes with the regular flow of traffic or otherwise constitutes a hazard.
 - (3) A member shall not arrange the transportation and storage of a vehicle unlawfully parked on the highway right-of-way that does not interfere with the regular flow of traffic or otherwise constitutes a hazard until the vehicle remains on the highway right-of-way for a period of 24 hours or more, has been vandalized, or is otherwise abandoned.
- (c) Vehicles subject to seizure - Vehicles that are authorized by law to be seized or which may be evidence in a criminal proceeding may be towed and stored.

*History Note: Authority G.S. 20-184; 20-188;
Temporary Adoption Eff. June 9, 2000;
Eff. April 1, 2001;
Transferred from 14A NCAC 09H .0309 Eff. June 1, 2013;
Readopted Eff. January 1, 2019.*