



TOWING – A Visitor’s Nightmare

There was an interesting discussion on [Bull City Rising](#) last week about a [bill](#) in the General Assembly (since ratified) that would regulate towing from private parking lots.

At issue was whether the proposed regulations are fair to private parking lot owners. The bill, effective October 1, 2010, will require owners to:

- Post a sign no smaller than 24 inches by 24 inches prominently displayed at the entry to the private parking lot.
- Display the name and phone number of the towing and storage company.
- Ensure any vehicle towed is not transported more than 15 miles from the place of removal.
- Inform the owner in writing at the time of retrieval that s/he has the right to pay the towing and storage fee, request immediate possession, and contest the towing charges.
- Not require the person retrieving the car to sign any waiver of rights as a condition of the release of the vehicle.

Some private property owners contend that those who park illegally are “law-breaking whiners,” and this is just another attempt to “legislate behavior and make property owners yield to irresponsible consumers.” ([See comments](#) on Bull City Rising.) And it’s true that some probably are intentionally taking their chances on breaking the law, but consider the thoughts going through a visitor’s mind driving in an unfamiliar city:

Now where is that restaurant... road names hard to read...some don't have their street numbers clearly displayed....whoops, watch the cars in front of me...was it 2611 or 2116?....whoa!...street names changed...was I on Chapel Hill Street, Chapel Hill Road or Durham Chapel Hill Boulevard?...Found it!...looks busy...hard to find parking...the lot next door is empty...there is even a nice pathway from the lot to the restaurant.

The accounting below is a true story from someone who visited Durham within the past four months.

- Patron parks car in private lot next door to restaurant for just over 60 minutes.
- Returns to find car was towed. Looks for sign and realizes she had been parked illegally.
- Called the number on the sign and was told to bring \$235 in cash.
- Calls Durham Police to ask if they can really charge that much to tow a car???
- Policeman calls tow company but can't do anything since the car was on private parking.
- Visitor met a friend at the restaurant, so had means to get to the tow place and to an ATM to withdraw cash, but drove around for an hour trying to locate both.
- Waited 20 minutes for tow person to show up (it was a Sunday afternoon.)
- Tow person swears at visitor for calling police.
- Visitor requested business license number and published rates of the tow company. Tow person refuses and threatens if visitor doesn't “shut her mouth” he will not release the car until Monday.
- Visitor agrees she made a mistake; that private property owners should be able to tow cars; and that she should have to pay a fine. However, also wishes signs were more visible; notice was given before towing; and that Durham would impose rules and regulations on their towing and storage industry.
- Visitor also notes she likely won't be coming back to Durham.



Actual No Parking Zone Signage

If the visitor hadn't met a friend at the restaurant, the taxi fare over to the storage facility would have been \$17.35. The time and money to find an ATM could have more than doubled that cost.

Had this bill been made into law at that time the visitor may have seen the sign that prohibited parking to begin with. She definitely could not have been threatened to not receive her car until the next day.

Ironically, when this restaurant opened, they were required to put in a cross connection to the neighboring businesses, which by all appearances "invites" patrons to park in one spot and walk to neighboring businesses (which on this street is a combination of retail and restaurants.)

Other cities (Chapel Hill and Raleigh, for example) have passed regulations that require limiting the total cost of towing to \$100; requiring towing companies to take debit or credit cards; limiting the "storage fee"; and requiring all spaces that you can be towed from to be clearly labeled. Is it time for Durham to move in this direction as well? Does the new law go far enough?



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