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HOUSE BILL NO. 346

Offered January 14, 2004

Prefiled January 12, 2004

A BILL to amend and reenact § 46.2-1208 of the Code of Virginia, relating to certain vehicles abandoned on private property; notice to owners and persons having security interests.

Patron—Cosgrove

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:**1. That § 46.2-1208 of the Code of Virginia is amended and reenacted as follows:**

§ 46.2-1208. Vehicles abandoned on private property other than garages.

Notwithstanding any other provisions of this article, if an abandoned motor vehicle is left on private property, other than an establishment covered by the provisions of § 46.2-1204, regardless of whether the vehicle had been brought to that location with the consent of the owner or person in control of the private property, the owner or person in control of the private property may send a notice, by registered or certified mail, return receipt requested, to the owner of record of the motor vehicle and all persons having security interests in the vehicle of record in the office of the Department, describing the motor vehicle by year, make, model, and serial number, and advising that unless the vehicle is reclaimed and removed within ~~thirty~~ 30 days or, if the vehicle is a manufactured home or a mobile home, 120 days, from the date of the notice, its owner and all persons having security interests in the vehicle shall have waived all right, title, and interest in the vehicle. If the motor vehicle is not reclaimed by its owner or a person having a security interest in the vehicle of record within ~~thirty~~ the required number of days from the date of the notice, the owner or person in control of the private property on which the motor vehicle was abandoned may apply to the Department for a title to such vehicle. On verification that the notice provisions of this section have been complied with and payment of the certificate of title fee prescribed by § 46.2-627, the Department shall issue a certificate of title to the vehicle in the name of the person submitting the application. The Commissioner shall issue appropriate forms and promulgate appropriate regulations governing applications for title to abandoned motor vehicles pursuant to this section.

The provisions of this section shall be applicable in the case of any motor vehicle, trailer, semitrailer, or part of a motor vehicle, trailer, or semitrailer abandoned on private property, whether or not the locality in which the private property is located has provided by ordinance for the removal and disposition of abandoned vehicles in accordance with this article.

The provisions of this section shall apply only to motor vehicles registered in Virginia. In cases of motor vehicles registered in other states, the Commissioner shall issue certificates of title to their owners on proof satisfactory to the Commissioner that the persons required to be notified by registered or certified mail have received actual notice fully containing the information required by this section.

INTRODUCED

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