

2007 SESSION

SENATE SUBSTITUTE

072012784

SENATE BILL NO. 1042

FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by Senator O'Brien

on February 6, 2007)

(Patron Prior to Substitute—Senator O'Brien)

A BILL to amend and reenact § 46.2-1231.1 of the Code of Virginia, relating to towing and recovery operators; exemption from liability.

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-1231.1 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-1231.1. Immunity from liability for certain towing.

No towing and recovery operator shall be liable for damages in any civil action for responding in good faith to the lawful direction of a law-enforcement, *fire, or rescue* agency to tow, recover, or store any vehicle, combination of vehicles, their contents, or any other object. The immunity provided by this section shall not extend to the liability for negligence in the towing, recovery, or storage carried out by the towing and recovery operator. For the purposes of this section, any towing, recovery, or storage carried out in compliance with a contract between a towing business and a local law-enforcement agency or local government shall be deemed to have been performed at the lawful direction of a law-enforcement agency.

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