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SENATE BILL NO. 707

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Transportation
on February 7, 2008)

(Patron Prior to Substitute—Senator Norment)

A BILL to amend and reenact §§ 46.2-2801, 46.2-2809, and 46.2-2812 of the Code of Virginia, relating to powers, duties, and regulations of the Board of Towing and Recovery Operators.

Be it enacted by the General Assembly of Virginia:**1. That §§ 46.2-2801, 46.2-2809, and 46.2-2812 of the Code of Virginia are amended and reenacted as follows:**

§ 46.2-2801. The Board of Towing and Recovery Operators.

A. The Board of Towing and Recovery Operators is hereby created. The Board shall consist of 15 members as follows:

1. Two members appointed by the Governor, subject to confirmation by the General Assembly, one who shall be licensed as a Class A operator and one who shall be licensed as a Class B operator;

2. Four members appointed by the Speaker of the House of Delegates, one who shall be licensed as a Class A operator, two of whom shall be licensed as Class A or Class B operators, and one who shall be licensed as a Class B operator;

3. Three members appointed by the Senate Committee on Rules, one who shall be licensed as a Class A operator, one who shall be licensed as Class A or Class B operator, and one who shall be licensed as a Class B operator;

4. Three citizens of the Commonwealth appointed at-large, one appointed by the Governor, one appointed by the Speaker of the House of Delegates, and one appointed by the Senate Committee on Rules, all of whom shall have no direct or indirect interest, other than as consumers, in or relating to the towing and recovery industry;

5. The Commissioner of the Department of Motor Vehicles or his designee;

6. The Commissioner of Agriculture and Consumer Services or his designee; and

7. The Superintendent of the State Police or his designee.

All members shall be voting members.

B. Members shall serve for terms of four years, except that of those members initially appointed by the Governor, one shall be appointed for a one-year term and one for a two-year term. Of those members initially appointed by the Speaker of the House of Delegates, one shall be appointed for a four-year term, one for a three-year term, one for a two-year term, and one for a one-year term. Of those members initially appointed by the Senate Committee on Rules, one shall be appointed for a one-year term, one for a two-year term, and one for a three-year term.

C. Every member shall be a citizen of the United States and a resident of Virginia. ~~Nominations may be made for each operator vacancy from a list of at least three names submitted to the Governor, the Speaker of the House of Delegates, and the Senate Committee on Rules by the Virginia Association of Towing and Recovery Operators and the Major Incident Heavy Recovery Operators Association. The Governor, the Speaker of the House of Delegates, and the Senate Committee on Rules may notify the associations promptly of any operator vacancy other than by expiration and like nominations may be made for the filling of the vacancy. In no case shall the Governor, the Speaker of the House of Delegates, or the Senate Committee on Rules be bound to make any appointment from among the nominations of the associations. Any member may be removed from the Board in the same manner as he was appointed. The members shall be at-large members and, insofar as practical, should reflect fair and equitable statewide representation. No member, other than the Commissioner of the Department of Motor Vehicles or his designee, the Commissioner of Agriculture and Consumer Services or his designee, and the Superintendent of the State Police or his designee, shall serve for more than two full successive terms. Vacancies shall be filled by appointment in the same manner as the original appointment and shall be for the unexpired term. Vacancies filled by appointment by the Governor shall be effective until 30 days after the next meeting of the ensuing General Assembly, and, if confirmed, thereafter for the remainder of the term. Any person appointed to fill a vacancy may serve two additional successive terms. The Commissioner of the Department of Motor Vehicles or his designee, the Commissioner of Agriculture and Consumer Services or his designee, and the Superintendent of the State Police or his designee shall be ex officio voting members.~~D. The Board shall meet at least quarterly each year. Annually, the members of the Board shall elect from its membership a chairman ~~who shall be a licensed Class A operator~~ and a vice-chairman, each to serve for a one-year term. *In even-numbered years, the chairman shall be a licensed Class A operator and the vice-chairman a Class B operator; in odd-numbered years, the chairman shall be a licensed*

60 *Class B operator and the vice-chairman a licensed Class A operator.* Eight members shall constitute a
61 quorum.

62 E. The Board shall adopt a seal with the words "Board of Towing and Recovery Operators,
63 Commonwealth of Virginia." The executive director of the Board shall have charge, care, and custody of
64 the seal, and shall keep a record of all proceedings of the Board that shall be open to the public for
65 inspection.

66 F. Members of the Board shall be reimbursed their actual and necessary expenses incurred in
67 carrying out their duties, such reimbursement to be paid from the Towing and Recovery Operators
68 Board Fund established pursuant to § 46.2-2804, subject to review and approval by the executive
69 director and chairman of the Board.

70 § 46.2-2809. Regulations.

71 The Board may promulgate regulations requiring persons licensed under this chapter to keep and
72 maintain records reasonably required for the enforcement of provisions of this chapter, and any other
73 regulations, not inconsistent with the provisions of this chapter, as it shall consider necessary for the
74 effective administration and enforcement of this chapter. A copy of any regulation promulgated under
75 this section shall be mailed to each licensee 30 days prior to its effective date. *No regulation of the*
76 *Board pertaining to public safety towing and recovery services, as provided in § 46.2-2826, shall*
77 *become effective prior to July 1, 2010.*

78 § 46.2-2812. Licenses required.

79 On and after July 1, 2008, it shall be unlawful for any person to engage in business in the
80 Commonwealth as a towing and recovery operator without first obtaining a license as a Class A or Class
81 B operator as provided in this chapter. ~~Violation~~ *Any violation* of any provision of this section *on or*
82 *after January 1, 2009*, shall constitute a Class 1 misdemeanor.

83 **2. The Board of Towing and Recovery Operators shall hold four public meetings on the draft**
84 **regulations in the Roanoke, Richmond, Northern Virginia, and Hampton Roads regions prior to**
85 **the 2009 General Assembly session.**