

093819536

HOUSE BILL NO. 2169

Offered January 14, 2009

Prefiled January 14, 2009

A BILL to amend and reenact §§ 46.2-1217 and 46.2-1233.2 of the Code of Virginia and to repeal Chapter 28 (§§ 46.2-2800 through 46.2-2828) of Title 46.2 of the Code of Virginia, relating to the Board of Towing and Recovery Operators.

Patrons—Abbitt and Peace

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-1217 and 46.2-1233.2 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-1217. Local governing body may regulate certain towing.

The governing body of any county, city, or town by ordinance may regulate services rendered pursuant to police towing requests by any business engaged in the towing or storage of unattended, abandoned, or immobile vehicles. The ordinance may include delineation of service areas for towing services, the limitation of the number of persons engaged in towing services in any area, including the creation of one or more exclusive service areas, and the specification of equipment to be used for providing towing service. The governing body of any county, city, or town may contract for services rendered pursuant to a police towing request with one or more businesses engaged in the towing or storage of unattended, abandoned, or immobile vehicles. The contract may specify the fees or charges to be paid by the owner or operator of a towed vehicle to the person undertaking its towing or storage and may prescribe the geographical area to be served by each person providing towing services. The county, city, or town may establish criteria for eligibility of persons to enter into towing services contracts and, in its discretion, may itself provide exclusive towing and storage service for police-requested towing of unattended, abandoned, or immobile vehicles. ~~Such criteria shall, for drivers of tow trucks and towing and recovery operators, be no less restrictive than those established pursuant to Chapter 28 (§ 46.2-2800 et seq.) of this title and regulations adopted pursuant thereto.~~

Prior to adopting an ordinance or entering into a contract pursuant to this section, the local governing body shall appoint an advisory board to advise the governing body with regard to the appropriate provisions of the ordinance or terms of the contract. The advisory board shall include representatives of local law-enforcement agencies, towing and recovery operators, and the general public.

"Police-requested towing" or "police towing request," as used in this section, includes all requests made by a law-enforcement officer of the county, city, or town or by a State Police officer within the county, city, or town pursuant to this article or Article 2 (§ 46.2-1209 et seq.) of this chapter and towing requests made by a law-enforcement officer at the request of the owner or operator of an unattended, abandoned, or immobile vehicle, when no specific service provider is requested by such owner or operator.

If an unattended, abandoned, or immobile vehicle is located so as to impede the free flow of traffic on a highway declared by resolution of the Commonwealth Transportation Board to be a portion of the interstate highway system and a law-enforcement officer determines, in his discretion, that the business or businesses authorized to undertake the towing or storage of the vehicle pursuant to an ordinance or contract adopted pursuant to this section cannot respond in a timely manner, the law-enforcement officer may request towing or storage service from a towing or storage business other than those authorized by such ordinance or contract.

If an unattended, abandoned, or immobile vehicle is towed as the result of a police-towing request, the owner or person having control of the business or property to which the vehicle is towed shall allow the owner of the vehicle or any other towing and recovery business, upon presentation of a written request therefor from the owner of the vehicle, to have access to the vehicle for the purpose of inspecting or towing the vehicle to another location for the purpose of repair, storage, or disposal. For the purpose of this section, "owner of the vehicle" means a person who (i) has vested ownership, dominion, or title to the vehicle; (ii) is the authorized agent of the owner as defined in clause (i); or (iii) is an employee, agent, or representative of an insurance company representing any party involved in a collision that resulted in a police-requested tow who represents in writing that the insurance company has obtained the oral or written consent of the title owner or his agent or the lessee of the vehicle to obtain possession of the vehicle. It shall be unlawful for any towing and recovery business to refuse to release a vehicle to the owner as defined in this section upon tender of full payment for all lawful

INTRODUCED

HB2169

59 charges by cash, insurance company check, certified check, money order, at least one of two commonly
60 used, nationally recognized credit cards, or additional methods of payment approved by the Board.
61 Thereafter, if a towing and recovery business refuses to release the vehicle, future charges related to
62 storage or handling of the vehicle by such towing and recovery business shall be suspended and no
63 longer payable.

64 The vehicle owner who has vested ownership, dominion, or title to the vehicle shall indemnify and
65 hold harmless the towing and recovery operator from any and all liability for releasing the vehicle to
66 any vehicle owner as defined in this section for inspecting or towing the vehicle to another location for
67 the purpose of repair, storage, or disposal.

68 § 46.2-1233.2. Advisory board.

69 Prior to adopting or amending any ordinance pursuant to § 46.2-1232 or § 46.2-1233, the local
70 governing body shall appoint an advisory board to advise the governing body with regard to the
71 appropriate provisions of the ordinance. Voting members of the advisory board shall consist of an equal
72 number of representatives of local law-enforcement agencies and representatives of ~~licensed~~ towing and
73 recovery operators, and one member of the general public. Any such advisory board shall meet at least
74 once per year at the call of the chairman of the advisory board, who shall be elected annually from
75 among the voting members of the advisory board by a majority vote.

76 **2. That Chapter 28 (§§ 46.2-2800 through 46.2-2828) of Title 46.2 of the Code of Virginia is**
77 **repealed.**