

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 46.2-1232 of the Code of Virginia, relating to local regulation of towing*  
3 *of trespassing vehicles.*

4  
5 Approved

[H 860]

6 **Be it enacted by the General Assembly of Virginia:**

7 **1. That § 46.2-1232 of the Code of Virginia is amended and reenacted as follows:**

8 § 46.2-1232. Localities may regulate removal or immobilization of trespassing vehicles.

9 A. The governing body of any county, city, or town may by ordinance regulate the removal of  
10 trespassing vehicles from property by or at the direction of the owner, operator, lessee, or authorized  
11 agent in charge of the property. In the event that a vehicle is towed from one locality and stored in or  
12 released from a location in another locality, the local ordinance, if any, of the locality from which the  
13 vehicle was towed shall apply.

14 B. No local ordinance adopted under authority of this section shall require that any towing and  
15 recovery business also operate as or provide services as a vehicle repair facility or body shop, filling  
16 station, or any business other than a towing and recovery business.

17 C. Any such local ordinance may also require towing and recovery operators to (i) obtain and retain  
18 photographs or other documentary evidence substantiating the reason for the removal; (ii) post signs at  
19 their main place of business and at any other location where towed vehicles may be reclaimed  
20 conspicuously indicating (a) the maximum charges allowed by local ordinance, if any, for all their fees  
21 for towing, recovery, and storage services and (b) the name and business telephone number of the local  
22 official, if any, responsible for handling consumer complaints; (iii) obtain at the time the vehicle is  
23 towed, verbal approval of an agent designated in the local ordinance who is available at all times; and  
24 (iv) obtain, at the time the vehicle is towed, if such towing is performed during the normal business  
25 hours of the owner of the property from which the vehicle is being towed, the written authorization of  
26 the owner of the property from which the vehicle is towed, or his agent. Such written authorization, if  
27 required, shall be in addition to any written contract between the towing and recovery operator and the  
28 owner of the property or his agent. For the purposes of this subsection, "agent" shall not include any  
29 person who either (a) is related by blood or marriage to the towing and recovery operator or (b) has a  
30 financial interest in the towing and recovery operator's business.

31 D. Any such ordinance adopted by a locality within Planning District 8 may require towing  
32 companies that tow vehicles from the county, city, or town adopting the ordinance to other localities,  
33 provided that the stored or released location is within the Commonwealth of Virginia and within 10  
34 miles of the point of origin of the actual towing, (i) to obtain from the locality from which such vehicles  
35 are towed a permit to do so and (ii) to submit to an inspection of such towing company's facilities to  
36 ensure that the company meets all the locality's requirements, regardless of whether such facilities are  
37 located within the locality or elsewhere. The locality may impose and collect reasonable fees for the  
38 issuance and administration of permits as provided for in this subsection. Such ordinance may also  
39 provide grounds for revocation, suspension, or modification of any permit issued under this subsection,  
40 subject to notice to the permittee of the revocation, suspension, or modification and an opportunity for  
41 the permittee to have a hearing before the governing body of the locality or its designated agent to  
42 challenge the revocation, suspension, or modification. Nothing in this subsection shall be applicable to  
43 public safety towing.

ENROLLED

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