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HOUSE BILL NO. 1661

Offered January 9, 2013

Prefiled January 7, 2013

A *BILL to amend and reenact §§ 15.2-1719 and 15.2-1720 of the Code of Virginia, relating to the authority of localities to regulate electric personal assistive mobility devices, wheelchairs, crutches, and other mobility aids.*

Patron—BaCote

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:

1. **That §§ 15.2-1719 and 15.2-1720 of the Code of Virginia are amended and reenacted as follows:**
§ 15.2-1719. Disposal of unclaimed property in possession of sheriff or police.

Any locality may provide by ordinance for (i) the public sale in accordance with the provisions of this section or (ii) the retention for use by the law-enforcement agency, of any unclaimed personal property which has been in the possession of its law-enforcement agencies and unclaimed for a period of more than 60 days, after payment of a reasonable storage fee to the sheriff or other agency storing such property. No storage fee shall be charged or accounted for if such property has been stored by and is to be retained by the sheriff's office or other law-enforcement agency. As used herein, "unclaimed personal property" shall be any personal property belonging to another which has been acquired by a law-enforcement officer pursuant to his duties, which is not needed in any criminal prosecution, which has not been claimed by its rightful owner and which the State Treasurer has indicated will be declined if remitted under the Uniform Disposition of Unclaimed Property Act (§ 55-210.1 et seq.). Unclaimed bicycles and mopeds may also be disposed of in accordance with *subsection A or B of § 15.2-1720*. Unclaimed firearms may also be disposed of in accordance with § 15.2-1721.

Prior to the sale or retention for use by the law-enforcement agency of any unclaimed item, the chief of police, sheriff or their duly authorized agents shall make reasonable attempts to notify the rightful owner of the property, obtain from the attorney for the Commonwealth in writing a statement advising that the item is not needed in any criminal prosecution, and cause to be published in a newspaper of general circulation in the locality once a week for two successive weeks, notice that there will be a public display and sale of unclaimed personal property. Such property, including property selected for retention by the law-enforcement agency, shall be described generally in the notice, together with the date, time and place of the sale and shall be made available for public viewing at the sale. The chief of police, sheriff or their duly authorized agents shall pay from the proceeds of sale the costs of advertisement, removal, storage, investigation as to ownership and liens, and notice of sale. The balance of the funds shall be held by such officer for the owner and paid to the owner upon satisfactory proof of ownership. Any unclaimed item retained for use by the law-enforcement agency shall become the property of the locality served by the agency and shall be retained only if, in the opinion of the chief law-enforcement officer, there is a legitimate use for the property by the agency and that retention of the item is a more economical alternative than purchase of a similar or equivalent item.

If no claim has been made by the owner for the property or proceeds of such sale within 60 days of the sale, the remaining funds shall be deposited in the general fund of the locality and the retained property may be placed into use by the law-enforcement agency. Any such owner shall be entitled to apply to the locality within three years from the date of the sale and, if timely application is made therefor and satisfactory proof of ownership of the funds or property is made, the locality shall pay the remaining proceeds of the sale or return the property to the owner without interest or other charges or compensation. No claim shall be made nor any suit, action or proceeding be instituted for the recovery of such funds or property after three years from the date of the sale.

§ 15.2-1720. Bicycles, electric power-assisted bicycles, and mopeds; electric personal assistive mobility devices, wheelchairs, crutches, and other mobility aids.

A. Any locality may, by ordinance, (i) provide for the public sale or donation to a charitable organization of any bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped that has been in the possession of the police or sheriff's department, unclaimed, for more than ~~thirty~~ 30 days; (ii) require every resident owner of a bicycle, electric power-assisted bicycle, or moped to obtain a license therefor and a license plate, tag, and, in the case of an electric personal assistive mobility device, an adhesive license decal of such design and material as the ordinance may prescribe, to be substantially attached to the bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped; (iii) prescribe the license fee, the license application forms, and the

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59 license form; ~~and~~ (iv) prescribe penalties for operating a bicycle, electric personal assistive mobility
60 device, electric power-assisted bicycle, or moped on public roads or streets within the locality without an
61 attached license plate, tag, or adhesive decal; *and (v) require every resident owner of an electric*
62 *personal assistive mobility device to attach certain safety equipment, such as a safety flag, to the device.*
63 The ordinance shall require the license plates, tags, or adhesive decals to be provided by and at the cost
64 of the locality. Any locality may provide that the license plates, tags, or adhesive decals shall be valid
65 for the life of the bicycles, electric personal assistive mobility devices, electric power-assisted bicycles,
66 and mopeds to which they are attached or for such other period as it may prescribe and may prescribe
67 such fee therefor as it may deem reasonable. When any town license is required as provided for herein,
68 the license shall be in lieu of any license required by any county ordinance.

69 *B. Any bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped*
70 *found and delivered to the police or sheriff's department by a private person that thereafter remains*
71 *unclaimed for thirty 30 days after the final date of publication as required herein may be given to the*
72 *finder; however, the location and description of the bicycle, electric personal assistive mobility device,*
73 *electric power-assisted bicycle, or moped shall be published at least once a week for two successive*
74 *weeks in a newspaper of general circulation within the locality. In addition, if there is a license, tag, or*
75 *adhesive license decal affixed to the bicycle, electric personal assistive mobility device, or electric*
76 *power-assisted bicycle, or moped, the record owner shall be notified directly.*

77 *C. Any locality may, by ordinance, require every resident owner of a mobility aid not described in*
78 *subsection A, such as a wheelchair, walker, mobility cane, crutch or pair of crutches, or knee scooter,*
79 *to attach certain safety equipment, such as a safety flag, to the mobility aid.*