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SENATE BILL NO. 1382

Offered January 21, 2015

A BILL to amend and reenact § 46.2-1212.1 of the Code of Virginia, relating to removal and disposition of vehicles.

Patron—Edwards

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-1212.1 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-1212.1. Authority to provide for removal and disposition of vehicles and cargoes of vehicles involved in accidents.

A. As a result of a motor vehicle accident or incident, the Department of State Police ~~and/or~~ or local law-enforcement agency in conjunction with other public safety agencies may, without the consent of the owner or carrier, remove *or have removed*:

1. A vehicle, cargo, or other personal property that has been (i) damaged or spilled within the right-of-way or any portion of a roadway in the primary state highway system and (ii) is blocking the ~~roadway~~ highway or may otherwise be endangering public safety; or

2. Cargo or personal property that the Department of Transportation, Department of Emergency Management, or the fire officer in charge has reason to believe is a hazardous material, hazardous waste or regulated substance as defined by the Virginia Waste Management Act (§ 10.1-1400 et seq.), the Hazardous Materials Transportation Act (49 U.S.C. § 1808 et seq.) or the State Water Control Law (§ 62.1-44.2 et seq.), if the Department of Transportation or applicable person complies with the applicable procedures and instructions defined either by the Department of Emergency Management or the fire officer in charge.

B. The Department of Transportation, Department of State Police, Department of Emergency Management, local law-enforcement agency and other local public safety agencies and their officers, employees and agents, shall not be held responsible for any damages or claims that may result from the failure to exercise any authority granted under this section provided they are acting in good faith.

C. The owner and carrier, if any, of the vehicle, cargo or personal property removed or disposed of under the authority of this section shall reimburse the Department of Transportation, Department of State Police, Department of Emergency Management, local law-enforcement agency, ~~and~~ local public safety ~~agencies~~ agency, or private entity or person dispatched pursuant to this section for all costs incurred in the removal and subsequent disposition of such property. *Disposition of a vehicle after removal and subsequent disposition shall be carried out pursuant to § 46.2-1209.*

INTRODUCED

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