

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act for the relief of Robert Scott.*

3 [H 256]

4 Approved

5 Whereas, Robert Scott (Mr. Scott) entered into two contracts with Towne Automotive Brokers and
6 Francis Masika: one for the purchase of a 2006 BMW on July 21, 2009, and one for the purchase of a
7 2006 Honda Odyssey on August 14, 2009, for a total purchase price of \$56,000; and

8 Whereas, Mr. Scott never received either vehicle and on July 28, 2010, the Circuit Court of the City
9 of Chesapeake awarded Mr. Scott a default judgment against Towne Automotive Brokers; and

10 Whereas, Mr. Scott was not able to recover the judgment awarded to him, and four additional
11 consumers who were defrauded by Towne Automotive Brokers and Francis Masika were also awarded
12 judgments; and

13 Whereas, the total amount of all five judgments exceeded the required \$50,000 bond carried by the
14 dealer, and each consumer received a proportional amount of the \$50,000 bond as designated on
15 February 27, 2012, by the Circuit Court for the City of Chesapeake; Mr. Scott's share of payment from
16 the bond was \$13,632.50; and

17 Whereas, the Motor Vehicle Transaction Recovery Fund (the Fund) may pay claims totaling an
18 additional \$50,000, and Mr. Scott filed a claim against the Fund in April 2012; and

19 Whereas, § 46.2-1527.3 of the Code of Virginia requires that claims against the Fund be filed with
20 the Board no later than 12 months after the judgment becomes final; however, Mr. Scott did not file his
21 claim with the Board against the Fund until April 2012 which was not within the statutorily required
22 time frame because the claim cannot be filed until a payment from the bond is received and despite
23 receiving a default judgment on July 28, 2010, Mr. Scot did not receive his share of the bond payout
24 until February 27, 2012; and

25 Whereas, the Motor Vehicle Dealer Board voted unanimously that Mr. Scott should receive
26 reimbursement from the Fund and requests that the General Assembly grant relief in the form of
27 payment from the Fund; and

28 Whereas, pursuant to § 46.2-1527.5 of the Code of Virginia, as it was in effect in April 2012, the
29 maximum claim against the Fund involving a single transaction shall be limited to \$20,000, including
30 any amount paid from the dealer's surety bond, and therefore had Mr. Scott met the statutorily required
31 time frame he would have been entitled to receive \$26,367.50; and

32 Whereas, Mr. Scott has no other means to obtain adequate relief except by action of this body; now,
33 therefore,

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

35 **1. § 1.** *That there is hereby appropriated from the Motor Vehicle Transaction Recovery Fund the sum of*
36 *\$26,367.50 for the relief of Robert Scott (Mr. Scott), to be paid by check issued by the State Treasurer*
37 *on warrant of the Comptroller upon execution of a release of all claims Mr. Scott may have against the*
38 *Commonwealth or any agency, instrumentality, office, employee, or political subdivision in connection*
39 *with the aforesaid occurrence. In the event that Mr. Scott receives the amount owed to him from the*
40 *unpaid final judgment that he has obtained against Towne Automotive Brokers and Francis Masika, he*
41 *shall reimburse the Motor Vehicle Dealer Board whatever amount he receives up to \$26,367.50, and*
42 *such amount shall be assigned to the Motor Vehicle Transaction Recovery Fund.*

43 **2. That an emergency exists and this act is in force from its passage.**

ENROLLED

HB256ER