

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 46.2-1232 and 46.2-1233 of the Code of Virginia, relating to towing*  
3 *ordinances; Planning District 16 (George Washington).*

4 [H 1349]  
5 Approved

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

7 **1. That §§ 46.2-1232 and 46.2-1233 of the Code of Virginia are 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, except for vehicles being towed from a locality within Planning  
29 District 8 *or Planning District 16*, which shall not require written authorization if such written contract  
30 is in place. Any such written contract governing a property located within Planning District 8 *or*  
31 *Planning District 16* shall clearly state the terms on which towing and recovery operators may monitor  
32 private lots on behalf of property owners. For the purposes of this subsection, "agent" shall not include  
33 any person who either (a) is related by blood or marriage to the towing and recovery operator or (b) has  
34 a financial interest in the towing and recovery operator's business.

35 D. Any such ordinance adopted by a locality within Planning District 8 may require towing  
36 companies that tow vehicles from the county, city, or town adopting the ordinance to other localities,  
37 provided that the stored or released location is within the Commonwealth of Virginia and within 10  
38 miles of the point of origin of the actual towing, (i) to obtain from the locality from which such  
39 vehicles are towed a permit to do so and (ii) to submit to an inspection of such towing company's  
40 facilities to ensure that the company meets all the locality's requirements, regardless of whether such  
41 facilities are located within the locality or elsewhere. The locality may impose and collect reasonable  
42 fees for the issuance and administration of permits as provided for in this subsection. Such ordinance  
43 may also provide grounds for revocation, suspension, or modification of any permit issued under this  
44 subsection, subject to notice to the permittee of the revocation, suspension, or modification and an  
45 opportunity for the permittee to have a hearing before the governing body of the locality or its  
46 designated agent to challenge the revocation, suspension, or modification. Any tow truck driver who  
47 removes or tows a vehicle, pursuant to any such ordinance, that is occupied by an unattended  
48 companion animal as defined in § 3.2-6500 shall, upon such removal, immediately notify the animal  
49 control office of the locality in which the vehicle is being removed or towed. Nothing in this subsection  
50 shall be applicable to public safety towing.

51 **§ 46.2-1233. Localities may regulate towing fees.**

52 The governing body of any locality may by ordinance set reasonable limits on fees charged for the  
53 removal of motor vehicles, trailers, and parts thereof left on private property in violation of § 46.2-1231,  
54 and for the removal of trespassing vehicles under § 46.2-1215, taking into consideration the fair market  
55 value of such removal.

56 Localities in Planning District 8 *and Planning District 16* shall establish by ordinance (i) a hookup

57 and initial towing fee of \$135 and (ii) for towing a vehicle between seven o'clock p.m. and eight o'clock  
58 a.m. or on any Saturday, Sunday, or holiday, an additional fee of \$25 per instance; however, such  
59 ordinance shall also provide that in no event shall more than two such additional fees be charged for  
60 towing any vehicle.