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HOUSE BILL NO. 1413

Offered January 15, 2018

A *BILL to amend and reenact § 46.2-1508.2 of the Code of Virginia, relating to display or parking of used motor vehicles for sale; penalty.*

Patron—Helsel

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-1508.2 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-1508.2. Display, parking, selling, advertising sale of certain used motor vehicles prohibited.

A. 1. No owner or lessee of any real property shall permit the display or parking of more than five used motor vehicles *per property* within any 12-month period on such real property for the purpose of selling or advertising the sale of such used motor vehicles by the owner or lessee of such vehicles unless exempted pursuant to this section.

2. No owner or lessee of any used motor vehicle shall display or park such used motor vehicle on the real property of another for the purpose of selling or advertising the sale of such used motor vehicle if the display or parking of such vehicle will cause the owner or lessee of the real property to be in violation of the provisions of this section.

3. No owner or lessee of any used motor vehicle shall display or park such used motor vehicle on the real property of another for the purpose of selling or advertising the sale of such used motor vehicle unless the owner or lessee of such vehicle has the right to occupy such property pursuant to a lease or other occupancy document or prior written permission of the owner or lessee of the real property. Copies of such written permission shall be posted on the inside of a side window of the motor vehicle and must be retained by both the property owner or lessee and by the vehicle owner for at least 12 months and shall be made available to law-enforcement officers or agencies, the Board, and local zoning officials upon request.

4. *Except as permitted in § 46.2-631 and except as permitted in subsection B, no owner or lessee of any real property shall permit any used motor vehicle to be displayed or parked on such real property for the purpose of selling or advertising the sale of such used motor vehicle if such vehicle is not lawfully titled and registered in the name of the individual or entity offering such vehicle for sale as provided in Chapter 6 (§ 46.2-600 et seq.). However, the limitation of this subdivision shall not apply if the individual offering the vehicle for sale is an immediate family member of the owner or lessee of the real property on which the motor vehicle is displayed or parked for the purpose of selling or advertising the sale of such vehicle.*

5. *Except as permitted in § 46.2-631, no person shall advertise, display, sell, or offer for sale any used motor vehicle unless such vehicle is lawfully titled and registered in such person's name as provided in Chapter 6 (§ 46.2-600 et seq.). However, this limitation shall not apply if the person offering the vehicle for sale is a motor vehicle dealer licensed under this chapter or has the authority pursuant to law to advertise, display, sell, or offer for sale the used motor vehicle.*

B. The provisions of ~~this section~~ subsection A shall not apply if (i) the owner or lessee of the vehicle displayed or parked is employed by the owner or lessee of the real property on which the vehicle is displayed or parked; (ii) the owner or lessee of the vehicle displayed or parked is conducting business with the owner or lessee of the real property on which the vehicle is parked or displayed at the time such vehicle is displayed or parked; (iii) the real property on which a vehicle is parked is a parking lot for which a fee is charged for the use of such parking lot, the owner or lessee of the parked vehicle has paid the fee for the use of such parking lot, and such vehicle is legitimately parked on the property for purposes other than displaying, selling, or advertising the sale of such vehicle; or (iv) the vehicle displays a dealer's license plate pursuant to § 46.2-1550 and the licensed dealer is not displaying for sale or selling a motor vehicle at a location other than his specific business location without first meeting the requirements of § 46.2-1516.

The provisions of ~~this section~~ subsection A shall also not apply to (i) any motor vehicle dealer licensed under this chapter; or (ii) any owner or lessee of real property who permits the display or parking of five or more used motor vehicles on such real property by a licensed motor vehicle dealer within any 12-month period for the purpose of selling or advertising the sale of such used motor vehicles pursuant to § 46.2-1516.

~~Except as permitted in § 46.2-631 and except as permitted in this section, no owner or lessee of any~~

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59 real property shall permit any used motor vehicle to be displayed or parked on such real property for the
60 purpose of selling or advertising the sale of such used motor vehicle if such vehicle is not lawfully titled
61 and registered in the name of the individual or entity offering such vehicle for sale as provided in
62 Chapter 6 (§ 46.2-600 et seq.) of this title. However, this limitation shall not apply if the individual
63 offering the vehicle for sale is an immediate family member of the owner or lessee of the real property
64 on which the motor vehicle is displayed or parked for the purpose of selling or advertising the sale of
65 such vehicle.

66 Except as permitted in § 46.2-631, no person shall advertise, display, sell, or offer for sale any used
67 motor vehicle unless such vehicle is lawfully titled and registered in such person's name as provided in
68 Chapter 6 (§ 46.2-600 et seq.) of this title. However, this limitation shall not apply if the person offering
69 the vehicle for sale is a motor vehicle dealer licensed under this chapter or has the authority pursuant to
70 law to advertise, display, sell, or offer for sale the used motor vehicle.

71 C. Notwithstanding any other provision of law, any law-enforcement officer or agency, local zoning
72 official, or the owner or lessee of any real property upon which a vehicle is displayed or parked in
73 violation of this section for longer than 48 consecutive hours after a notice on a form approved by the
74 Board has been affixed or placed on the vehicle by a law-enforcement officer or agency, Board
75 representative, local zoning official, or the owner or lessee of the real property upon which the vehicle
76 is displayed or parked, may have any such vehicle towed from such real property and stored at the
77 expense of the owner or lessee of such vehicle and may then dispose of such vehicle as provided in
78 § 46.2-1203.

79 D. The provisions of this section shall not be deemed to eliminate, change, or supersede the
80 requirement for any person to obtain a license under this chapter if such person engages in any conduct
81 or activity for which a license is required under this chapter.

82 E. *Violations of subsection A are punishable as a Class 4 misdemeanor.*

83 **2. That the Motor Vehicle Dealer Board shall create, approve, and publish a form that can be**
84 **affixed or placed on a vehicle that is in violation of this act pursuant to subsection C of §**
85 **46.2-1508.2 of the Code of Virginia, as amended by this act.**