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SENATE BILL NO. 492

Offered January 10, 2018

Prefiled January 9, 2018

A BILL to amend and reenact §§ 46.2-1233 and 46.2-1233.1 of the Code of Virginia, relating to towing; fees.

Patron—Carrico (By Request)

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-1233 and 46.2-1233.1 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-1233. Localities may regulate towing fees.

A. For the purposes of this section:

"Heavy motor vehicle" means a motor vehicle that has a gross vehicle weight rating of at least 10,001 pounds.

"Medium motor vehicle" means a motor vehicle that has a gross vehicle weight rating of at least 7,500 pounds but less than 10,001 pounds.

"Standard motor vehicle" means a motor vehicle that has a gross vehicle weight rating of less than 7,500 pounds.

B. The governing body of any locality may by ordinance, and in accordance with § 46.2-1233.2, set reasonable limits on fees charged for the removal of (i) standard motor vehicles, trailers, and parts thereof, (ii) medium motor vehicles, and (iii) heavy motor vehicles, left on private property in violation of § 46.2-1215 or 46.2-1231, and for the removal of trespassing vehicles under § 46.2-1215, taking into consideration the fair market value of such removal.

C. Localities in Planning District 8 shall establish by ordinance (i) a hookup and initial towing fee of \$135 (a) \$150 for standard motor vehicles, trailers, and parts thereof, (b) \$250 for medium motor vehicles, and (c) \$500 for heavy motor vehicles and (ii) for towing a vehicle between seven o'clock p.m. and eight o'clock a.m. or on any Saturday, Sunday, or holiday, an additional fee of \$25 per instance; however, such ordinance shall also provide that in no event shall more than two such additional fees be charged for towing any vehicle.

§ 46.2-1233.1. Limitation on charges for towing and storage of certain vehicles.

A. Unless different limits are established by ordinance of the local governing body pursuant to § 46.2-1233, as to vehicles towed or removed from private property, no charges imposed for the towing, storage, and safekeeping of any passenger car removed, towed, or stored without the consent of its owner shall be in excess of the maximum charges provided for in this section. No hookup and initial towing fee of any passenger car shall exceed \$135 \$150. For towing a vehicle between seven o'clock p.m. and eight o'clock a.m. or on any Saturday, Sunday, or holiday, an additional fee of no more than \$25 per instance may be charged; however, in no event shall more than two such fees be charged for towing any such vehicle. No charge shall be made for storage and safekeeping for a period of ~~twenty-four~~ 24 hours or less. Except for fees or charges imposed by this section or a local ordinance adopted pursuant to § 46.2-1233, no other fees or charges shall be imposed during the first 24-hour period.

B. The governing body of any county, city, or town may by ordinance, with the advice of an advisory board established pursuant to § 46.2-1233.2, (i) provide that no towing and recovery business having custody of a vehicle towed without the consent of its owner impose storage charges for that vehicle for any period during which the owner of the vehicle was prevented from recovering the vehicle because the towing and recovery business was closed and (ii) place limits on the amount of fees charged by towing and recovery operators. Any such ordinance limiting fees shall also provide for periodic review of and timely adjustment of such limitations.

INTRODUCED

SB492