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## HOUSE BILL NO. 1865

Offered January 9, 2019

Prefiled January 3, 2019

A BILL to amend and reenact §§ 46.2-1233.1, 46.2-1233.2, and 46.2-1233.3 of the Code of Virginia and to repeal § 46.2-1233 of the Code of Virginia, relating to towing fees.

Patron—Fowler

Referred to Committee on Transportation

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

1. That §§ 46.2-1233.1, 46.2-1233.2, and 46.2-1233.3 of the Code of Virginia are amended and reenacted as follows:

**§ 46.2-1233.1. 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 *Charges* imposed for the towing, storage, and safekeeping of any passenger car removed, towed, or stored without the consent of its owner shall *not* be in excess of the maximum charges provided for in this section. *No hookup* *Hookup* and initial towing fee *fees* of any passenger car shall *not* exceed \$150. For towing a vehicle between ~~seven o'clock~~ 7:00 p.m. and ~~eight o'clock~~ 8:00 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 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. No towing and recovery business having custody of a vehicle towed without the consent of its owner shall 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.~~

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.

**§ 46.2-1233.2. Advisory board.**

Prior to adopting or amending any ordinance pursuant to § 46.2-1232 ~~or 46.2-1233~~, the local governing body shall appoint an advisory board to advise the governing body with regard to the appropriate provisions of the ordinance. Members of the advisory board shall only consist of an equal number of representatives of local law-enforcement agencies and representatives of licensed towing and recovery operators, and one member of the general public. Any such advisory board shall meet at least once per year at the call of the chairman of the advisory board, who shall be elected annually from among the members of the advisory board by a majority vote. The chairmanship of any such advisory board for any locality within Planning District 8 shall be for a term of one year and rotate annually between a representative of a local law-enforcement agency, a representative of a licensed towing and recovery operator, and one member of the general public.

**§ 46.2-1233.3. Improper towing; penalty.**

A. This section shall apply only to tow truck drivers and towing and recovery operators removing a vehicle without the consent of its owner from a location in Planning District 8.

B. In addition to any action brought pursuant to subsection B of § 46.2-119, any tow truck driver who violates subsection A of § 46.2-118 or § 46.2-1217, 46.2-1231, or 46.2-1233.1, or any ordinance adopted therefrom, ~~or any ordinance adopted pursuant to § 46.2-1233~~, or any towing or recovery operator who violates subsection B of § 46.2-118 or § 46.2-1217, 46.2-1231, or 46.2-1233.1, or any ordinance adopted therefrom, ~~or any ordinance adopted pursuant to § 46.2-1233~~, is subject to a civil penalty of \$150 per violation. Such penalty shall be collected by the Office of the Attorney General, and the proceeds shall be deposited into the Literary Fund.

2. That § 46.2-1233 of the Code of Virginia is repealed.

INTRODUCED

HB1865