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HOUSE BILL NO. 2256

Offered January 13, 2021

A BILL to amend and reenact §§ 46.2-1222 and 46.2-1222.1 of the Code of Virginia, relating to local authority; parking.

Patron—Cole, M.L. (By Request)

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-1222 and 46.2-1222.1 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-1222. Local regulation of parking on secondary highways.

A. Notwithstanding any other provision of law, the governing bodies of Albemarle, Fairfax, James City, Loudoun, Montgomery, Prince George, Prince William, and York Counties *body of any county, city, or town* by ordinance may (i) restrict or prohibit parking on any part of the state secondary system of highways within their respective boundaries, (ii) provide for the classification of vehicles for the purpose of these restrictions and prohibitions, and (iii) provide that the violation of the ordinance shall constitute a traffic infraction and prescribe penalties therefor.

B. All signs and other markings designating the areas where parking is prohibited or restricted shall be installed by the ~~county~~ *locality* at its expense under permit from the Virginia Department of Transportation.

C. In any prosecution charging a violation of the ordinance, proof that the vehicle described in the complaint, summons, or warrant was parked in violation of such ordinance, together with proof that the defendant was at the time the registered owner of the vehicle, as required by Chapter 6 of this title (§ 46.2-600 *et seq.*), shall give rise to a prima facie presumption that the registered owner of the vehicle was the person who committed the violation.

D. Any ordinance adopted pursuant to this section shall require (i) that uncontested payments of penalties for violations of the ordinance shall be collected and accounted for by a ~~county~~ *local* officer or employee, (ii) that the officer or employee shall report on a proper form to the appropriate district court any person's contesting of any citation for violation of the ordinance, and (iii) that the officer or employee shall cause warrants to be issued for delinquent parking citations.

§ 46.2-1222.1. Local regulation or prohibition of parking of certain vehicles.

A. The Counties of Arlington, Fairfax, Frederick, Hanover, Stafford, and Prince William and the Towns of Blackstone, Cape Charles, Clifton, Herndon, Leesburg, Vienna, and West Point *governing body of any county, city, or town* may by ordinance regulate or prohibit the parking on any public highway in such ~~county or town~~ *locality* of any or all of the following: (i) watercraft; (ii) boat trailers; (iii) motor homes, as defined in § 46.2-100; and (iv) camping trailers, as defined in § 46.2-100.

B. In addition to commercial vehicles defined in § 46.2-1224, *the governing body of any such* county, city, or town may also, by ordinance, regulate or prohibit the parking on any public highway in any residence district as defined in § 46.2-100 any or all of the following: (i) any trailer or semitrailer, regardless of whether such trailer or semitrailer is attached to another vehicle; (ii) any vehicle with three or more axles; (iii) any vehicle that has a gross vehicle weight rating of 12,000 or more pounds; (iv) any vehicle designed to transport 16 or more passengers, including the driver; and (v) any vehicle of any size that is being used in the transportation of hazardous materials as defined in § 46.2-341.4. The provisions of any such ordinance shall not apply to ~~(i)~~ *(a)* any commercial vehicle when taking on or discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location or ~~(ii)~~ *(b)* utility generators located on trailers and being used to power network facilities during a loss of commercial power.

INTRODUCED

HB2256