

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 46.2-1213 of the Code of Virginia, relating to removal by locality of*  
3 *unattended or immobile vehicles.*

4 [H 2191]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 46.2-1213 of the Code of Virginia is amended and reenacted as follows:**8 **§ 46.2-1213. Removal and disposition of unattended or immobile vehicles; ordinances in**  
9 **counties, cities, and towns.**10 A. The governing body of any county, city, or town may by ordinance provide for the removal for  
11 safekeeping of motor vehicles, trailers, semitrailers, or parts thereof to a storage area if:

12 1. It is left unattended on a public highway or other public property and constitutes a traffic hazard;

13 2. It is illegally parked;

14 3. It is left unattended for more than 10 days either on public property or on private property without  
15 the permission of the property owner, lessee, or occupant; *or*

16 4. It is immobilized on a public roadway by weather conditions or other emergency situation.

17 B. Removal shall be carried out by or under the direction of a law-enforcement officer or other  
18 uniformed employee of the local law-enforcement agency who specifically is authorized to do so by the  
19 chief law-enforcement officer or his designee, *or by or under the direction of the locality's civil code*  
20 *enforcement division*. The ordinance, however, shall not authorize removal of motor vehicles, trailers,  
21 semitrailers, and parts thereof from private property without the written request of the owner, lessee, or  
22 occupant of the premises. The ordinance may also provide that the person at whose request the motor  
23 vehicle, trailer, semitrailer, or part of a motor vehicle, trailer, or semitrailer is removed from private  
24 property shall indemnify the county, city, or town against any loss or expense incurred by reason of  
25 removal, storage, or sale thereof. Any such ordinance may also provide that it shall be presumed that  
26 such motor vehicle, trailer, semitrailer, or part thereof is abandoned if it (i) lacks either a current license  
27 plate; or a current county, city or town license plate or sticker; or a valid state safety inspection  
28 certificate or sticker; and (ii) it has been in a specific location for four days without being moved. As  
29 promptly as possible, each removal shall be reported to a local governmental office to be designated in  
30 the ordinance and to the owner of the motor vehicle, trailer, or semitrailer. Before obtaining possession  
31 of the motor vehicle, trailer, semitrailer, or part thereof, the owner shall pay to the parties entitled  
32 thereto all costs incidental to its removal and storage and locating the owner. If the owner fails or  
33 refuses to pay the cost or if his identity or whereabouts is unknown and unascertainable after a diligent  
34 search has been made, and after notice to him at his last known address and to the holder of any lien of  
35 record with the office of the Department against the motor vehicle, trailer, semitrailer, or part of a motor  
36 vehicle, trailer, or semitrailer, the vehicle shall be treated as an abandoned vehicle under the provisions  
37 of Article 1 (§ 46.2-1200 et seq.).

ENROLLED

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