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## SENATE BILL NO. 466

Offered January 25, 1994

*A BILL to amend and reenact §§ 46.2-1217 and 46.2-1231 of the Code of Virginia, relating to towing of motor vehicles.*

Patrons—Marsh, Maxwell and Miller, Y.B.; Delegates: Christian, Crittenden, Cunningham, Jones, D.C.,  
Melvin, Robinson and Spruill

Referred to the Committee on Transportation

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

**1. That §§ 46.2-1217 and 46.2-1231 of the Code of Virginia are amended and reenacted as follows:**

§ 46.2-1217. Local governing body may regulate certain towing.

The governing body of any county, city, or town by ordinance may regulate services rendered pursuant to police towing requests by any business engaged in the towing or storage of unattended, abandoned, or immobile vehicles. The ordinance may include delineation of service areas for towing services, the limitation of the number of persons engaged in towing services in any area, including the creation of one or more exclusive service areas, and the specification of equipment to be used for providing towing service. The governing body of any county, city, or town may contract for services rendered pursuant to a police towing request with one or more businesses engaged in the towing or storage of unattended, abandoned, or immobile vehicles. The contract may specify the fees or charges to be paid by the owner or operator of a towed vehicle to the person undertaking its towing or storage and may prescribe the geographical area to be served by each person providing towing services. The county, city, or town may establish criteria for eligibility of persons to enter into towing services contracts and, in its discretion, may itself provide exclusive towing and storage service for police-requested towing of unattended, abandoned, or immobile vehicles.

~~Prior to adopting an ordinance or entering into a contract pursuant to this section, the local governing body shall appoint an advisory board to advise the governing body with regard to the appropriate provisions of the ordinance or terms of the contract. The advisory board shall include representatives of local law-enforcement agencies, towing and recovery operators, and the general public.~~

"Police-requested towing" or "police towing request," as used in this section, includes all requests made by a law-enforcement officer of the county, city, or town ~~or by a State Police officer within the county, city, or town~~ pursuant to this article or Article 2 (§ 46.2-1209 et seq.) of this chapter and all towing requests made by a *local* law-enforcement officer at the request of the owner or operator of an unattended, abandoned, or immobile vehicle.

If an unattended, abandoned, or immobile vehicle is located so as to impede the free flow of traffic on a highway declared by resolution of the Commonwealth Transportation Board to be a portion of the interstate highway system and a law-enforcement officer determines, in his discretion, that the business or businesses authorized to undertake the towing or storage of the vehicle pursuant to an ordinance or contract adopted pursuant to this section cannot respond in a timely manner, the law-enforcement officer may request towing or storage service from a towing or storage business other than those authorized by such ordinance or contract.

§ 46.2-1231. Ticketing, removal, or immobilization of trespassing vehicles by owner or operator of parking or other lot or building; charges.

The owner, operator, or lessee of any parking lot, parking area, or parking space in a parking lot or area or any part of a parking lot or area, or of any other lot or building, including any county, city, or town, or authorized agent of the person having control of such premises may have any vehicle occupying the lot, area, space, or building without the permission of its owner, operator, lessee, or authorized agent of the one having the control of the premises, removed by towing or otherwise to a licensed garage for storage until called for by the owner or his agent if there are posted at all entrances to the parking lot or area signs clearly and conspicuously disclosing that such vehicle, if parked without permission, will be removed, towed, or immobilized. The requirements of this section relating to the posting of signs by an owner, operator, or lessee of any parking lot, parking area or space shall not apply to localities in which the local governing body has adopted an ordinance pursuant to § 46.2-1232.

Whenever a trespassing vehicle is removed or towed as permitted by this section, notice of this action shall forthwith be given by the tow truck operator to the State Police or the local law-enforcement agency of the jurisdiction from which the vehicle was towed. It shall be unlawful to fail to report such tow as required by this section and violation of the reporting requirement of this section shall constitute a traffic infraction punishable by a fine of not more than \$100. Such failure to

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60 report shall limit the amount which may be charged for the storage and safekeeping of the towed vehicle  
61 to an amount no greater than that charged for one day of storage and safekeeping. If the vehicle is  
62 removed and stored, the vehicle owner may be charged and the vehicle may be held for a reasonable fee  
63 for the removal and storage.

64 All businesses engaged in towing vehicles without the consent of their owners shall prominently  
65 display at their main place of business a comprehensive list of all their fees for towing, recovery, and  
66 storage services, or the basis of such charges. Charges in excess of those posted shall not be collectable  
67 from any motor vehicle owner whose vehicle is towed, recovered, or stored without his consent.

68 Notwithstanding the foregoing provisions of this section, if the owner *or representative or agent of*  
69 *the owner* of the trespassing vehicle is present and removes the trespassing vehicle from the premises  
70 before it is actually towed, the trespassing vehicle shall not be towed, but the owner *or representative or*  
71 *agent of the owner* of the trespassing vehicle shall be liable for a reasonable fee, not to exceed  
72 twenty-five dollars or such other limit as the governing body of the county, city, or town may set by  
73 ordinance, in lieu of towing.

74 In lieu of having a trespassing vehicle removed by towing or otherwise, the owner, operator, lessee  
75 or authorized agent of the premises on which the trespassing vehicle is parked may cause the vehicle to  
76 be immobilized by a boot or other device that prevents a vehicle from being moved by preventing a  
77 wheel from turning, provided that the boot or other device does not damage the vehicle or wheel. The  
78 charge for the removal of any boot or device shall not exceed twenty-five dollars or such other limit as  
79 the governing body of the county, city, or town may set by ordinance. In lieu of having the vehicle  
80 removed by towing or otherwise, or in lieu of causing the vehicle to be immobilized, the owner,  
81 operator, lessee or authorized agent of the premises on which the trespassing vehicle is parked may  
82 cause to have an authorized local government official or law- enforcement officer issue, on the premises,  
83 a notice of the violation of a parking ordinance or regulation created pursuant to § 46.2-1220 or  
84 § 46.2-1221 to the registered owner of the vehicle.

85 This section shall not apply to police, fire, or public health vehicles or where a vehicle, because of a  
86 wreck or other emergency, is parked or left temporarily on the property of another. The governing body  
87 of every county, city, and town may by ordinance set limits on fees and charges provided for in this  
88 section.