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## HOUSE BILL NO. 2184

Offered January 16, 1997

A *BILL to amend and reenact §§ 46.2-1201 and 46.2-1202 of the Code of Virginia, relating to disposition of abandoned vehicles.*

Patrons—Nelms, Barlow, Councill, Jones, J.C., Melvin, Robinson and Spruill; Senators: Earley, Lucas and Quayle

Referred to Committee on Transportation

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

- 1. That §§ 46.2-1201 and 46.2-1202 of the Code of Virginia are amended and reenacted as follows:**  
§ 46.2-1201. Ordinances.

The governing body of any county, city, or town may provide by ordinance for taking abandoned vehicles into custody and disposing of them in accordance with this article.

Any county, city, or town may take any abandoned motor vehicle into custody. The locality may employ its own personnel, equipment, and facilities or hire persons, equipment, and facilities, or firms or corporations ~~who~~ that may be independent contractors for removing, preserving, ~~and~~ storing, and selling at public auction abandoned motor vehicles.

§ 46.2-1202. Notice to owner of vehicle taken into custody.

Any locality ~~which~~ or its authorized agent that takes an abandoned motor vehicle into custody shall, within fifteen days, by registered or certified mail, return receipt requested, notify the owner of record of the motor vehicle and all persons having security interests in the vehicle of record, that it has been taken into custody. The notice shall (i) state the year, make, model, and serial number of the abandoned motor vehicle; (ii) set forth the location of the facility where it is being held; and (iii) inform the owner and any persons having security interests of their right to reclaim it within fifteen days after the date of the notice after payment of all towing, preservation, and storage charges resulting from placing the vehicle in custody. The notice shall state that the failure of the owner or persons having security interests to reclaim the vehicle within the time provided shall constitute (i) a waiver by the owner and all persons having any security interests of all right, title, and ~~(ii)~~ interest in the vehicle; and (ii) consent to the sale of the abandoned motor vehicle at a public auction.

If records of the Department contain no address for the owner or no address of any person shown by the Department's records to have a security interest, or if the identity and addresses of the owner and all persons having security interests cannot be determined with reasonable certainty, notice by publication once in a newspaper of general circulation in the area where the motor vehicle was abandoned shall be sufficient to meet all requirements of notice pursuant to this article as to any person who cannot be notified pursuant to the foregoing provisions of this section. Notice by publication may contain multiple listings of abandoned motor vehicles. Any notice of this kind shall be within the time requirements prescribed by this section for notice by mail and shall have the same contents required for a notice by mail.

The consequences of failure to reclaim an abandoned motor vehicle shall be as set forth in a notice given in accordance with and pursuant to this section.

INTRODUCED

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