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SENATE BILL NO. 195

Senate Amendments in [] - January 30, 2012

A *BILL to amend and reenact § 46.2-1232 of the Code of Virginia, relating to local regulation of towing of trespassing vehicles.*

Patron Prior to Engrossment—Senator Marsden

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-1232 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-1232. Localities may regulate removal or immobilization of trespassing vehicles.

A. The governing body of any county, city, or town may by ordinance regulate the removal of trespassing vehicles from property by or at the direction of the owner, operator, lessee, or authorized agent in charge of the property. In the event that a vehicle is towed from one locality and stored in or released from a location in another locality, the local ordinance, if any, of the locality from which the vehicle was towed shall apply.

B. No local ordinance adopted under authority of this section shall require that any towing and recovery business also operate as or provide services as a vehicle repair facility or body shop, filling station, or any business other than a towing and recovery business.

C. Any such local ordinance may also require towing and recovery operators to (i) obtain and retain photographs or other documentary evidence substantiating the reason for the removal; (ii) post signs at their main place of business and at any other location where towed vehicles may be reclaimed conspicuously indicating (a) the maximum charges allowed by local ordinance, if any, for all their fees for towing, recovery, and storage services and (b) the name and business telephone number of the local official, if any, responsible for handling consumer complaints; (iii) obtain at the time the vehicle is towed, verbal approval of an agent designated in the local ordinance who is available at all times; and (iv) obtain, at the time the vehicle is towed, if such towing is performed during the normal business hours of the owner of the property from which the vehicle is being towed, the written authorization of the owner of the property from which the vehicle is towed, or his agent. Such written authorization, if required, shall be in addition to any written contract between the towing and recovery operator and the owner of the property or his agent. For the purposes of this subsection, "agent" shall not include any person who either (a) is related by blood or marriage to the towing and recovery operator or (b) has a financial interest in the towing and recovery operator's business.

~~[D. Any such local ordinance adopted by a locality located within Planning District 8 may require towing companies that tow vehicles from the county, city, or town adopting the ordinance to other localities to (i) obtain from the locality from which such vehicles are towed a permit to do so and (ii) submit to an inspection of such towing company's facilities to ensure that the company meets all the locality's requirements, regardless of whether such facilities are located within the locality or elsewhere. The locality may impose and collect a reasonable fee for the issuance of permits as provided for in this subsection. Such ordinance may also provide for grounds for revocation of any permit issued under this subsection, subject to notice to the permittee and opportunity for a hearing.~~

D. Any such local ordinance adopted by a locality located within Planning District 8 may require towing companies that tow vehicles from the county, city, or town adopting the ordinance to other localities as long as the stored or released location is within the Commonwealth of Virginia and within 10 miles of the actual tow (i) obtain from the locality from which such vehicles are towed a permit to do so and (ii) submit to an inspection of such tow in company's facilities to ensure that the company meets all the locality's requirements, regardless of whether such facilities are located within the locality or elsewhere. The locality may impose and collect reasonable fees for the issuance and administration of permits as provided for in this subsection. Such ordinance may also provide for grounds for revocation, suspension, or modification of any permit issued under this subsection, subject to notice of the permittee of the revocation, suspension, or modification and an opportunity for the permittee to have a hearing before the governing body of the locality or its designated agent to challenge the revocation, suspension, or modification. Nothing in this subsection shall be applicable to public safety towing.]

ENGROSSED

SB195E