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HOUSE BILL NO. 1395

Offered January 9, 2013

Prefiled December 17, 2012

A BILL to amend and reenact §§ 46.2-1201 and 46.2-1203 of the Code of Virginia, relating to sale of abandoned vehicles taken into custody by localities.

Patron—Marshall, D.W.

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

- 1. That §§ 46.2-1201 and 46.2-1203 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 that may be independent contractors for removing, preserving, storing, and selling at public auction, by any commercially reasonable means, abandoned motor vehicles.

§ 46.2-1203. Sale of abandoned motor vehicle; disposition of proceeds.

If an abandoned motor vehicle is not reclaimed as provided for in § 46.2-1202, the locality or its authorized agent shall, notwithstanding the provisions of § 46.2-617, sell it at public auction by any commercially reasonable means. The purchaser of the motor vehicle shall take title to the motor vehicle free of all liens and claims of ownership of others, shall receive a sales receipt at the auction, and shall be entitled to apply to and receive from the Department a certificate of title and registration card for the vehicle. The sales receipt from the sale shall be sufficient title only for purposes of transferring the vehicle to a demolisher for demolition, wrecking, or dismantling, and in that case no further titling of the vehicle shall be necessary; however, such demolisher shall provide the Department acceptable documentation indicating that the vehicle has been demolished. From the proceeds of the sale of an abandoned motor vehicle the locality or its authorized agent shall reimburse itself for the expenses of the auction sale of the vehicle, the cost of towing, preserving, and storing the vehicle which that resulted from placing the abandoned motor vehicle in custody, and all notice and publication costs incurred pursuant to § 46.2-1202. Any remainder from the proceeds of a sale shall be held for the owner of the abandoned motor vehicle or any person having security interests in the vehicle, as their interests may appear, for 90 days, and then be deposited into the treasury of the locality in which the abandoned motor vehicle was abandoned.

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