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HOUSE BILL NO. 369

Offered January 8, 2014

Prefiled January 3, 2014

A *BILL to amend and reenact §§ 46.2-1220, 46.2-1225, 46.2-1246, and 46.2-1255 of the Code of Virginia, relating to powers of parking management companies operating under contracts with localities.*

 Patron—Head

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-1220, 46.2-1225, 46.2-1246, and 46.2-1255 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-1220. **Parking, stopping, and standing regulations in counties, cities, or towns; parking meters; presumption as to violation of ordinances; penalty.**

The governing body of any county, city, or town may by ordinance provide for the regulation of parking, stopping, and standing of vehicles within its limits, including the installation and maintenance of parking meters. The ordinance may require the deposit of a coin of a prescribed denomination, determine the length of time a vehicle may be parked, and designate a department, official, or employee of the local government to administer the provisions of the ordinance. The ordinance may delegate to that department, official, or employee the authority to make and enforce any additional regulations concerning parking that may be required, including, but not limited to, penalties for violations, deadlines for the payment of fines, and late payment penalties for fines not paid when due. In a city having a population of at least ~~100,000~~ 90,000, the ordinance may also provide that a summons or parking ticket for the violation of the ordinance or regulations may be issued by law-enforcement officers, other uniformed city employees, or by uniformed personnel serving under contract with the city. Notwithstanding the foregoing provisions of this section, the governing bodies of Augusta, Bath, and Rockingham Counties may by ordinance provide for the regulation of parking, stopping, and standing of vehicles within their limits, but no such ordinance shall authorize or provide for the installation and maintenance of parking meters.

No ordinance adopted under the provisions of this section shall prohibit the parking of two motorcycles in single parking spaces designated, marked, and sized for four-wheel vehicles. The governing body of any county, city, or town may, by ordinance, permit the parking of three or more motorcycles in single parking spaces designated, marked, and sized for four-wheel vehicles.

If any ordinance regulates parking on an interstate highway or any arterial highway or any extension of an arterial highway, it shall be subject to the approval of the Commissioner of Highways.

In any prosecution charging a violation of the ordinance or regulation, proof that the vehicle described in the complaint, summons, parking ticket citation, or warrant was parked in violation of the ordinance or regulation, together with proof that the defendant was at the time the registered owner of the vehicle, as required by Chapter 6 (§ 46.2-600 et seq.) of this title, shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who committed the violation. Violators of local ordinances adopted by Chesterfield County or James City County pursuant to this section shall be subject to a civil penalty not to exceed \$75, the proceeds from which shall be paid into the locality's general fund.

§ 46.2-1225. Enforcement provisions in city or county parking ordinances.

Any city or county ordinance regulating parking under this article shall require:

1. That uncontested payment of parking citation penalties be collected and accounted for by a local administrative official or officials who shall be compensated by the locality *or by a private management company under contract with the locality*;

2. That contest by any person of any parking citation shall be certified on an appropriate form, to the appropriate district court, by such official or officials; and

3. That the local administrative official or officials *or the private management company under contract with the locality* shall cause complaints, summons, or warrants to be issued for delinquent parking citations.

Every action to collect unpaid parking citation penalties imposed for violation of a city or county ordinance regulating parking under this article shall be commenced within three years of the date upon which such penalty became delinquent.

§ 46.2-1246. Towing of unauthorized vehicles.

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59 A. The owner or duly authorized agent of the owner of a parking space properly designated and
60 clearly marked as reserved for use by persons with disabilities that limit or impair their ability to walk
61 may have any vehicle not displaying disabled parking license plates, organizational removable
62 windshield placards, permanent removable windshield placards, temporary removable windshield
63 placards, or DV disabled parking license plates removed from the parking space and stored.

64 B. The owner of a vehicle which has been removed and stored may regain possession of his vehicle
65 on payment to the person or persons who removed and stored the vehicle all reasonable costs incidental
66 to the removal and storage. The owner of the vehicle, on notice to the owner or duly authorized agent
67 of the owner of the parking space, may also petition the general district court having jurisdiction over
68 the location where the parking occurred for an immediate determination as to whether the removal of
69 the vehicle was lawful. If the court finds that the removal was unlawful, the court shall direct the owner
70 of the parking space to pay the costs incidental to the removal and storage of the vehicle and return the
71 vehicle to its owner.

72 C. *A private management company under contract with a locality may immobilize or remove vehicles*
73 *with more than three outstanding parking violations at on-street parking facilities.*

74 **§ 46.2-1255. Confiscation of disabled parking placards.**

75 A. Any law-enforcement officer ~~or~~, private security guard, or employee of a private parking
76 management company under agreement with a locality acting pursuant to § 46.2-1243 who issues a
77 summons to or arrests an individual for any violation of §§ 46.2-1247 through 46.2-1249 and
78 §§ 46.2-1251 through 46.2-1253 may confiscate the defendant's permanent, temporary, or organizational
79 removable windshield placard and shall notify, by mail or facsimile, the Department of Motor Vehicles
80 of such confiscation and the number of the placard involved.

81 B. After receiving notice specified in subsection A of this section, the Department may prohibit the
82 issuance of any form of disabled parking license plate or placard to the defendant until the defendant's
83 charge under §§ 46.2-1247 through 46.2-1249 and §§ 46.2-1251 through 46.2-1253 reaches final
84 disposition, including appeals.

85 C. Upon the defendant's acquittal for any violation of §§ 46.2-1247 through 46.2-1249 and
86 §§ 46.2-1251 through 46.2-1253, the law-enforcement officer or private security guard shall return the
87 confiscated placard to the defendant and the court shall notify the Department of such acquittal by
88 electronic or other means. Upon the defendant's conviction for any violation of §§ 46.2-1247 through
89 46.2-1249 and §§ 46.2-1251 through 46.2-1253, the law-enforcement officer or private security guard
90 shall send the confiscated placard to the Department and the court shall notify the Department pursuant
91 to § 46.2-1256.