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HOUSE BILL NO. 1516

Offered January 11, 2023

Prefiled January 4, 2023

A BILL to amend and reenact §§ 46.2-118 and 46.2-1233.1 of the Code of Virginia, relating to towing and recovery operators; vehicle storage.

Patrons—Adams, D.M., Price and Rasoul

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-118 and 46.2-1233.1 of the Code of Virginia are amended and reenacted as follows: § 46.2-118. Prohibited acts by tow truck drivers and towing and recovery operators.

A. No tow truck driver shall:

1. Use fraud or deceit in the offering or delivering of towing and recovery services;

2. Conduct his business or offer services in such a manner as to endanger the health and welfare of the public;

3. Use alcohol or drugs to the extent such use renders him unsafe to provide towing and recovery services;

4. Obtain any fee by fraud or misrepresentation;

5. Remove or tow a trespassing vehicle, as provided in § 46.2-1231, or a vehicle towed or removed at the request of a law-enforcement officer to any location outside the Commonwealth; or

6. Violate, or assist, induce, or cooperate with others to violate, any provision of law related to the offering or delivery of towing and recovery services.

B. No towing and recovery operator shall:

1. Use fraud or deceit in the offering or delivering of towing and recovery services;

2. Conduct his business or offer services in such a manner as to endanger the health and welfare of the public;

3. Use alcohol or drugs to the extent such use renders him unsafe to provide towing and recovery services;

4. Neglect to maintain on record at the towing and recovery operator's principal office a list of all drivers employed by the towing and recovery operator;

5. Obtain any fee by fraud or misrepresentation;

6. Advertise services in any manner that deceives, misleads, or defrauds the public;

7. Advertise or offer services under a name other than one's own name;

8. Fail to accept for payment cash, insurance company check, certified check, money order, or at least one of two commonly used, nationally recognized credit cards, except those towing and recovery operators who have an annual gross income of less than \$10,000 derived from the performance of towing and recovery services shall not be required to accept credit cards, other than when providing police-requested towing as defined in § 46.2-1217, but shall be required to accept personal checks;

9. Fail to display at the towing and recovery operator's principal office in a conspicuous place a listing of all towing, recovery, and processing fees for vehicles;

10. Fail to have readily available at the towing and recovery operator's principal office, at the customer's request, the maximum fees normally charged by the towing and recovery operator for basic services for towing and initial hookup of vehicles;

11. Knowingly charge excessive fees for towing, storage, or administrative services or charge fees for services not rendered;

12. Fail to maintain all towing records, which shall include itemized fees, for a period of one year from the date of service;

13. Willfully invoice payment for any services not stipulated or otherwise incorporated in a contract for services rendered between the towing and recovery operator and any locality or political subdivision of the Commonwealth;

14. Employ a driver required to register with the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1;

15. Remove or tow a trespassing vehicle, as provided in § 46.2-1231, or a vehicle towed or removed at the request of a law-enforcement officer to any location outside the Commonwealth;

16. Refuse, at the towing and recovery operator's place of business, to make change, up to \$100, for the owner of the vehicle towed without the owner's consent if the owner pays in cash for charges for towing and storage of the vehicle;

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59 17. Violate, or assist, induce, or cooperate with others to violate, any provision of law related to the
60 offering or delivery of towing and recovery services; ~~or~~

61 18. Fail to provide the owner of a stolen vehicle written notice of his right under law to be
62 reimbursed for towing and storage of his vehicle out of the state treasury from the appropriation for
63 criminal charges as required in § 46.2-1209; *or*

64 19. *Refuse, at the towing and recovery operator's place of business, to allow the owner of the vehicle*
65 *towed, upon proof of ownership of the vehicle, to access and recover any personal items without*
66 *retrieving the vehicle and without paying any fee. Personal items do not include any items that are*
67 *attached to the vehicle.*

68 C. No tow truck driver as defined in § 46.2-116 or towing and recovery operator as defined in
69 § 46.2-100 shall knowingly permit another person to occupy a motor vehicle as defined in § 46.2-100
70 while such motor vehicle is being towed.

71 **§ 46.2-1233.1. Limitation on charges for towing and storage of certain vehicles.**

72 A. Unless different limits are established by ordinance of the local governing body pursuant to
73 § 46.2-1233, as to vehicles towed or removed from private property, no charges imposed for the towing,
74 storage, and safekeeping of any passenger car removed, towed, or stored without the consent of its
75 owner shall be in excess of the maximum charges provided for in this section. No hookup and initial
76 towing fee of any passenger car shall exceed \$150. For towing a vehicle between 7:00 p.m. and 8:00
77 a.m. or on any Saturday, Sunday, or holiday, an additional fee of no more than \$30 per instance may be
78 charged; however, in no event shall more than two such fees be charged for towing any such vehicle.
79 No charge shall be made for storage and safekeeping for a period of 24 hours or less. Except for fees or
80 charges imposed by this section or a local ordinance adopted pursuant to § 46.2-1233, no other fees or
81 charges shall be imposed during the first 24-hour period. *The governing body of each county, city, and*
82 *town shall by ordinance set reasonable limits on storage fees charged by towing and recovery operators*
83 *after the first 24 hours, taking into consideration the average daily public parking rate in the locality.*
84 *Any such ordinance limiting fees shall also provide for periodic review and timely adjustment of such*
85 *limitations.*

86 B. The governing body of any county, city, or town may by ordinance, with the advice of an
87 advisory board established pursuant to § 46.2-1233.2, (i) provide that no towing and recovery business
88 having custody of a vehicle towed without the consent of its owner impose storage charges for that
89 vehicle for any period during which the owner of the vehicle was prevented from recovering the vehicle
90 because the towing and recovery business was closed and (ii) place limits on the amount of fees charged
91 by towing and recovery operators. Any such ordinance limiting fees shall also provide for periodic
92 review of and timely adjustment of such limitations.