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HOUSE BILL NO. 2191

Offered January 11, 2023

Prefiled January 11, 2023

A BILL to amend and reenact § 46.2-1213 of the Code of Virginia, relating to removal by locality of
unattended or immobile vehicles.

Patron—Rasoul

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:**1. That § 46.2-1213 of the Code of Virginia is amended and reenacted as follows:****§ 46.2-1213. Removal and disposition of unattended or immobile vehicles; ordinances in
counties, cities, and towns.**

A. The governing body of any county, city, or town may by ordinance provide for the removal for
safekeeping of motor vehicles, trailers, semitrailers, or parts thereof to a storage area if:

1. It is left unattended on a public highway or other public property and constitutes a traffic hazard;
2. It is illegally parked;
3. It is left unattended for more than 10 days either on public property or on private property without
the permission of the property owner, lessee, or occupant; *or*
4. It is immobilized on a public roadway by weather conditions or other emergency situation.

B. Removal shall be carried out by or under the direction of a law-enforcement officer or other
uniformed employee of the local law-enforcement agency who specifically is authorized to do so by the
chief law-enforcement officer or his designee, *or by or under the direction of the locality's civil code
enforcement division*. The ordinance, however, shall not authorize removal of motor vehicles, trailers,
semitrailers, and parts thereof from private property without the written request of the owner, lessee, or
occupant of the premises. The ordinance may also provide that the person at whose request the motor
vehicle, trailer, semitrailer, or part of a motor vehicle, trailer, or semitrailer is removed from private
property shall indemnify the county, city, or town against any loss or expense incurred by reason of
removal, storage, or sale thereof. Any such ordinance may also provide that it shall be presumed that
such motor vehicle, trailer, semitrailer, or part thereof is abandoned if it (i) lacks either a current license
plate; or a current county, city or town license plate or sticker; or a valid state safety inspection
certificate or sticker; and (ii) it has been in a specific location for four days without being moved. As
promptly as possible, each removal shall be reported to a local governmental office to be designated in
the ordinance and to the owner of the motor vehicle, trailer, or semitrailer. Before obtaining possession
of the motor vehicle, trailer, semitrailer, or part thereof, the owner shall pay to the parties entitled
thereto all costs incidental to its removal and storage and locating the owner. If the owner fails or
refuses to pay the cost or if his identity or whereabouts is unknown and unascertainable after a diligent
search has been made, and after notice to him at his last known address and to the holder of any lien of
record with the office of the Department against the motor vehicle, trailer, semitrailer, or part of a motor
vehicle, trailer, or semitrailer, the vehicle shall be treated as an abandoned vehicle under the provisions
of Article 1 (§ 46.2-1200 et seq.).

INTRODUCED

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