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SENATE BILL NO. 1051

Senate Amendments in [] - February 6, 2023

Prefiled January 8, 2023

A *BILL to amend and reenact § 46.2-1215 of the Code of Virginia and to amend the Code of Virginia by adding in Article 2 of Chapter 12 of Title 46.2 a section numbered 46.2-1215.1, relating to vehicles left on private property; public utility company [and broadband service provider] service vehicles; removal or towing.*

Patron Prior to Engrossment—Senator McPike

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-1215 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 2 of Chapter 12 of Title 46.2 a section numbered 46.2-1215.1 as follows:

§ 46.2-1215. Leaving vehicles on private property prohibited; authority of counties, cities, and towns to provide for removal and disposition; notice of disposition.

No person shall leave any motor vehicle, trailer, semitrailer, or part of a motor vehicle, trailer, or semitrailer on the private property of any other person without his consent. *However, certain public utility company [and broadband service provider] service vehicles may be left on private property in accordance with the provisions of § 46.2-1215.1.* The governing body of any county, city, or town may by ordinance provide, that on complaint of the owner of the property on which such motor vehicle, trailer, semitrailer, or part thereof has been left for more than 72 hours, that such motor vehicle, trailer, semitrailer, or part thereof, may be removed 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 to a storage area. The ordinance shall require the owners of private property which is normally open to the public for parking to post or cause to be posted signs warning that vehicles left on the property for more than 72 hours will be towed or removed at their owners' expense. The ordinance may also provide that the person at whose request the vehicle, trailer, semitrailer, or part thereof is so removed shall indemnify the county, city, or town against any loss or expense incurred by reason of removal, storage, or sale thereof.

In the case of the removal of a motor vehicle, trailer, semitrailer, or part of a motor vehicle, trailer, or semitrailer from private property, when it cannot be readily sold, the motor vehicle, trailer, semitrailer, or part may be disposed of in whatever manner the governing body of the county, city, or town may provide.

In all other respects, the provisions of §§ 46.2-1213 and 46.2-1217 shall apply to these removals. Disposal of a motor vehicle, trailer, or semitrailer may at the option of the governing body of the county, city, or town be carried out under either the provisions of § 46.2-1213, or under the provisions of this section after a diligent search for the owner, after notice to him at his last known address and to the holder of any lien of record in the office of the Department against the motor vehicle, trailer, or semitrailer, and after the motor vehicle, trailer, or semitrailer has been held at least 60 days.

The Department shall be notified of the disposition of any motor vehicle, trailer, or semitrailer under § 46.2-1213 or the provisions of this section.

§ 46.2-1215.1. Public utility company [and broadband service provider] service vehicles; leaving on private property; towing.

A vehicle owned and operated by a public utility company [or broadband service provider] for purposes of providing service and maintenance for such [~~utilities~~ company or provider] may be temporarily left on private property without the consent of the owner of the property, provided that such utility [or broadband] service or maintenance is being conducted by an employee of the company [or provider] on the property [and such vehicle does not block the entry or exit of the property] . Such vehicle shall not be removed or towed for a period of 72 hours, after which it may be removed in accordance with the provisions of § 46.2-1215 or other applicable law.

ENGROSSED

SB1051E