

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act to amend and reenact § 46.2-1202 of the Code of Virginia, relating to abandoned vehicles; owner and lienholder information.

[H 845]

Approved

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-1202 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-1202. Search for owner and secured party; notice.

A. Any person in possession of an abandoned vehicle shall initiate with the Department, in a manner prescribed by the Commissioner, a search for the owner and/or lienholder of record of the vehicle, requesting the name and address of the owner of record of the vehicle and all persons having security interests in the vehicle on record in the office of the Department, describing, if ascertainable, the vehicle by year, make, model, and vehicle identification number. A fee of \$40 shall be paid to the Department at the time of application. Those fees shall be paid into the state treasury and set aside as a special, nonreverting fund to be used to meet the expenses of the Department. A local government agency with a written agreement with the Department shall be exempt from this fee.

The Department shall check (i) its own records, (ii) the records of a nationally recognized crime database, and (iii) records of a nationally recognized vehicle title database for owner and lienholder information. If a vehicle has been reported as stolen, the Department shall notify the appropriate law-enforcement agency of that fact. If a vehicle has been found to have been titled in another jurisdiction, the Department shall contact that jurisdiction to ascertain the requested information, *unless the Department is provided with such information by a business in possession of the abandoned vehicle that (a) acquired such vehicle from an insurance company in connection with a total loss unresolved claim and (b) obtained such information from a nationally recognized title database with access to such jurisdiction's records about all entities having security interest in such vehicle. If the Department relies on information provided by a business as authorized in this subsection, such business shall indemnify, defend, and hold the Department and the Commonwealth harmless from and against any claims, actions, penalties, damages, losses, fines, and expenses, including attorney fees, incurred as a result of the Department's reliance on such information.*

B. If the Department ~~confirms~~ obtains owner or lienholder information, ~~either through a search of its own records or those of another jurisdiction,~~ as provided in subsection A, the Department shall notify the owner, at the last known address of record, and lienholder, at the last known address of record, of the notice of interest in their vehicle, by certified mail, return receipt requested, and advise them to reclaim and remove the vehicle within 15 days, or, if the vehicle is a manufactured home or a mobile home, 120 days, from the date of notice. Such notice, when sent in accordance with these requirements, shall be sufficient regardless of whether or not it was ever received. Following the notice required in this subsection, if the vehicle remains unclaimed, the owner and all persons having security interests in the vehicle shall have waived all right, title, and interest in the vehicle.

C. If records of the Department contain no address for the owner or no address of any person shown by the Department's records to have a security interest, or if the identity and addresses of the owner and all persons having security interests cannot be determined with reasonable certainty after the Department has contacted the jurisdiction in which the vehicle was last titled, the person in possession of the abandoned vehicle may proceed with the sale or disposal of the vehicle in accordance with this chapter. However, if a vehicle record exists in another jurisdiction that has refused to release the information to the Department, the person in possession of the abandoned vehicle shall assume all liability for proceeding with such sale or disposal without written notice to the owner or lienholder of record.

D. The Department shall provide to the person in possession of the abandoned vehicle a receipt indicating that the search requested pursuant to this section has been completed.

E. Residents or businesses of other jurisdictions in possession of vehicles titled in the Commonwealth, or the authorized agents of such residents or businesses, seeking to enforce laws in those jurisdictions that are substantially similar to the provisions of this article or Article 2 (§ 46.2-1209 et seq.) may request information for such vehicles from the Department. The Department shall conduct the information search as provided for in subsection A, provide the names and addresses of the owner and lienholder, if any, for each vehicle to the requester, and notify the named owner and lienholder, if any, by certified mail, return receipt requested, of the request. Such notification shall not replace any notification requirements imposed by the jurisdiction in which the requester and subject vehicle are

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57 located, nor shall the enforcement rules of this chapter apply to vehicles not located within the
58 Commonwealth. If the Department finds that the vehicle is titled in another jurisdiction, the Department
59 shall identify that jurisdiction to the requester with no further obligation to the requester or vehicle
60 owner. The Department shall collect a \$25 fee for this search.