

24105001D

**HOUSE BILL NO. 925**

Offered January 10, 2024

Prefiled January 9, 2024

*A BILL to amend and reenact §§ 46.2-1150, 46.2-1231, and 46.2-1232 of the Code of Virginia, relating to towing; vehicles with expired registration; civil penalty.*

Patron—Shin

Referred to Committee on Transportation

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 46.2-1150, 46.2-1231, and 46.2-1232 of the Code of Virginia are amended and reenacted as follows:**

**§ 46.2-1150. Towing certain unlicensed or uninspected vehicles.**

Nothing in this title shall prohibit towing an unlicensed motor vehicle or motor vehicle which has not been inspected pursuant to Article 21 (§ 46.2-1157 et seq.) or 22 (§ 46.2-1176 et seq.) of Chapter 10 of this title, *except for such a time period as required by the provisions of § 46.2-1231 or an ordinance created pursuant to the provisions of § 46.2-1232.*

Nothing in this title shall prohibit the towing of an unlicensed trailer or semitrailer used on a construction site as an office or for storage or a trailer or semitrailer which has been used on a construction site as an office or for storage, but which has not been inspected pursuant to Article 21 of Chapter 10 of this title, provided that any such unlicensed or uninspected trailer or semitrailer (i) is towed by a tow truck or other vehicle designed and equipped for the towing of inoperable or disabled vehicles; (ii) is operated only in intrastate commerce; (iii) has an actual gross weight, including contents, of no more than 15,000 pounds; (iv) is secured to the towing vehicle by means of safety chains; and (v) is equipped with rear-mounted bar lights which function as tail lights, brake lights, and turn signals as provided in Article 3 (§ 46.2-1010 et seq.) of Chapter 10 of this title. However, nothing in this section shall authorize the towing or drawing of an unlicensed or uninspected trailer or semitrailer by means of a tractor truck except for the purpose of having such trailer or semitrailer inspected as provided in § 46.2-1157.

**§ 46.2-1231. Ticketing, removal, or immobilization of trespassing vehicles by owner or operator of parking or other lot or building; charges.**

A. The owner, operator, or lessee of any parking lot, parking area, or parking space in a parking lot or area or any part of a parking lot or area, or of any other lot or building, including any county, city, or town, or authorized agent of the person having control of such premises may have any vehicle occupying the lot, area, space, or building without the permission of its owner, operator, lessee, or authorized agent of the one having the control of the premises, removed by towing or otherwise to a licensed garage for storage until called for by the owner or his agent if there are posted at all entrances to the parking lot or area signs clearly and conspicuously disclosing that such vehicle, if parked without permission, will be removed, towed, or immobilized. Such signs shall, at a minimum, include the nonemergency telephone number of the local law-enforcement agency or the telephone number of the responsible towing and recovery operator to contact for information related to the location of vehicles towed from that location. The requirements of this section relating to the posting of signs by an owner, operator, or lessee of any parking lot, parking area or space shall not apply to localities in which the local governing body has adopted an ordinance pursuant to § 46.2-1232.

B. Whenever a trespassing vehicle is removed or towed as permitted by this section, notice of this action shall forthwith be given by the tow truck operator to the State Police or the local law-enforcement agency of the jurisdiction from which the vehicle was towed. It shall be unlawful to fail to report such tow as required by this section and violation of the reporting requirement of this section shall constitute a traffic infraction punishable by a fine of not more than \$100. Such failure to report shall limit the amount which may be charged for the storage and safekeeping of the towed vehicle to an amount no greater than that charged for one day of storage and safekeeping. If the vehicle is removed and stored, the vehicle owner may be charged and the vehicle may be held for a reasonable fee for the removal and storage.

C. All businesses engaged in towing vehicles without the consent of their owners shall prominently display (i) at their main place of business and (ii) at any other location where towed vehicles may be reclaimed a comprehensive list of all their fees for towing, recovery, and storage services, or the basis of such charges. This requirement to display a list of fees may also be satisfied by providing, when the towed vehicle is reclaimed, a written list of such fees, either as part of a receipt or separately, to the

59 person who reclaims the vehicle. Charges in excess of those posted shall not be collectable from any  
60 motor vehicle owner whose vehicle is towed, recovered, or stored without his consent. At the time a  
61 vehicle owner or agent reclaims a towed vehicle, such towing and recovery operator, if located in  
62 Planning District 8, shall provide a written receipt that provides a telephone number or website available  
63 for customer complaints. A locality located wholly or partially in Planning District 8 may require  
64 additional information to be included on such receipt.

65 D. Notwithstanding the foregoing provisions of this section, if the owner or representative or agent of  
66 the owner of the trespassing vehicle is present and removes the trespassing vehicle from the premises  
67 before it is actually towed, the trespassing vehicle shall not be towed, but the owner or representative or  
68 agent of the owner of the trespassing vehicle shall be liable for a reasonable fee, not to exceed \$25 or  
69 such other limit as the governing body of the county, city, or town may set by ordinance, in lieu of  
70 towing.

71 E. In lieu of having a trespassing vehicle removed by towing or otherwise, the owner, operator,  
72 lessee or authorized agent of the premises on which the trespassing vehicle is parked may cause the  
73 vehicle to be immobilized in a manner that prevents its removal or lawful operation, provided that any  
74 device used to immobilize the trespassing vehicle does not damage the vehicle or any part of the  
75 vehicle. The charge for the removal of any device used to immobilize a trespassing vehicle shall not  
76 exceed \$25 or such other limit as the governing body of the county, city, or town may set by ordinance.  
77 In lieu of having the vehicle removed by towing or otherwise, or in lieu of causing the vehicle to be  
78 immobilized, the owner, operator, lessee or authorized agent of the premises on which the trespassing  
79 vehicle is parked may cause to have an authorized local government official or law-enforcement officer  
80 issue, on the premises, a notice of the violation of a parking ordinance or regulation created pursuant to  
81 § 46.2-1220 or 46.2-1221 to the registered owner of the vehicle.

82 F. This section shall not apply to police, fire, or public health vehicles or where a vehicle, because  
83 of a wreck or other emergency, is parked or left temporarily on the property of another. The governing  
84 body of every county, city, and town may by ordinance set limits on fees and charges provided for in  
85 this section.

86 G. For purposes of this subsection:

87 "Multifamily dwelling unit" includes townhouses.

88 "Resident's vehicle" means any vehicle that is (i) owned, leased, or used by a resident of a  
89 multifamily dwelling unit in which the parking lot is owned and maintained by the landlord; (ii) known  
90 to the landlord to be associated with such resident, by means of a permit, registry, or other document  
91 designated by the landlord for such identification purposes; and (iii) in compliance with any  
92 requirements set forth in such lease or other agreement regarding such vehicle.

93 Notwithstanding the foregoing provisions of this section, for a resident's vehicle parked in the  
94 parking lot of a multifamily dwelling unit, for which the parking lot is owned and maintained by the  
95 landlord, the landlord, before requesting the towing of such vehicle for an expired vehicle registration  
96 or expired vehicle inspection sticker, shall provide written notice, which shall include the date of  
97 delivery of such notice, to the resident that such resident's vehicle will be towed due to an expired  
98 registration or expired vehicle inspection sticker after 48 hours from the date of the delivery of such  
99 notice and shall not remove or tow such vehicle until such period of time has passed. The landlord  
100 shall, in addition to such written notice to the resident, transmit a copy of such notice to any towing  
101 operator with which he contracts for parking enforcement of the multifamily dwelling unit's parking lot.  
102 If a landlord fails to provide such notice to the resident or towing operator, or does not wait the  
103 required period of time prior to removing or requesting the towing of such vehicle, he shall be subject  
104 to a civil penalty not to exceed \$250.

105 No towing operator shall remove such vehicle until the 48 hours from the date of the delivery of  
106 such notice have passed.

107 **§ 46.2-1232. Localities may regulate removal or immobilization of trespassing vehicles.**

108 A. The governing body of any county, city, or town may by ordinance regulate the removal of  
109 trespassing vehicles from property by or at the direction of the owner, operator, lessee, or authorized  
110 agent in charge of the property. In the event that a vehicle is towed from one locality and stored in or  
111 released from a location in another locality, the local ordinance, if any, of the locality from which the  
112 vehicle was towed shall apply.

113 B. No local ordinance adopted under authority of this section shall require that any towing and  
114 recovery business also operate as or provide services as a vehicle repair facility or body shop, filling  
115 station, or any business other than a towing and recovery business.

116 C. Any such local ordinance may also require towing and recovery operators to (i) obtain and retain  
117 photographs or other documentary evidence substantiating the reason for the removal; (ii) post signs at  
118 their main place of business and at any other location where towed vehicles may be reclaimed  
119 conspicuously indicating (a) the maximum charges allowed by local ordinance, if any, for all their fees  
120 for towing, recovery, and storage services and (b) the name and business telephone number of the local

official, if any, responsible for handling consumer complaints; (iii) obtain at the time the vehicle is towed, verbal approval of an agent designated in the local ordinance who is available at all times; and (iv) obtain, at the time the vehicle is towed, if such towing is performed during the normal business hours of the owner of the property from which the vehicle is being towed, the written authorization of the owner of the property from which the vehicle is towed, or his agent. Such written authorization, if required, shall be in addition to any written contract between the towing and recovery operator and the owner of the property or his agent, except for vehicles being towed from a locality within Planning District 8 or Planning District 16, which shall not require written authorization if such written contract is in place. Any such written contract governing a property located within Planning District 8 or Planning District 16 shall clearly state the terms on which towing and recovery operators may monitor private lots on behalf of property owners. For the purposes of this subsection, "agent" shall not include any person who either (a) is related by blood or marriage to the towing and recovery operator or (b) has a financial interest in the towing and recovery operator's business.

D. Any such ordinance adopted by a locality within Planning District 8 may require towing companies that tow vehicles from the county, city, or town adopting the ordinance to other localities, provided that the stored or released location is within the Commonwealth of Virginia and within 10 miles of the point of origin of the actual towing, (i) to obtain from the locality from which such vehicles are towed a permit to do so and (ii) to submit to an inspection of such towing company's facilities to ensure that the company meets all the locality's requirements, regardless of whether such facilities are located within the locality or elsewhere. The locality may impose and collect reasonable fees for the issuance and administration of permits as provided for in this subsection. Such ordinance may also provide grounds for revocation, suspension, or modification of any permit issued under this subsection, subject to notice to the permittee of the revocation, suspension, or modification and an opportunity for the permittee to have a hearing before the governing body of the locality or its designated agent to challenge the revocation, suspension, or modification. Any tow truck driver who removes or tows a vehicle, pursuant to any such ordinance, that is occupied by an unattended companion animal as defined in § 3.2-6500 shall, upon such removal, immediately notify the animal control office of the locality in which the vehicle is being removed or towed. Nothing in this subsection shall be applicable to public safety towing.

E. For purposes of this subsection:

"Multifamily dwelling unit" includes townhouses.

"Resident's vehicle" means any vehicle that is (i) owned, leased, or used by a resident of a multifamily dwelling unit in which the parking lot is owned and maintained by the landlord; (ii) known to the landlord to be associated with such resident, by means of a permit, registry, or other document designated by the landlord for such identification purposes; and (iii) in compliance with any requirements set forth in such lease or other agreement regarding such vehicle.

Any such local ordinance shall include a provision that requires the landlord of a multifamily dwelling unit that also owns and maintains such multifamily dwelling unit's parking lot to, before removing or requesting the towing of a resident's vehicle that is parked in the parking lot of such multifamily dwelling unit for an expired vehicle registration or expired vehicle inspection sticker, provide written notice, which shall include the date of delivery of such notice, to such resident that such vehicle will be towed due to an expired registration or expired vehicle inspection sticker after 48 hours from the date of the delivery of such notice and shall not remove or tow such vehicle until such period of time has passed. The ordinance shall also require the landlord, in addition to such written notice to the resident, to transmit a copy of such notice to any towing operator with which he contracts for parking enforcement of the multifamily dwelling unit's parking lot. The ordinance shall provide that if a landlord fails to provide such notice to the resident or towing operator, or does not wait the required period of time prior to removing or requesting the towing of such vehicle, he shall be subject to a civil penalty not to exceed \$250.

Such ordinance shall also provide that no towing operator shall remove such vehicle until the 48 hours from the date of the delivery of such notice have passed.