

HOUSE BILL NO. 959

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Transportation

on _____)

(Patron Prior to Substitute--Delegate Lopez)

A BILL to amend and reenact §§ 46.2-1232 and 46.2-1233.3 of the Code of Virginia, relating to towing violations; enforcement.

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-1232 and 46.2-1233.3 of the Code of Virginia are amended and reenacted as follows:

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

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

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

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

27 of the property from which the vehicle is being towed, the written authorization of the owner of the
28 property from which the vehicle is towed, or his agent. Such written authorization, if required, shall be in
29 addition to any written contract between the towing and recovery operator and the owner of the property
30 or his agent, ~~except for vehicles being towed from a locality within Planning District 8 or Planning District~~
31 ~~16, which shall not require written authorization if such written contract is in place.~~ Any such written
32 contract governing a property located within Planning District 8 or Planning District 16 shall clearly state
33 the terms on which towing and recovery operators may monitor private lots on behalf of property owners
34 and any local ordinance created pursuant to this subsection may regulate the monitoring practices that may
35 be used by such towing and recovery operators. For the purposes of this subsection, "agent" ~~shall~~ does not
36 include any person who either (a) is related by blood or marriage to the towing and recovery operator or
37 (b) has a financial interest in the towing and recovery operator's business.

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

53 **§ 46.2-1233.3. Improper towing; penalty.**

