

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

SENATE BILL NO. 66
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Transportation
on February 1, 2024)
(Patron Prior to Substitute--Senator Peake)

A BILL to amend and reenact §§ 46.2-118, 46.2-1233, and 46.2-1233.1 of the Code of Virginia, relating to towing without consent of vehicle owner; fee.

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-118, 46.2-1233, and 46.2-1233.1 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-118. Prohibited acts by tow truck drivers and towing and recovery operators.

A. No tow truck driver shall:

- 1. Use fraud or deceit in the offering or delivering of towing and recovery services;
- 2. Conduct his business or offer services in such a manner as to endanger the health and welfare of the public;
- 3. Use alcohol or drugs to the extent such use renders him unsafe to provide towing and recovery services;
- 4. Obtain any fee by fraud or misrepresentation;
- 5. Remove or tow a trespassing vehicle, as provided in § 46.2-1231, or a vehicle towed or removed at the request of a law-enforcement officer to any location outside the Commonwealth; or
- 6. Violate, or assist, induce, or cooperate with others to violate, any provision of law related to the offering or delivery of towing and recovery services.

B. No towing and recovery operator shall:

- 1. Use fraud or deceit in the offering or delivering of towing and recovery services;
- 2. Conduct his business or offer services in such a manner as to endanger the health and welfare of the public;

- 27 3. Use alcohol or drugs to the extent such use renders him unsafe to provide towing and recovery
28 services;
- 29 4. Neglect to maintain on record at the towing and recovery operator's principal office a list of all
30 drivers employed by the towing and recovery operator;
- 31 5. Obtain any fee by fraud or misrepresentation;
- 32 6. Advertise services in any manner that deceives, misleads, or defrauds the public;
- 33 7. Advertise or offer services under a name other than one's own name;
- 34 8. Fail to accept for payment cash, insurance company check, certified check, money order, or at
35 least one of two commonly used, nationally recognized credit cards, except those towing and recovery
36 operators who have an annual gross income of less than \$10,000 derived from the performance of towing
37 and recovery services shall not be required to accept credit cards, other than when providing police-
38 requested towing as defined in § 46.2-1217, but shall be required to accept personal checks;
- 39 9. Fail to display at the towing and recovery operator's principal office in a conspicuous place a
40 listing of all towing, recovery, and processing fees for vehicles;
- 41 10. Fail to have readily available at the towing and recovery operator's principal office, at the
42 customer's request, the maximum fees normally charged by the towing and recovery operator for basic
43 services for towing and initial hookup of vehicles;
- 44 11. Knowingly charge excessive fees for towing, storage, or administrative services or charge fees
45 for services not rendered;
- 46 12. Fail to maintain all towing records, which shall include itemized fees, for a period of one year
47 from the date of service;
- 48 13. Willfully invoice payment for any services not stipulated or otherwise incorporated in a
49 contract for services rendered between the towing and recovery operator and any locality or political
50 subdivision of the Commonwealth;
- 51 14. Employ a driver required to register with the Sex Offender and Crimes Against Minors Registry
52 pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1;

53 15. Remove or tow a trespassing vehicle, as provided in § 46.2-1231, or a vehicle towed or
54 removed at the request of a law-enforcement officer to any location outside the Commonwealth;

55 16. Refuse, at the towing and recovery operator's place of business, to make change, up to \$100,
56 for the owner of the vehicle towed without the owner's consent if the owner pays in cash for charges for
57 towing and storage of the vehicle;

58 17. Violate, or assist, induce, or cooperate with others to violate, any provision of law related to
59 the offering or delivery of towing and recovery services;

60 18. Fail to provide the owner of a stolen vehicle written notice of his right under law to be
61 reimbursed for towing and storage of his vehicle out of the state treasury from the appropriation for
62 criminal charges as required in § 46.2-1209; ~~or~~

63 19. Refuse to allow, consistent with the protections detailed in the provisions of subsection E of §
64 46.2-644.01, the owner of the vehicle towed, upon proof of ownership of the vehicle, to access and recover
65 any personal items without retrieving the vehicle and without paying any fee; or

66 20. Require an individual who appears to retrieve a vehicle towed to provide to the towing and
67 recovery operator, in addition to payment of fees, any document not otherwise required by law before
68 releasing the vehicle to the individual.

69 C. No tow truck driver as defined in § 46.2-116 or towing and recovery operator as defined in §
70 46.2-100 shall knowingly permit another person to occupy a motor vehicle as defined in § 46.2-100 while
71 such motor vehicle is being towed.

72 **§ 46.2-1233. Localities may regulate towing fees.**

73 The governing body of any locality may by ordinance set reasonable limits on fees charged for the
74 removal of motor vehicles, trailers, and parts thereof left on private property in violation of § 46.2-1231,
75 and for the removal of trespassing vehicles under § 46.2-1215, taking into consideration the fair market
76 value of such removal. Such limits on fees for a hookup and initial towing fee shall be no higher than the
77 maximum charges provided in § 46.2-1233.1.

78 Localities in Planning District 8 and Planning District 16 shall establish by ordinance ~~(i) a hookup~~
79 ~~and initial towing fee of no less than \$135 and no more than the maximum charges provided in § 46.2-~~

80 ~~46.2-1233.1 and (ii)~~, for towing a vehicle between 7:00 p.m. and 8:00 a.m. or on any Saturday, Sunday, or
81 holiday, an additional fee of no less than \$25 and no more than the maximum charges provided in § 46.2-
82 1233.1 per instance; however, such ordinance shall also provide that in no event shall more than two such
83 additional fees be charged for towing any vehicle.

84 **§ 46.2-1233.1. Limitation on charges for towing and storage of certain vehicles.**

85 A. Unless different limits are established by ordinance of the local governing body pursuant to §
86 46.2-1233, as to vehicles towed or removed from private property, no charges imposed for the towing,
87 storage, and safekeeping of any passenger car removed, towed, or stored without the consent of its owner
88 shall be in excess of the maximum charges provided for in this section. No hookup and initial towing fee
89 of any passenger car shall exceed ~~\$150~~ \$50. For towing a vehicle between 7:00 p.m. and 8:00 a.m. or on
90 any Saturday, Sunday, or holiday, an additional fee of no more than \$30 per instance may be charged;
91 however, in no event shall more than two such fees be charged for towing any such vehicle. No charge
92 shall be made for storage and safekeeping for a period of 24 hours or less. Except for fees or charges
93 imposed by this section or a local ordinance adopted pursuant to § 46.2-1233, no other fees or charges
94 shall be imposed during the first 24-hour period.

95 B. The governing body of any county, city, or town may by ordinance, with the advice of an
96 advisory board established pursuant to § 46.2-1233.2, (i) provide that no towing and recovery business
97 having custody of a vehicle towed without the consent of its owner impose storage charges for that vehicle
98 for any period during which the owner of the vehicle was prevented from recovering the vehicle because
99 the towing and recovery business was closed and (ii) place limits on the amount of fees charged by towing
100 and recovery operators. Any such ordinance limiting fees shall also provide for periodic review of and
101 timely adjustment of such limitations.

102 C. (Expires July 1, 2024) In addition to the fees authorized pursuant to this section, towing and
103 recovery operators are authorized to charge a fuel surcharge fee of no more than \$20 for each vehicle
104 towed or removed from private property without the consent of its owner. Notwithstanding any other
105 provision of this chapter, no local governing body shall limit or prohibit the fee authorized pursuant to
106 this subsection.

107

#