

HOUSE BILL NO. 421

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Transportation

on \_\_\_\_\_)

(Patron Prior to Substitute--Delegate McQuinn)

A BILL to amend and reenact §§ 46.2-1233 and 46.2-1233.1 of the Code of Virginia, relating to towing; fees; state and local rates.

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

**1. That §§ 46.2-1233 and 46.2-1233.1 of the Code of Virginia are amended and reenacted:**

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

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

~~Localities in Planning District 8 and Planning District 16 shall establish by ordinance (i) a hookup and initial towing fee of no less than \$135 and no more than the maximum charges provided in § 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 holiday, an additional fee of no less than \$25 and no more than the maximum charges provided in § 46.2-1233.1 per instance; however, when establishing such ordinance, shall also provide that in no event shall more than two such additional fees for towing a vehicle between 7:00 p.m. and 8:00 a.m. or on any Saturday, Sunday, or holiday be charged for towing any vehicle.~~

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

A. Unless different limits are established by ordinance of the local governing body pursuant to § 46.2-1233, as to vehicles towed or removed from private property, no charges imposed for the towing, storage, and safekeeping of any passenger car removed, towed, or stored without the consent of its owner shall be in excess of the maximum charges provided for in this section. No hookup and initial towing fee

27 of any passenger car shall exceed ~~\$150~~ \$190. For towing a vehicle between 7:00 p.m. and 8:00 a.m. ~~or~~,  
28 an additional fee of no more than \$65 per instance may be charged, and on any Saturday, Sunday, or  
29 holiday, an additional fee of no more than ~~\$30~~ \$35 per instance may be charged; however, in no event  
30 shall more than two such fees be charged for towing any such vehicle. No charge shall be made for storage  
31 and safekeeping for a period of 24 hours or less. Except for fees or charges imposed by this section or a  
32 local ordinance adopted pursuant to § 46.2-1233, no other fees or charges shall be imposed during the first  
33 24-hour period. Such limitations on fees shall not include any reasonable credit card fees that may be  
34 incurred during payment of such charges.

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

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

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