

**Minutes for Second Signature Ad Hoc Committee
October 29, 2007
Draft Minutes**

Call to Order

Meeting called to order at 10:12 a.m.

Committee Members:

Mark Sawyers
Randy Seibert
Gary Teter
Fred Scheler
Ron Miner

Other Members Present:

Ray Hodge
Roy Boswell
Charlie Brown

Public Comment:

Bruce Keeney, of VATRO would like to see the board recommend a different approach. He suggested that the board recommends the repeal of the existing statutes giving the second signature, and in that recommendation, recognize that there is an issue with property rights, and that you recognize the provision of the existing law dealing with the second signature, was inactive prior to the law that is largely in affect right now. The committee needs to recognize that previously they did not have a requirement for signage, previously you did not have provisions that prohibited excessive fees, or that the operators maintain some business practices. With that recommendation in light of the new law, the second signature is no longer necessary, recommend and repeal with that, then follow up and say, however, we recognize additionally you are requested to submit compromise language, and then while you recommend and repeal, honor that request by submitting to the chairman of the transportation committee any language you address.

Brian M. Gordon, Vice President Government Affairs for AOBA stated that there is still one piece within the draft that is circulating that he would like too see removed, and that is the forty-eight hour sticker requirement. This requirement contrasts with some of the carefully put together legislation that already exists with the Department of Motor Vehicles.

Patricia Carroll, State Legislative Liaison remains concerned with the current draft. She stated that it takes away much of what the senate put in the towing regulations too starts with. This process would remove a lot of their ability to keep what is already in Prince William County's ordinance.

Chairman Sawyers closed public comment at 10:26 a.m.

The following motions were made and approved by the committee to the document below:

Randy Seibert made the motion to remove section C – 5 from the document. Mr. Scheler seconded, two were in favor, and three opposed, the motion failed.

Ron Miner made the motion to adopt section C – 5. Mr. Gary Teter seconded, four were in favor, and one opposed, the motion was approved.

Randy Seibert made the motion to delete section D. Mr. Teter seconded. All was in favor, and none opposed, the motions were passed.

Mr. Miner made the recommendations to repeal section C, in light of the fact that upon further review as they are being implemented affective July 1, that the new statues of regulations by the board protect the safety and welfare. Chairman Sawyers called for a motion in regards too Mr. Miner's recommendations. Mr. Seibert made the motions and it was seconded by Mr.Teter, the motion was approved.

§ 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. Such local ordinances shall be limited to requiring towing and recovery operators to comply with one or more of the following:
 1. Obtain photographs or other documentary evidence substantiating the reason for removal and retain such evidence for a period of time no more than three years from date of tow.
 2. As a condition of removal or immobilization of trespassing vehicles, localities may require signs. Such signs shall, at minimum, include a non-emergency 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.
 3. 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.
 4. A written contract be in effect between the towing and recovery operator and the property owner from which the vehicle is towed or immobilized, and that such contract shall be available for inspection by a government official at the recovery operator and the property owners primary place of business during normal business hours as a result of a complaint and as part of the investigation of that complaint.
 5. Affix a warning sticker up to 48 hours prior to towing or require up to a 48 hour grace period prior to towing any vehicle found to be without license plates or to have expired license plates, expired, missing or rejected state inspection sticker,-or flat tire(s). Violations of the

contract between the property owner or his agent and the towing and recovery operator other than those listed here do not require a 48 hour warning sticker or 48 hour grace period.

6. Notify the local jurisdiction that the towing and recovery operator is licensed by the Virginia Board of Towing and Recovery Operators and is engaged in the removal or immobilization of trespassing vehicles.

Motion:

Chairman Sawyers asked for a motion to accept this document with the necessary corrections, and send it to the full Board. The motion were made by Mr. Seibert and seconded by Mr. Miner. All in favor, none apposed, the motion was approved.

Acceptance of September meeting minutes:

Chairman Sawyers called for a motion to approve the minutes with the necessary corrections to be made. Mr. Scheler name was misspelled and Mr. Reidenbach title is incorrect. A motion is made by Mr. Seibert and seconded by Mr. Miner, the minutes were adopted unanimously.

Adjourned:

Chairman Sawyers made the motion to adjourn at 12:48 p.m. The motion was seconded by Mr. Seibert.