

ENROLLED

Senate Bill No. 204

(BY SENATORS BEACH, EDGELL, D. FACEMIRE, UNGER, KLEMPA AND WILLS)

[Passed March 8, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §17C-13-5 of the Code of West Virginia, 1931, as amended, relating to the removal of vehicles from state highways in order to restore traffic movement in emergency situations; and liability.

Be it enacted by the Legislature of West Virginia:

That §17C-13-5 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 13. STOPPING, STANDING AND PARKING.

§17C-13-5. Removal of vehicles parked, etc., on highways in emergencies; liability for costs of removal and storage; liens for towing and storage.

1 Whenever a vehicle has been stopped, parked or left
2 standing upon any part of a highway or constitutes an
3 obstruction to the restoration of traffic flow as the result of
4 an accident or other emergency, any police officer or em-
5 ployee of the Division of Highways, duly authorized by the
6 commissioner, may remove or order the removal of the
7 vehicle, by towing or otherwise, to the nearest available
8 established garage or parking lot for storage until called for
9 by the owner or his or her agent. The owner is liable for the
10 reasonable cost of removal and storage, and until payment of

11 the cost the garage or parking lot operator may retain
12 possession of the vehicle subject to a lien for the amount due.
13 The garage or parking lot operator may enforce his or her
14 lien for towing and storage in the manner provided in section
15 fourteen, article eleven, chapter thirty-eight of this code for
16 the enforcement of other liens.