

Senate Bill No. 204

(By Senators Beach, Edgell, D. Facemire,
Unger, Klempa and Wills)

[Introduced January 17, 2012; referred to
the Committee on Transportation and Infrastructure.]

A BILL 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 ~~controlled-access~~ highway or

3 constitutes an obstruction to the restoration of traffic flow as
4 the result of an accident or other emergency, any police
5 officer or employee of the ~~state road commission~~ Division of
6 Highways, duly authorized by the commissioner, ~~shall have~~
7 ~~the authority to~~ may remove or order the removal of the
8 vehicle, by towing or otherwise, to the nearest available
9 established garage or parking lot for storage until called for
10 by the owner or his or her agent. The owner ~~shall be~~ is liable
11 for the reasonable cost of ~~such~~ removal and storage, and
12 until payment of ~~such~~ the cost the garage or parking lot
13 operator may retain possession of the vehicle subject to a lien
14 for the amount due. The garage or parking lot operator may
15 enforce his or her lien for towing and storage in the manner
16 provided in section fourteen, article eleven, chapter thirty-
17 eight of this code for the enforcement of other liens.

(NOTE: The purpose of this bill is to provide a clear zone in the event that a vehicle is stopped along a highway or impedes the flow of traffic in emergency situations.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.)