

III.

PEDESTRIAN AND MOTOR VEHICLE TRAFFIC

New Section G.:

G. Abandoned Motor Vehicles -

- (1) Definitions. Capitalized terms used in this section that are defined in Section I, Definitions, shall have the same meaning as provided therein. The following additional words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned motor vehicle - a motor vehicle that:

- (a) Is parked longer than sixty (60) days in or on any Airport public parking facility or lot, including CRAC designated employee and crew parking lots; or
- (b) Is inoperable and is left unattended on Airport property for more than 48 hours. A vehicle is inoperable if it:
 - Displays a state inspection sticker that has been expired for more than sixty (60) days and/or displays an expired state vehicle registration; or
 - Displays no state inspection sticker and/or displays no valid state vehicle registration; or
 - The vehicle is obviously inoperable due to mechanical defect or other cause;or
- (c) Is left unattended on the shoulder of a road or highway within or on Airport property.

Commissioner - The Commissioner of the Virginia Department of Motor Vehicles.

Demolisher - As defined by Section 46.2-1600 of the Code of Virginia, as amended.

Department - The Virginia Department of Motor Vehicles.

Licensee - As defined by Section 46.2-1600 of the Code of Virginia, as amended.

Motor vehicle - Any motor vehicle, trailer, or semitrailer.

Scrap metal processor – As defined by Section 46.2-1600 of the Code of Virginia, as amended.

Vehicle Removal Certificate - As defined by Section 46.2-1200 of the Code of Virginia, as amended.

(2) Abandoning motor vehicles prohibited; civil penalty.

(a) No person shall cause any motor vehicle to become an abandoned motor vehicle as defined herein. In any prosecution for a violation of this section, proof that the defendant was, at the time that the vehicle was found abandoned, the owner of the vehicle shall constitute in evidence a rebuttable presumption that the owner was the person who committed the violation. Such presumption, however, shall not arise if the owner of the vehicle provided notice to the Department as provided in Code of Virginia, § 46.2-604, as amended, that he had sold or otherwise transferred the ownership of the vehicle.

(b) Any violation of this Part III, Section G. relating to abandoned motor vehicles shall be charged, tried, and punished in the same manner as if it had been committed on the roadways of, or within, the County of Henrico, Virginia.

(3) Authority to take vehicles into custody. CRAC's Director of Public Safety or its chief of police may cause to be taken into custody any abandoned motor vehicle. In such connection, CRAC may employ its own personnel, equipment and facilities or hire persons, equipment and facilities or firms or corporations that may be independent contractors for the purpose of removing, preserving, storing and selling at public auction abandoned motor vehicles. For the purposes of this section, the term "public auction" shall include an Internet sale by auction.

(4) Responsibility to initiate search for owner and/or lienholder.

(a) Any person in possession of an abandoned motor vehicle shall initiate with the Department, in a manner prescribed by the Commissioner, a search for the owner and/or lienholder of record of the vehicle, requesting the name and address of the owner of record of the motor vehicle and all persons having security interests in the motor vehicle on record in the office of the Department, describing, if ascertainable, the motor vehicle by year, make, model, and vehicle identification number.

- (b) The Department shall check its own records, the records of a nationally recognized crime database, and records of a nationally recognized motor vehicle title database for owner and lienholder information. If a vehicle has been reported as stolen, the Department shall notify the appropriate law-enforcement agency of that fact. If a vehicle has been found to have been titled in another jurisdiction, the Department shall notify the applicant of that jurisdiction. In cases of motor vehicles titled in other jurisdictions, the Commissioner shall issue certificates of title on proof satisfactory to the Commissioner that the persons required to be notified by registered or certified mail have received actual notice fully containing the information required by this section.
- (c) Pursuant to Section 46.2-1202, Code of Virginia, as amended, if the Department confirms owner or lienholder information, the Department shall notify the owner, at the last known address of record, and lienholder, at the last known address of record, of the notice of interest in their vehicle, by certified mail, return receipt requested, and advise them to reclaim and remove the vehicle within 15 days from the date of notice. Such notice, when sent in accordance with these requirements, shall be sufficient regardless of whether or not it was ever received. Following the notice required in this subsection, if the motor vehicle remains unclaimed, the owner and all persons having security interests in the motor vehicle shall have waived all right, title, and interest in the motor vehicle.
- (d) If records of the Department contain no address for the owner or no address of any person shown by the Department's records to have a security interest, or if the identity and addresses of the owner and all persons having security interests cannot be determined with reasonable certainty, the person in possession of the abandoned motor vehicle shall obtain from the Department in a manner prescribed by the Commissioner, a vehicle removal certificate. The vehicle may be sold or transferred to a licensee or a scrap metal processor.
- (e) Whenever a vehicle is shown by the Department's records to be owned by a person who has indicated that he is on active military duty or service, the Department shall notify the requestor of such information. Any person having an interest in such vehicle under the provisions of this article shall comply with the provisions of the federal Servicemembers Civil Relief Act (50 USC 501 et seq.).

- (5) Vehicle removal certificates.
- (a) The person in possession of an abandoned motor vehicle shall obtain from the Department in a manner prescribed by the Commissioner, a Vehicle Removal Certificate. The vehicle may be sold or transferred to a licensee or a scrap metal processor.
 - (b) If the person in possession of an abandoned motor vehicle desires to obtain title to the vehicle, that person shall post notice for at least 21 days of his intent to auction the motor vehicle. Postings of intent shall be in an electronic manner prescribed by the Commissioner who shall also ensure that written notice of intent is provided in public locations throughout the Commonwealth. If the Department confirms a lien, the person proposing the sale of the motor vehicle shall notify the lienholder of record, by certified mail, at the address on the certificate of title of the time and place of the proposed sale ten (10) days prior thereto.
 - (c) A purchaser of the motor vehicle may apply for a title upon payment of the applicable fees and taxes, and by supplying the Department with the completed Vehicle Removal Certificate and the transcript from the Department that indicates that the Department has no record of the abandoned motor vehicle.
- (6) Sale of vehicle at public auction; disposition of proceeds. If an abandoned motor vehicle is not reclaimed as provided in Part III, Section G. 4. above, the person in possession of the abandoned motor vehicle may sell the motor vehicle at public auction pursuant to and in compliance with the provisions of Section 46.2-1203, Code of Virginia, as amended. From the proceeds of the sale of an abandoned motor vehicle, the seller of the abandoned motor vehicle shall reimburse itself for the expenses of the auction, the cost of towing, preserving, and storing the vehicle which resulted from placing the abandoned motor vehicle in custody, and all notice and publication costs incurred pursuant to this section. Any remainder from the proceeds of a sale shall be paid to CRAC for its unpaid parking charges, if any. The proceeds of the sale remaining after such payments to the seller of the abandoned motor vehicle and CRAC shall be held for the owner of the abandoned motor vehicle or any person having security interests in the vehicle, as their interests may appear, for sixty (60) days, and then be deposited into the treasury of CRAC.
- (7) Surrender of certificate of title by demolisher; records to be kept by demolishers.

- (a) No demolisher or scrap metal processor who purchases or otherwise acquires a motor vehicle for wrecking, dismantling, or demolition shall be required to obtain a certificate of title for the motor vehicle in his own name. After the motor vehicle has been demolished, processed, or changed so that it physically is no longer a motor vehicle, the demolisher or scrap metal processor shall surrender to the Department for cancellation the certificate of title, Vehicle Removal Certificate, properly executed vehicle disposition history, or sales receipt from a foreign jurisdiction for the vehicle.
- (b) Demolishers and scrap metal processors shall keep accurate and complete records, in accordance with Code of Virginia, § 46.2-1608, of all motor vehicles purchased or received by them in the course of their business. Demolishers and scrap metal processors shall also collect and verify:
 - (1) The towing company's name and, if applicable, the license number issued to the towing company by the Virginia Board for Towing and Recovery Operators,
 - (2) One of the ownership or possession documents set out in this section following verification of its accuracy; and
 - (3) The driver's license of the person delivering the motor vehicle.
- (c) If the delivering vehicle does not possess a license number issued by the Virginia Board for Towing and Recovery Operators, the license plate number of the vehicle that delivered the motor vehicle or scrap shall also be collected and maintained.
- (d) In addition, a photocopy or electronic copy of the appropriate ownership document or a Vehicle Removal Certificate presented by the customer shall be maintained. Ownership documents shall consist of either a motor vehicle title or a sales receipt from a foreign jurisdiction or a vehicle disposition history. These records shall be maintained in a permanent ledger in a manner acceptable to the Department at the place of business or at another readily accessible and secure location within the Commonwealth for at least five years. The personal identifying information contained within these records shall be protected from unauthorized disclosure through the ultimate destruction of the information. Disclosure of personal identifying information by anyone other than the Department is subject to the Driver's Privacy Protection Act (18 USC 2721 et seq.).
- (e) If requested by a CRAC Airport Police Officer or other law enforcement officer, a licensee or scrap metal processor shall make available, during regular business hours, a report of all the purchases

of motor vehicles. Each report shall include the information set out in this section and be available electronically or in an agreed-upon format. Any person who violates any provision of this chapter or who falsifies any of the information required to be maintained by this article shall be guilty of a Class 3 misdemeanor for the first offense. Any licensee or scrap metal processor who is found guilty of second or subsequent violations shall be guilty of a Class 1 misdemeanor.

- (f) If the vehicle identification number has been altered, is missing, or appears to have been otherwise tampered with, the demolisher or scrap metal processor shall take no further action with regard to the vehicle except to safeguard it in its then-existing condition and shall promptly notify the Department. In no event shall the motor vehicle be disassembled, demolished, processed, or otherwise modified or removed prior to authorization by the Department. If the vehicle is a motorcycle, the demolisher or scrap metal processor shall cause to be noted on the title or salvage certificate, certifying on the face of the document, in addition to the above requirements, the frame number of the motorcycle and motor number, if available.