

1 **ENROLLED**

2 **Senate Bill No. 204**

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

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5 [Passed March 8, 2012; in effect ninety days from passage.]  
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10 AN ACT to amend and reenact §17C-13-5 of the Code of West Virginia,  
11 1931, as amended, relating to the removal of vehicles from  
12 state highways in order to restore traffic movement in  
13 emergency situations; and liability.

14 *Be it enacted by the Legislature of West Virginia:*

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

17 **ARTICLE 13. STOPPING, STANDING AND PARKING.**

18 **§17C-13-5. Removal of vehicles parked, etc., on highways in**  
19 **emergencies; liability for costs of removal and**  
20 **storage; liens for towing and storage.**

21 Whenever a vehicle has been stopped, parked or left standing  
22 upon any part of a highway or constitutes an obstruction to the  
23 restoration of traffic flow as the result of an accident or other

1 emergency, any police officer or employee of the Division of  
2 Highways, duly authorized by the commissioner, may remove or order  
3 the removal of the vehicle, by towing or otherwise, to the nearest  
4 available established garage or parking lot for storage until  
5 called for by the owner or his or her agent. The owner is liable  
6 for the reasonable cost of removal and storage, and until payment  
7 of the cost the garage or parking lot operator may retain  
8 possession of the vehicle subject to a lien for the amount due.  
9 The garage or parking lot operator may enforce his or her lien for  
10 towing and storage in the manner provided in section fourteen,  
11 article eleven, chapter thirty-eight of this code for the  
12 enforcement of other liens.