

1 **Senate Bill No. 204**

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

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4 [Introduced January 17, 2012; referred to the Committee on
5 Transportation and Infrastructure.]
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10 A BILL 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 ~~controlled-access~~ highway or constitutes an
23 obstruction to the restoration of traffic flow as the result of an

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