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1 SENATE BILL NO. 124

2 Offered January 14, 2026

3 Prefiled January 5, 2026

4 *A BILL to amend and reenact § 46.2-301.1 of the Code of Virginia, relating to towing, impoundment,*
5 *immobilization, and storage costs; payments or reimbursements by the Commonwealth.*

6 Patron—Diggs

7 Referred to Committee on Transportation

8 Be it enacted by the General Assembly of Virginia:

9 1. That § 46.2-301.1 of the Code of Virginia is amended and reenacted as follows:

10 12 § 46.2-301.1. Administrative impoundment of motor vehicle for certain driving while license
11 suspended or revoked offenses; judicial impoundment upon conviction; penalty for permitting
12 violation with one's vehicle.13 A. The motor vehicle being driven by any person (i) whose driver's license, learner's permit or privilege to
14 drive a motor vehicle has been suspended or revoked for a violation of § 18.2-51.4 or 18.2-272 or driving
15 while under the influence in violation of § 18.2-266, 46.2-341.24 or a substantially similar ordinance or law
16 in any other jurisdiction; (ii) where such person's license has been administratively suspended under the
17 provisions of § 46.2-391.2; (iii) driving after such person's driver's license, learner's permit or privilege to
18 drive a motor vehicle has been suspended or revoked for unreasonable refusal of tests in violation of
19 § 18.2-268.3, 46.2-341.26:3 or a substantially similar ordinance or law in any other jurisdiction; or (iv)
20 driving without an operator's license in violation of § 46.2-300 having been previously convicted of such
21 offense or a substantially similar ordinance of any county, city, or town or law in any other jurisdiction shall
22 be impounded or immobilized by the arresting law-enforcement officer at the time the person is arrested for
23 driving after his driver's license, learner's permit or privilege to drive has been so revoked or suspended or for
24 driving without an operator's license in violation of § 46.2-300 having been previously convicted of such
25 offense or a substantially similar ordinance of any county, city, or town or law in any other jurisdiction. The
26 impoundment or immobilization for a violation of clause (i), (ii), or (iii) shall be for a period of 30 days. The
27 period of impoundment or immobilization for a violation of clause (iv) shall be until the offender obtains a
28 valid operator's license pursuant to § 46.2-300 or three days, whichever is less. In the event that the offender
29 obtains a valid operator's license at any time during the three-day impoundment period and presents such
30 license to the court, the court shall authorize the release of the vehicle upon payment of all reasonable costs
31 of impoundment or immobilization to the person holding the vehicle.32 The provisions of this section as to the offense described in clause (iv) shall not apply to a person who
33 drives a motor vehicle with no operator's license (a) whose license has been expired for less than one year
34 prior to the offense or (b) who is under 18 years of age at the time of the offense. The arresting officer, acting
35 on behalf of the Commonwealth, shall serve notice of the impoundment upon the arrested person. The notice
36 shall include information on the person's right to petition for review of the impoundment pursuant to
37 subsection B. A copy of the notice of impoundment shall be delivered to the magistrate and thereafter
38 promptly forwarded to the clerk of the general district court of the jurisdiction where the arrest was made.
39 Transmission of the notice may be by electronic means.40 At least five days prior to the expiration of the period of impoundment imposed pursuant to this section or
41 § 46.2-301, the clerk shall provide the offender with information on the location of the motor vehicle and
42 how and when the vehicle will be released; however, for a violation of clause (iv), such information shall be
43 provided at the time of arrest.44 All reasonable costs of impoundment or immobilization, including removal and storage expenses, shall be
45 paid by the offender prior to the release of his motor vehicle. Notwithstanding the above, where the arresting
46 law-enforcement officer discovers that the vehicle was being rented or leased from a vehicle renting or
47 leasing company, the officer shall not impound the vehicle or continue the impoundment but shall notify the
48 rental or leasing company that the vehicle is available for pickup and shall notify the clerk if the clerk has
49 previously been notified of the impoundment.50 B. Any driver who is the owner of the motor vehicle that is impounded or immobilized under subsection
51 A may, during the period of the impoundment, petition the general district court of the jurisdiction in which
52 the arrest was made to review that impoundment. The court shall review the impoundment within the same
53 time period as the court hears an appeal from an order denying bail or fixing terms of bail or terms of
54 recognizance, giving this matter precedence over all other matters on its docket. If the person proves to the
55 court by a preponderance of the evidence that the arresting law-enforcement officer did not have probable
56 cause for the arrest, or that the magistrate did not have probable cause to issue the warrant, the court shall
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59 rescind the impoundment. Upon rescission, the motor vehicle shall be released and the Commonwealth shall
60 pay or reimburse the person for all reasonable costs of impoundment or immobilization, including removal or
61 storage costs paid or incurred by him. Otherwise, the court shall affirm the impoundment. If the person
62 requesting the review fails to appear without just cause, his right to review shall be waived.

63 The court's findings are without prejudice to the person contesting the impoundment or to any other
64 potential party as to any proceedings, civil or criminal, and shall not be evidence in any proceedings, civil or
65 criminal.

66 C. The owner or co-owner of any motor vehicle impounded or immobilized under subsection A who was
67 not the driver at the time of the violation may petition the general district court in the jurisdiction where the
68 violation occurred for the release of his motor vehicle. The motor vehicle shall be released if the owner or
69 co-owner proves by a preponderance of the evidence that he (i) did not know that the offender's driver's
70 license was suspended or revoked when he authorized the offender to drive such motor vehicle; (ii) did not
71 know that the offender had no operator's license and that the operator had been previously convicted of
72 driving a motor vehicle without an operator's license in violation of § 46.2-300 or a substantially similar
73 ordinance of any county, city, or town or law in any other jurisdiction when he authorized the offender to
74 drive such motor vehicle; or (iii) did not consent to the operation of the motor vehicle by the offender. If the
75 owner proves by a preponderance of the evidence that his immediate family has only one motor vehicle and
76 will suffer a substantial hardship if that motor vehicle is impounded or immobilized for the period of
77 impoundment that otherwise would be imposed pursuant to this section, the court, in its discretion, may
78 release the vehicle after some period of less than such impoundment period.

79 D. Notwithstanding any provision of this section, a subsequent dismissal or acquittal of the charge of
80 driving without an operator's license or of driving on a suspended or revoked license shall result in an
81 immediate rescission of the impoundment or immobilization provided in subsection A. Upon rescission, the
82 motor vehicle shall be released and the Commonwealth shall pay or reimburse the person for all reasonable
83 costs of impoundment or immobilization, including removal or storage costs, incurred or paid by him.

84 E. Any person who knowingly authorizes the operation of a motor vehicle by (i) a person he knows has
85 had his driver's license, learner's permit, or privilege to drive a motor vehicle suspended or revoked for any of
86 the reasons set forth in subsection A or (ii) a person who he knows has no operator's license and who he
87 knows has been previously convicted of driving a motor vehicle without an operator's license in violation of
88 § 46.2-300 or a substantially similar ordinance of any county, city, or town or law in any other jurisdiction
89 shall be guilty of a Class 1 misdemeanor. Any person who knowingly authorizes the operation of a motor
90 vehicle by (a) any person who he knows has no legal right to do so or (b) a minor who he knows has no
91 operator's license or learner's permit or who has a learner's permit but who he knows will operate such motor
92 vehicle in violation of any provision of § 46.2-335 is guilty of Class 1 misdemeanor if such violation results
93 in a motor vehicle accident that causes injury or death to any person, provided that such violation does not
94 otherwise constitute a felony.

95 F. Notwithstanding the provisions of this section or § 46.2-301, nothing in this section shall impede or
96 infringe upon a valid lienholder's rights to cure a default under an existing security agreement. Furthermore,
97 such lienholder shall not be liable for any cost of impoundment or immobilization, including removal or
98 storage expenses which may accrue pursuant to the provisions of this section or § 46.2-301. In the event a
99 lienholder repossesses or removes a vehicle from storage pursuant to an existing security agreement, the
100 Commonwealth shall pay all reasonable costs of impoundment or immobilization, including removal and
101 storage expenses, to any person or entity providing such services to the Commonwealth, except to the extent
102 such costs or expenses have already been paid by the offender to such person or entity. Such payment shall be
103 made *through the state treasury from the appropriation for criminal charges* within seven calendar days after
104 a request is made by such person or entity to the Commonwealth for payment. *Any request for reimbursement*
105 *or payment of costs and fees by the Commonwealth pursuant to this section or § 46.2-1209 shall be on a form*
106 *developed specifically for such purpose by the Executive Secretary of the Supreme Court.* Nothing herein,
107 however, shall relieve the offender from liability to the Commonwealth for reimbursement or payment of all
108 such reasonable costs and expenses.