

SB 396 STAFF MEASURE SUMMARY

Carrier: Sen. Bentz

Senate Committee On Judiciary

Action Date: 03/20/19

Action: Do pass.

Vote: 7-0-0-0

Yeas: 7 - Bentz, Fagan, Gelser, Linthicum, Manning Jr, Prozanski, Thatcher

Fiscal: No fiscal impact

Revenue: No revenue impact

Prepared By: Michael Lantz, Counsel

Meeting Dates: 3/20

WHAT THE MEASURE DOES:

Allows fuel dispensary to tow vehicle hindering access to fuel pump after two hours' notice.

ISSUES DISCUSSED:

- Parking signs at gas stations
- Types of vehicles fueled
- Weather conditions in eastern Oregon
- Provisions of measure

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Under ORS 98.830, a private property owner can have an abandoned vehicle towed from their property 72 hours after affixing notice of the pending tow to that vehicle. The property owner must also fill out and sign a form that describes the vehicle to be towed, provides the location of the property, and contains a statement confirming that the property owner has complied with the 72-hour notice requirement. The same statute also provides that the tower removing the vehicle is entitled to a lien on that vehicle and is immune from civil liability. However, immunity does not extend to loss, damage, or injury caused by the tower's negligent or willful actions.

Senate Bill 396 allows the owner or operator of a fuel dispensary to tow an abandoned vehicle that is blocking or hindering access to a fuel pump two hours after affixing notice to the vehicle. The fuel dispensary owner must still fill out and sign a form that describes the vehicle to be towed, provides the location of the property, and states that the vehicle is interfering with the fuel dispensary's business by blocking the fuel pump. SB 396 also provides that a tower who removes a vehicle under these circumstances is entitled to a lien on the towed vehicle and is granted the same limited civil liability immunity that towers operating under the 72-hour rule have.