

# Senate Bill 372

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## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Reduces period in which towers must provide notice to owners and lienholders of vehicle after towing vehicle.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to notification of parties with interest in towed vehicles; amending ORS 98.812, 98.830,  
3 811.615 and 819.160; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 98.812 is amended to read:

6 98.812. (1) If a vehicle has been left or parked in violation of ORS 98.810, the owner of the  
7 parking facility or the owner of the proscribed property may have a tower tow the vehicle from the  
8 parking facility or the proscribed property and place the vehicle in storage at a secure location  
9 under the control of the tower.

10 (2) A tower is entitled to a lien on a towed vehicle and its contents for the tower's just and  
11 reasonable charges. The tower may retain possession of the towed vehicle and its contents until the  
12 just and reasonable charges for the towage, care and storage of the towed vehicle have been paid  
13 if the tower complies with the following requirements:

14 (a) The tower shall notify the local law enforcement agency of the location of the towed vehicle  
15 within one hour after the towed vehicle is placed in storage;

16 (b) If the towed vehicle is registered in Oregon, the tower shall give notice[, *within 15 days*]  
17 **no later than the business day** after the towed vehicle is placed in storage[,] to the owner of the  
18 towed vehicle or any other person with an interest in the towed vehicle[,] as indicated by the cer-  
19 tificate of title. If notice under this paragraph is given by mail, it must be [*transmitted within the*  
20 *15-day period,*] **mailed no later than the business day after the towed vehicle is placed in**  
21 **storage** but need not be received within that period[, *but within a reasonable time*]. If the tower fails  
22 to comply with the notice requirements of this paragraph, the amount of the lien is limited to a sum  
23 equal to the reasonable expenses incurred [*within the 15-day period*] for towage, care and storage  
24 of the towed vehicle **for one day**; and

25 (c) If the towed vehicle is not registered in Oregon, the tower shall, [*within 15 days*] **no later**  
26 **than the business day** after the towed vehicle is placed in storage, notify and request the title in-  
27 formation and the name and address of the owner of the towed vehicle from the records of the motor  
28 vehicle agency for the state in which the towed vehicle is registered. The tower shall have [*15*  
29 *days*] **one business day** from the date of receipt of the information contained in the records of the  
30 state motor vehicle agency to notify the owner of the towed vehicle or any other person with an

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 interest in the towed vehicle, as indicated by the certificate of title. If notice under this paragraph  
 2 is given by mail, it must be [*transmitted within 15 days from*] **mailed no later than one business**  
 3 **day after** the receipt of the information contained in the records of the state motor vehicle  
 4 agency[,] but need not be received within that period[, *but within a reasonable time*]. If the tower  
 5 fails to comply with the notice requirements of this paragraph, the amount of the lien is limited to  
 6 a sum equal to the reasonable expenses incurred within the period between storage of the towed  
 7 vehicle and receipt of the information contained in the records of the state motor vehicle agency for  
 8 towage, care and storage of the towed vehicle.

9 (3) The lien created by subsection (2) of this section may be foreclosed only in the manner pro-  
 10 vided by ORS 87.172 (3) and 87.176 to 87.206 for foreclosure of liens arising or claimed under ORS  
 11 87.152.

12 **SECTION 2.** ORS 98.830 is amended to read:

13 98.830. (1) A person who is the owner, or is in lawful possession, of private property on which  
 14 a vehicle has been abandoned may have a tower tow the vehicle from the property if:

15 (a) The person affixes a notice to the vehicle stating that the vehicle will be towed if it is not  
 16 removed;

17 (b) The notice required by paragraph (a) of this subsection remains on the vehicle for at least  
 18 72 hours before the vehicle is [*removed*] **towed**; and

19 (c) The person fills out and signs a form that includes:

20 (A) A description of the vehicle to be towed;

21 (B) The location of the property from which the vehicle will be towed; and

22 (C) A statement that the person has complied with paragraphs (a) and (b) of this subsection.

23 (2) A tower who tows a vehicle pursuant to this section is immune from civil liability for towing  
 24 the vehicle if the tower has a form described in subsection (1) of this section, filled out by a person  
 25 purporting to be the owner or a person in lawful possession of the private property from which the  
 26 vehicle is towed. This subsection does not grant immunity for any loss, damage or injury arising out  
 27 of any negligent or willful damage to, or destruction of, the vehicle that occurs during the course  
 28 of the towing.

29 (3) A tower is entitled to a lien on a vehicle towed under this section and its contents for the  
 30 tower's just and reasonable charges. The tower may retain possession of the towed vehicle and its  
 31 contents until the just and reasonable charges for the towage, care and storage have been paid [*if*  
 32 *the tower complies with the requirements of*] **under** ORS 98.812 (2).

33 (4) The lien created by subsection (3) of this section may be foreclosed only in the manner pro-  
 34 vided by ORS 87.172 (3) and 87.176 to 87.206 for foreclosure of liens arising or claimed under ORS  
 35 87.152.

36 **SECTION 3.** ORS 811.615 is amended to read:

37 811.615. (1) A person commits the offense of unlawful parking in a space reserved for persons  
 38 with disabilities if:

39 (a) The person parks a vehicle in any parking space that is on private or public property and  
 40 that is marked or signed to provide parking for persons with disabilities and the vehicle does not  
 41 conspicuously display a disabled person parking permit described in ORS 811.602 or 811.606 or a  
 42 disabled parking permit issued by another jurisdiction;

43 (b) The person parks a vehicle in the aisle required by ORS 447.233 regardless of whether or  
 44 not the vehicle displays a disabled person parking permit; or

45 (c) The person parks a vehicle in a parking space that is on private or public property and that

1 is marked or signed "Wheelchair User Only" as described in ORS 447.233 and the vehicle does not  
2 conspicuously display a "Wheelchair User" placard or decal issued under ORS 811.613.

3 (2) This section does not apply to any of the following:

4 (a) Momentarily parking a vehicle in a parking space marked or signed for persons with disa-  
5 bilities for the purposes of allowing a person with a disability to enter or leave the vehicle.

6 (b) Any parking space that is marked or signed to provide parking for persons with disabilities  
7 and that is subject to different provisions or requirements under city or county ordinance if the  
8 different provisions or requirements are clearly posted.

9 (3) Unless the police officer or other authorized person issuing the citation witnesses the park-  
10 ing of the vehicle, a rebuttable presumption exists that a vehicle parked in violation of this section  
11 was parked by the registered owner of the vehicle and the citation issued for the violation may be  
12 placed upon the vehicle. If the parking of the vehicle is witnessed by the police officer or other  
13 person authorized to issue a citation for the offense, the operator of the vehicle is in violation of  
14 this section.

15 (4) The penalties provided by this section shall be imposed regardless of the text or symbol  
16 displayed on the marking or sign reserving the space or aisle for persons with disabilities. The  
17 penalties are in addition to the following:

18 (a) A vehicle parked on private property in violation of this section is subject to removal, [*under*  
19 *ORS 98.810 and to*] lien and sale under ORS 98.812.

20 (b) A vehicle parked in violation of this section may be removed and sold as provided under ORS  
21 811.620.

22 (5)(a) Except as provided in paragraph (b) of this subsection, unlawful parking in a space re-  
23 served for persons with disabilities is a Class C traffic violation.

24 (b) A second or subsequent conviction for unlawful parking in a space reserved for persons with  
25 disabilities is a Class A traffic violation.

26 **SECTION 4.** ORS 819.160 is amended to read:

27 819.160. (1) Except as otherwise provided by this section, a person shall have a lien on the ve-  
28 hicle and its contents if the person, at the request of an authority described under ORS 819.140, tows  
29 any of the following vehicles:

30 (a) An abandoned vehicle appraised at a value of more than \$500 by a person who holds a cer-  
31 tificate issued under ORS 819.480.

32 (b) A vehicle taken into custody under ORS 819.110 or 819.120, unless it is an abandoned vehicle  
33 appraised at a value of \$500 or less by a person who holds a certificate issued under ORS 819.480.

34 (c) A vehicle left parked or standing in violation of ORS 811.555 or 811.570.

35 (2) A lien established under this section shall be on the vehicle and its contents for the just and  
36 reasonable charges for the towing service performed and any storage provided. However, if the  
37 person that tows the vehicle fails to comply with the notice requirements of subsection (3) of this  
38 section, the amount of any lien claimed under this section is limited to an amount equal to the just  
39 and reasonable charges for the towing service performed and storage provided for a period not ex-  
40 ceeding [*20 days*] **one day** from the date the vehicle and its contents were placed in storage. The  
41 lien is subject to the provisions for liens under ORS 98.812. The person holding the lien may retain  
42 possession of the vehicle and contents until the charges on which the lien is based are paid. A lien  
43 described under this section does not attach:

44 (a) To the contents of any vehicle taken from public property until 15 days after taking the ve-  
45 hicle into custody.

1 (b) To the contents of any vehicle that is taken into custody for violation of ORS 811.555 or  
2 811.570.

3 (3) A person that tows any vehicle at the request of an authority under ORS 819.110 or 819.120  
4 shall transmit by first class mail with a certificate of mailing, [*within 20 days*] **no later than the**  
5 **next business day** after the vehicle and its contents are placed in storage, written notice, approved  
6 by the authority, containing information on the procedures necessary to obtain a hearing under ORS  
7 819.190. The notice shall be provided to the owner, a person entitled to possession or any person  
8 with an interest recorded on the title to the vehicle. This subsection does not apply to a person that  
9 tows an abandoned vehicle that is appraised at a value of \$500 or less by a person who holds a  
10 certificate issued under ORS 819.480.

11 **SECTION 5. This 2019 Act being necessary for the immediate preservation of the public**  
12 **peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect**  
13 **on its passage.**

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