

Senate Bill 396

Sponsored by Senator BENTZ (at the request of Ralph Poole) (Pre-session filed.)

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**.

Establishes alternative procedure for use by owner, operator or employee of fuel dispensary to obtain removal of vehicle preventing or hindering access to fuel dispensing equipment.

A BILL FOR AN ACT

1 Relating to the towing of vehicles from fuel dispensaries.

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

3 **SECTION 1. (1) As used in this section:**

4 (a) "Class 1 flammable liquids" has the meaning given that term in ORS 480.310.

5 (b) "Fuel dispensary" means a filling station, service station, garage or other dispensary
6 where Class 1 flammable liquids or diesel fuel is dispensed at retail for use in vehicles.

7 (c) "Towing company" means a company holding a towing business certificate issued
8 under ORS 822.205.

9 (d) "Vehicle" has the meaning given that term in ORS 801.590.

10 (2) An owner, operator or employee of a fuel dispensary may have a vehicle towed from
11 the fuel dispensary premises if:

12 (a) The vehicle is preventing or hindering access to a pump, hose, nozzle or other parts
13 of a fuel dispensing device;

14 (b) The prevention or hindering of access to the fuel dispensing device is interfering with
15 the business activities of the fuel dispensary;

16 (c) An owner, operator or employee of the fuel dispensary affixes a notice to the
17 windshield of the vehicle or, if the vehicle lacks a windshield, in another prominent location
18 on the vehicle, stating the date and time the notice was affixed and that the vehicle may be
19 towed if it is not removed within two hours after the date and time stated on the notice;

20 (d) The notice described in paragraph (c) of this subsection remains on the vehicle for
21 at least two hours before the vehicle is towed; and

22 (e) The owner, operator or employee provides the towing company with a signed state-
23 ment that:

24 (A) Describes the vehicle to be towed;

25 (B) Identifies the property from which the vehicle is to be towed; and

26 (C) States that the vehicle is preventing or hindering access to a fuel dispensing device
27 in a manner that is interfering with business activity at the fuel dispensary.

28 (3) A towing company that tows a vehicle pursuant to this section is immune from civil
29 liability for towing the vehicle if the towing company possesses a signed statement described
30 in subsection (2)(e) of this section. This subsection does not grant immunity for any loss,
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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 **damage or injury arising out of any negligent or willful damage to, or destruction of, the**
2 **vehicle that occurs during the course of the towing.**

3 **(4) A towing company is entitled to a lien on a vehicle towed under this section and its**
4 **contents for the just and reasonable charges of the towing company. The towing company**
5 **may retain possession of the towed vehicle and its contents until the just and reasonable**
6 **charges for the towing, care and storage of the towed vehicle have been paid if the towing**
7 **company provides timely notice in the manner described under ORS 98.812 (2) to local law**
8 **enforcement, the owner of the vehicle and any person shown on a certificate of title to have**
9 **an interest in the vehicle.**

10 **(5) The lien created by subsection (4) of this section may be foreclosed only in the man-**
11 **ner provided by ORS 87.172 (3) and 87.176 to 87.206 for foreclosure of liens arising or claimed**
12 **under ORS 87.152.**

13 **(6) The procedure established in this section is an alternative to any other lawful proce-**
14 **dure available for obtaining the removal from private property of a vehicle that is abandoned**
15 **or parked without authorization.**

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