

Requested by Representative FAHEY

**PROPOSED AMENDMENTS TO  
HOUSE BILL 3556**

1 In line 2 of the printed bill, after “vehicles;” delete the rest of the line  
2 and insert “creating new provisions; amending ORS 98.805, 98.812, 98.820,  
3 98.830, 366.512, 366.744, 367.173, 367.605, 390.134, 390.848, 801.041, 801.042,  
4 803.315, 803.350, 819.100, 819.110, 819.120, 819.160, 819.215 and 819.280; pre-  
5 scribing an effective date; and providing for revenue raising that requires  
6 approval by a three-fifths majority.”.

7 Delete lines 4 through 10 and insert:

8 **“SECTION 1. Sections 2 to 12 of this 2023 Act are added to and made**  
9 **a part of the Oregon Vehicle Code.**

10 **“SECTION 2. Definitions. As used in sections 2 to 12 of this 2023**  
11 **Act:**

12 **“(1) ‘Abandoned recreational vehicle’ means a recreational vehicle**  
13 **that:**

14 **“(a) Is not occupied by an individual;**

15 **“(b) Has been left without authorization on a highway right of way,**  
16 **roadside rest area, park or recreation area or state-owned forestlands**  
17 **for a period in excess of 24 hours;**

18 **“(c) Contains no reasonably observable evidence that an individual**  
19 **is using the recreational vehicle as a shelter; and**

20 **“(d) Contains no reasonably observable evidence that an individual**  
21 **is using the recreational vehicle for storing personal property while**

1 the individual is camping nearby.

2 “(2) ‘Enforcement agency’ means a police officer, the Department  
3 of Transportation, the State Parks and Recreation Department or any  
4 other public body, as defined in ORS 174.109, that has responsibility for  
5 land on which an abandoned recreational vehicle is located.

6 “(3) ‘Interested party’ means a person who has, or who reasonably  
7 appears to have, a property interest in an abandoned recreational ve-  
8 hicle or personal property stored within the abandoned recreational  
9 vehicle or who provides a description of any personal property in the  
10 abandoned recreation vehicle.

11 “(4) ‘Personal property’ means any item that can reasonably be  
12 identified as belonging to an individual and that has apparent value  
13 or utility.

14 “(5) ‘Recreational vehicle’ means a vehicle with or without motive  
15 power that is designed for use as temporary living quarters and as  
16 further defined by rule by the Director of Transportation.

17 **“SECTION 3. Authority to tow an abandoned recreational vehicle.**

18 (1) After providing notice as required under section 4 of this 2023 Act,  
19 an enforcement agency may tow an abandoned recreational vehicle if:

20 “(a) The enforcement agency has probable cause to believe the ve-  
21 hicle is an abandoned recreational vehicle; and

22 “(b) An interested party fails to:

23 “(A) Have the abandoned recreational vehicle moved to a place  
24 where the vehicle can be lawfully parked within the time specified in  
25 the notice required under section 4 of this 2023 Act;

26 “(B) Provide the enforcement agency evidence of ownership or right  
27 to possession and a plan to move the abandoned recreational vehicle  
28 to a place where the vehicle can be lawfully parked within an exten-  
29 sion of time allowed by the enforcement agency that is later than the  
30 date specified in the notice as provided in section 4 of this 2023 Act;

1 or

2 “(C) Provide the enforcement agency with evidence that the recre-  
3 ational vehicle is not abandoned, including, but not limited to, a verbal  
4 or written statement notifying the enforcement agency that:

5 “(i) An individual is using the recreational vehicle as a shelter; or

6 “(ii) An individual is using the recreational vehicle for storing per-  
7 sonal property while the individual is camping nearby.

8 “(2) An enforcement agency, or a person acting under the authority  
9 of an enforcement agency, who orders an abandoned recreational ve-  
10 hicle towed under the authority granted in this section or section 5  
11 of this 2023 Act, is not liable for damage to the vehicle caused by rea-  
12 sonable efforts at removal.

13 “(3) Subject to the storage requirements and right to reclaim an  
14 abandoned recreational vehicle or the personal property within the  
15 vehicle described in section 9 of this 2023 Act, an abandoned recre-  
16 ational vehicle towed under this section may not be sold, except for  
17 scrap, and the personal property is subject to disposal, and the vehicle  
18 may be dismantled if the personal property or vehicle is not reclaimed  
19 by an interested party.

20 “SECTION 4. Notice before towing and removal. (1) Except as pro-  
21 vided in section 5 of this 2023 Act, at least 72 hours before towing an  
22 abandoned recreational vehicle, an enforcement agency shall provide  
23 notice by:

24 “(a) Attaching a notice that is laminated or weather resistant to the  
25 recreational vehicle;

26 “(b) If the recreational vehicle is or was registered in this state,  
27 mailing notice to the persons last shown as the registered owners of  
28 the recreational vehicle in the records of the Department of Trans-  
29 portation; and

30 “(c) Mailing notice to any other person for whom the enforcement

1 agency has obtained a mailing address and who the enforcement  
2 agency has reason to believe is an interested party.

3 “(2) The notice required under this section must be in English and  
4 Spanish and must include:

5 “(a) The name, address and telephone number of the enforcement  
6 agency.

7 “(b) A statement indicating that the enforcement agency intends  
8 to have the recreational vehicle towed by reason of being an aban-  
9 doned recreational vehicle.

10 “(c) The date by which an interested party must act to avoid having  
11 the abandoned recreational vehicle towed.

12 “(d) A statement indicating that, if the abandoned recreational ve-  
13 hicle is towed, the interested party may be liable for the costs of  
14 towing and storage of the recreational vehicle.

15 “(e) A statement indicating that, if the abandoned recreational ve-  
16 hicle is towed, the recreational vehicle may be dismantled if the vehi-  
17 cle is not timely reclaimed by paying costs of towing and storage.

18 “(f) A statement indicating that the interested party may request  
19 a hearing after the enforcement agency tows the abandoned recre-  
20 ational vehicle, and the time and manner in which a request shall be  
21 made.

22 “(g) A statement describing how the interested party may reclaim  
23 the abandoned recreational vehicle or personal property under section  
24 9 of this 2023 Act and the time and manner in which a reclamation  
25 shall be made.

26 “(h) A statement that an interested party may be cited for the of-  
27 fense of abandoning a vehicle under ORS 819.100 if the interested party  
28 fails to move the abandoned recreational vehicle to a place where the  
29 recreational vehicle can be lawfully parked within the time specified  
30 in the notice.

1       **“(3) In addition to the requirements of subsection (2) of this section,**  
2 **if an enforcement agency intends to tow a recreational vehicle by**  
3 **reason of being an abandoned recreational vehicle, the notice required**  
4 **by this section must indicate that the abandoned recreational vehicle**  
5 **will be towed no earlier than 72 hours but not later than 30 days after**  
6 **the date that the notice is attached to the vehicle unless an interested**  
7 **party contacts the enforcement agency and has the recreational vehi-**  
8 **cle moved to a place where the recreational vehicle can be lawfully**  
9 **parked within the time specified in the notice or the enforcement**  
10 **agency grants an extension of time to move the vehicle as permitted**  
11 **under subsection (4) of this section.**

12       **“(4) The enforcement agency may grant an extension of time to**  
13 **move an abandoned recreational vehicle to a place where the recre-**  
14 **ational vehicle can be lawfully parked. The enforcement agency shall**  
15 **grant an extension if it is the first request that an interested party**  
16 **has made for an extension under the current notice and if the recre-**  
17 **ational vehicle does not pose a hazard or obstruction, as defined in**  
18 **section 5 of this 2023 Act. The extension may not be for less than 72**  
19 **hours or exceed 15 days.**

20       **“(5) An interested party of an abandoned recreational vehicle may**  
21 **request a hearing after an enforcement agency tows the abandoned**  
22 **recreational vehicle under section 3 of this 2023 Act by submitting a**  
23 **request for a hearing to the enforcement agency not more than 15 days**  
24 **after the notice required by this section is given. The request must**  
25 **indicate if an interested party contends that the recreational vehicle**  
26 **is not abandoned, or indicate such other specific grounds on which the**  
27 **towing of the vehicle is challenged.**

28       **“(6) If there is no vehicle identification number on an abandoned**  
29 **recreational vehicle and there are no registration plates or any other**  
30 **markings through which the Department of Transportation could**

1 identify an interested party, then an enforcement agency otherwise  
2 required to provide a mailed notice under this section is not required  
3 to mail notice and may proceed as though mailed notice had been  
4 provided.

5 “(7) Notice posted under this section expires 30 days after the date  
6 that the notice is attached to the vehicle.

7 **“SECTION 5. Towing without notice. (1) As used in this section:**

8 **“(a) ‘Environmental hazard’ means possible site contamination by**  
9 **hazardous materials, a public health emergency or other immediate**  
10 **danger to human life or safety.**

11 **“(b)(A) ‘Hazard or obstruction’ means an abandoned recreational**  
12 **vehicle that is parked so that any part of the vehicle extends within**  
13 **the highway shoulder or bicycle lane of any highway within 1,000 feet**  
14 **of the area where a highway exit or entrance ramp meets the highway.**

15 **“(B) ‘Hazard or obstruction’ does not include parking in a desig-**  
16 **ned parking area along any highway or, except as described in sub-**  
17 **paragraph (A) of this paragraph, parking temporarily on the shoulder**  
18 **of the highway as indicated by a short passage of time and by the op-**  
19 **eration of the hazard lights of the vehicle, the raised hood of the ve-**  
20 **hicle, or advance warning with emergency flares or emergency signs.**

21 **“(2) Nothing in sections 2 to 12 of this 2023 Act affects the ability**  
22 **of an enforcement agency to immediately tow without notice and dis-**  
23 **mantle an abandoned recreational vehicle that is no longer capable of**  
24 **occupancy due to destruction by fire or other reason and is reasonably**  
25 **believed to be no longer in use for shelter or for storage of personal**  
26 **property while an individual is camping nearby.**

27 **“(3) Nothing in sections 2 to 12 of this 2023 Act affects the ability**  
28 **of an enforcement agency to immediately tow without notice an**  
29 **abandoned recreational vehicle that:**

30 **“(a) Poses an environmental hazard; or**

1       **“(b) Is in a location that constitutes a hazard or obstruction to pe-**  
2 **destrian or vehicle traffic.**

3       **“(4) If an enforcement agency requests the tow or removal of an**  
4 **abandoned recreational vehicle without notice pursuant to this sec-**  
5 **tion, and the enforcement agency wishes to dismantle the recreational**  
6 **vehicle, the enforcement agency shall provide post-tow notice as de-**  
7 **scribed in section 6 of this 2023 Act.**

8       **“(5) An enforcement agency that requests the tow or removal of an**  
9 **abandoned recreational vehicle without notice pursuant to this section**  
10 **shall document the condition of the abandoned recreational vehicle’s**  
11 **interior and exterior with photographs and maintain records of those**  
12 **photographs for at least one year following the date of the tow.**

13       **“(6) Photographs of an abandoned recreational vehicle towed under**  
14 **this section shall be made available to an interested party without**  
15 **charge, regardless of whether the individual produces proof of owner-**  
16 **ship at the time of the request.**

17       **“(7) If an enforcement agency tows and destroys a recreational ve-**  
18 **hicle under this section and the recreational vehicle did not meet the**  
19 **criteria for immediate towing under this section, an interested party**  
20 **may bring an action to recover from the enforcement agency the ac-**  
21 **tual damages for the loss of the recreational vehicle or \$2,000, which-**  
22 **ever is greater. Reasonable attorney fees at trial and on appeal may**  
23 **be awarded to an interested party who prevails in an action brought**  
24 **under this section.**

25       **“(8) If an enforcement agency tows and destroys a recreational ve-**  
26 **hicle under this section and the enforcement agency fails to meet the**  
27 **requirements under subsection (5) or (6) of this section, an interested**  
28 **party may bring an action to recover from the enforcement agency the**  
29 **actual damages for the loss of the recreational vehicle or \$2,000,**  
30 **whichever is greater. Reasonable attorney fees at trial and on appeal**

1 may be awarded to an interested party who prevails in an action  
2 brought under this section.

3 “(9) The Oregon Transportation Commission may adopt rules to  
4 establish additional criteria for determining when abandoned recre-  
5 ational vehicles left on state highways, roadside rest areas, state parks  
6 or recreation areas, state-owned forestlands may be subject to imme-  
7 diate towing under this section.

8 “SECTION 6. Notice provided after towing. (1) The Department of  
9 Transportation shall establish a website that allows enforcement  
10 agencies to post notice under this section. Not more than 10 days after  
11 an enforcement agency tows an abandoned recreational vehicle under  
12 section 3 or 5 of this 2023 Act, the enforcement agency shall post no-  
13 tice in the manner required by this section on the website maintained  
14 by the department and mail a copy of the notice to the persons de-  
15 scribed in section 4 (1) of this 2023 Act.

16 “(2) The notice required under this section must include the date  
17 by which:

18 “(a) The costs of towing and storage must be paid to avoid title to  
19 the recreational vehicle vesting in the enforcement agency.

20 “(b) The person may reclaim personal property.

21 “(3) The date included on the post-towing notice required under this  
22 section may not be:

23 “(a) Less than 30 days after the date on which the abandoned rec-  
24 reational vehicle post-towing notice is mailed or posted on the  
25 department’s website, whichever occurs last; or

26 “(b) For an abandoned recreational vehicle that is appraised at a  
27 value of \$500 or less, as determined by a holder of a vehicle appraiser  
28 certificate issued under ORS 819.480, less than 15 days after the date  
29 on which the abandoned recreational vehicle post-towing notice is  
30 mailed or posted on the department’s website, whichever occurs last.



1       “(4) The notice required under this section must be provided in  
2 English and Spanish and include a description of the abandoned rec-  
3 reational vehicle and of any personal property located in the aban-  
4 doned recreational vehicle, and state all of the following:

5       “(a) That the recreational vehicle has been towed.

6       “(b) The date of the tow.

7       “(c) The name, address and telephone number of the enforcement  
8 agency.

9       “(d) The reason the recreational vehicle was towed.

10       “(e) That the interested parties of the abandoned recreational ve-  
11 hicle may be liable for towing, storage and disposal costs incurred by  
12 the enforcement agency by reason of the tow, and the amount of those  
13 costs that have accrued as of the date of the notice.

14       “(f) That title to the recreational vehicle will vest in the enforce-  
15 ment agency if the costs of towing and storage are not paid, and the  
16 date by which those costs must be paid.

17       “(g) That an interested party may request a hearing, and the time  
18 allowed for and manner for requesting a hearing.

19       “(h) That an interested party may challenge the reasonableness of  
20 any towing or storage costs at the hearing.

21       “(i) That, pursuant to section 9 of this 2023 Act, the recreational  
22 vehicle may be immediately reclaimed by presenting proof of owner-  
23 ship or right to possession and payment of the costs that have ac-  
24 crued.

25       “(j) That, pursuant to section 9 of this 2023 Act, the personal prop-  
26 erty in the recreational vehicle may be immediately reclaimed by pre-  
27 senting proof of ownership or right to possession and an interested  
28 party has the option of releasing ownership of the abandoned recre-  
29 ational vehicle.

30       “(k) The location of the abandoned recreational vehicle.

1       “(5) An interested party may request a hearing after an enforce-  
2 ment agency tows the abandoned recreational vehicle under section 3  
3 or 5 of this 2023 Act by submitting a written request for a hearing to  
4 the enforcement agency not more than 15 days after the notice re-  
5 quired by this section is mailed or posted on the department’s website,  
6 whichever occurs last. The request must include a statement of the  
7 specific grounds on which the tow is challenged, and whether the in-  
8 terested party challenges the reasonableness of any towing or storage  
9 costs incurred by the enforcement agency.

10       “SECTION 7. Hearing. (1) If an interested party requests a hearing  
11 as provided in section 4 or 6 (5) of this 2023 Act, the enforcement  
12 agency shall set a date for the hearing that is no more than 72 hours  
13 after the enforcement agency receives the request. The enforcement  
14 agency shall provide notice of the hearing to the person requesting the  
15 hearing, and to all other persons described in section 4 (1) of this 2023  
16 Act. The notice must be provided in English and Spanish.

17       “(2) If an interested party requests a hearing under this section and  
18 fails to appear at the hearing, the interested party is not entitled to  
19 another hearing unless the interested party shows good reasons to the  
20 enforcement agency for the person’s failure to appear.

21       “(3) An enforcement agency shall conduct a single hearing under  
22 this section for all requests for hearing that relate to the same recre-  
23 ational vehicle.

24       “(4) Hearings held under this section shall be informal in nature,  
25 but the presentation of evidence in a hearing shall be consistent with  
26 the standards for presentation of evidence under ORS 183.450.

27       “(5) If an interested party requests a hearing to challenge the rea-  
28 sonableness of costs incurred by the enforcement agency in towing or  
29 storage of the recreational vehicle, costs that were incurred in com-  
30 pliance with laws, ordinances or rules establishing allowable costs for

1 those purposes are reasonable as a matter of law.

2 “(6) If, based on substantial evidence, an enforcement agency de-  
3 termines after a hearing under this section that towing the abandoned  
4 recreational vehicle was not warranted under the law, the enforcement  
5 agency shall direct the immediate release of the recreational vehicle  
6 to the interested party who requested the hearing and may not charge  
7 the interested party any costs incurred by the agency in towing or  
8 storage of the recreational vehicle. If more than one interested party  
9 requests a hearing, the agency shall release the vehicle to the inter-  
10 ested party who is the owner or person with right to possession of the  
11 recreational vehicle. The enforcement agency must refund to the in-  
12 terested party any towing or storage costs that the interested party  
13 has already paid. The tower and any entity that stored the abandoned  
14 recreational vehicle after towing may request reimbursement of costs  
15 under section 12 of this 2023 Act, unless those costs are paid by the  
16 enforcement agency.

17 “(7) If, based on substantial evidence, an enforcement agency de-  
18 termines after a hearing under this section that towing an abandoned  
19 recreational vehicle was warranted under the law, the enforcement  
20 agency shall dismantle the vehicle and dispose of its contents as pro-  
21 vided in section 9 of this 2023 Act, unless an interested party reclaims  
22 the abandoned recreational vehicle and pays all costs of towing and  
23 storage within the period of time provided under section 6 (3) of this  
24 2023 Act.

25 “(8) An enforcement agency shall mail a written statement of the  
26 enforcement agency’s determination to all interested parties who re-  
27 quested a hearing under this section.

28 “(9) The hearing officer at a hearing under this section may be an  
29 officer, official or employee of the enforcement agency but may not  
30 have participated in any determination or investigation related to

1 towing the abandoned recreational vehicle that is the subject of the  
2 hearing.

3 “(10) If the enforcement agency conducting a hearing under this  
4 section is a state agency, the determination of the enforcement agency  
5 is an order other than a contested case and is subject to review under  
6 ORS 183.484. If the enforcement agency conducting a hearing under  
7 this section is not a state agency, judicial review of the order is as  
8 provided in ORS 34.010 to 34.100.

9 **“SECTION 8. Liability for costs of towing and storage. (1) Except**  
10 **as otherwise provided in sections 2 to 12 of this 2023 Act, an interested**  
11 **party is liable to an enforcement agency for all costs arising out of**  
12 **towing, storage, dismantling and disposal of an abandoned recreational**  
13 **vehicle that is towed under section 3 or 5 of this 2023 Act or its con-**  
14 **tents:**

15 “(a) At the time that an interested party reclaims an abandoned  
16 recreational vehicle under section 9 of this 2023 Act; or

17 “(b) Upon a conviction of the offense of abandoning a vehicle under  
18 ORS 819.100.

19 “(2) Any order imposing liability for the costs described in sub-  
20 section (1) of this section is subject to judicial review as provided in  
21 section 7 of this 2023 Act.

22 “(3) A recreational vehicle towed under section 3 or 5 of this 2023  
23 Act may not be sold, except for selling metal property to a scrap metal  
24 business. If metal property towed under section 3 or 5 of this 2023 Act  
25 is sold, the liability imposed under this section shall be reduced by the  
26 net proceeds of the sale.

27 “(4) Except for costs of reclaiming a recreational vehicle under  
28 section 9 (1) of this 2023 Act, an interested party whose only interest  
29 in the recreational vehicle is a security interest is not liable for costs  
30 arising out of towing, storage, dismantling and disposal of an aban-

1 **doned recreational vehicle or its contents under sections 2 to 12 of this**  
2 **2023 Act.**

3 **“SECTION 9. Storage and reclamation of towed abandoned recre-**  
4 **ational vehicles. (1) After an abandoned recreational vehicle is towed**  
5 **under section 3 or 5 of this 2023 Act, the vehicle must be stored for:**

6 **“(a) At least 30 days after the date on which the abandoned recre-**  
7 **ational vehicle post-towing notice is mailed or posted on the Depart-**  
8 **ment of Transportation’s website, whichever occurs last; or**

9 **“(b) At least 15 days after the date on which the abandoned recre-**  
10 **ational vehicle post-towing notice is mailed or posted on the**  
11 **department’s website, whichever occurs last, for an abandoned recre-**  
12 **ational vehicle that is appraised at a value of \$500 or less, as deter-**  
13 **mined by a holder of a vehicle appraiser certificate issued under ORS**  
14 **819.480.**

15 **“(2) At any time before the date specified in the notice given pur-**  
16 **suant to section 6 (2) of this 2023 Act, any interested party may re-**  
17 **claim a towed abandoned recreational vehicle by paying all costs**  
18 **incurred in towing and storing the recreational vehicle.**

19 **“(3) At any time before the date specified in the notice given pur-**  
20 **suant to section 6 (2) of this 2023 Act, any interested party may re-**  
21 **claim personal property from within a towed abandoned recreational**  
22 **vehicle by presenting proof of ownership or right to possession of the**  
23 **recreational vehicle or its contents.**

24 **“(4) Proof of a right to possession of contents includes, but is not**  
25 **limited to, receipt of notice under section 4 of this 2023 Act. Addi-**  
26 **tionally, an interested party who provides a description of any personal**  
27 **property in the abandoned recreation vehicle has a right to reclaim**  
28 **any other personal property within the vehicle.**

29 **“(5) If an abandoned recreational vehicle or its contents are not**  
30 **reclaimed by the date specified in the notice given pursuant to section**

1 **6 (2) of this 2023 Act, an interested party has no further right, title or**  
2 **claim to the vehicle or the personal property in the vehicle and the**  
3 **abandoned recreational vehicle shall be dismantled by a person on the**  
4 **rotational list described in section 11 of this 2023 Act and the personal**  
5 **property shall be disposed of.**

6 **“(6) If a tower transports the vehicle to a facility that is not under**  
7 **control of the tower, the tower is responsible for the vehicle’s safe-**  
8 **keeping until the vehicle is delivered to a storage facility that provides**  
9 **a secure location for the safekeeping of the vehicle. The storage fa-**  
10 **cility must be located in the same community as the site from which**  
11 **the vehicle was removed. Upon delivery of the vehicle to the storage**  
12 **facility, the facility shall assume custody and be responsible for the**  
13 **safekeeping of the vehicle. The storage facility shall take at least one**  
14 **photograph of the vehicle and record the time and date of the photo-**  
15 **graph. The photograph must show the vehicle as it was at the time the**  
16 **vehicle arrived at the storage facility. The storage facility shall main-**  
17 **tain for at least one year, in electronic or printed form, each photo-**  
18 **graph taken along with the date and time of the photograph. Upon**  
19 **request, the storage facility shall provide a copy of any photographs**  
20 **to the interested party at no additional charge.**

21 **“SECTION 10. Use of contractor. An enforcement agency may enter**  
22 **into a contract with any person to carry out the provisions of sections**  
23 **2 to 12 of this 2023 Act on behalf of the enforcement agency.**

24 **“SECTION 11. Eligibility of dismantling business to be placed on**  
25 **department list; rules. The Department of Transportation may adopt**  
26 **rules governing the eligibility of dismantlers to be placed and remain**  
27 **on a rotational list of such businesses used by enforcement agencies**  
28 **when any agency tows an abandoned recreational vehicle under**  
29 **sections 2 to 12 of this 2023 Act and requests a dismantler to dismantle**  
30 **the vehicle and dispose of its contents.**

1                   **“ABANDONED RECREATIONAL VEHICLE ACCOUNT**

2  
3                   **“SECTION 12. Reimbursement of costs of disposing of abandoned**  
4 **recreational vehicle. (1) As used in this section:**

5                   **“(a) ‘Costs of disposing of a vehicle’ includes the reasonable costs**  
6 **of:**

7                   **“(A) Providing any notice required by law relating to the towing,**  
8 **storing or disposing of an abandoned recreational vehicle;**

9                   **“(B) Hooking up for tow, towing, impounding, immobilizing, trans-**  
10 **porting, storing, appraising, dismantling, recycling or disposing of an**  
11 **abandoned recreational vehicle;**

12                   **“(C) Providing cleaning services necessary for the recycling or dis-**  
13 **posing of an abandoned recreational vehicle, including pest removal,**  
14 **drug abatement, asbestos removal or other environmental or hazard-**  
15 **ous waste cleanup service; and**

16                   **“(D) Any other action associated with the removal or disposal of**  
17 **an abandoned recreational vehicle specified by the Department of**  
18 **Transportation by rule.**

19                   **“(b) ‘Person’ means a person as defined in ORS 174.100 and a public**  
20 **body.**

21                   **“(2) A person that tows, stores or dismantles an abandoned recre-**  
22 **ational vehicle pursuant to sections 2 to 12 of this 2023 Act, or section**  
23 **18 of this 2023 Act, may request from the department reimbursement**  
24 **of the person’s unrecovered costs of disposing of the vehicle. The re-**  
25 **quest must be received by the department no later than 60 days fol-**  
26 **lowing the date that an abandoned recreational vehicle is towed.**

27                   **“(3) The department may use funds available from the Abandoned**  
28 **Recreational Vehicle Account established in section 14 of this 2023 Act**  
29 **to reimburse a person for up to 100 percent of the requested costs of**  
30 **disposing of a vehicle.**

1       “(4) A person may not receive reimbursement for the costs of dis-  
2       posing of an abandoned recreational vehicle if, as determined by a  
3       court, hearing officer under section 7 of this 2023 Act, local ordinance  
4       or agency rule:

5       “(a) The person is liable for those costs;

6       “(b) The costs of disposing of the vehicle are unreasonable or un-  
7       lawful; or

8       “(c) The towing or disposal was unlawful.

9       “(5) After consultation with cities and counties, the department  
10      may establish a process for requesting reimbursement, set maximum  
11      reimbursement rates, distribute aid across the state, aid in the recov-  
12      ery of account expenses or otherwise administer this section.

13      “SECTION 13. (1) In addition to the registration fees required under  
14      ORS 803.420 (7), a person must pay the abandoned recreational vehicle  
15      disposal fee for registering campers, travel trailers and motor homes  
16      each biennial registration period. The additional fee is \$25 for each  
17      year of the registration period.

18      “(2) Each biennium, beginning July 1, 2025, the Department of  
19      Transportation may adjust for inflation by modifying the amount of  
20      the fee described under subsection (1) of this section, based on the  
21      Consumer Price Index for All Urban Consumers, West Region (All  
22      Items), as published by the Bureau of Labor Statistics of the United  
23      States Department of Labor.

24      “(3) The adjusted fees under subsection (2) of this section take ef-  
25      fect on January 1 of the year following the adjustment and may not  
26      be further increased for the following two years.

27      “SECTION 14. Abandoned Recreational Vehicle Account. (1) The  
28      Abandoned Recreational Vehicle Account is established in the General  
29      Fund. Interest earned by the account shall be credited to the account.

30      “(2) The account shall consist of:



1       “(a) Moneys paid into the account under ORS 366.512 (2);  
2       “(b) Moneys appropriated to the account by the Legislative Assem-  
3 bly; and

4       “(c) Other amounts deposited in the account from any source.

5       “(3) Moneys in the account are continuously appropriated to the  
6 Department of Transportation to pay the expenses incurred under  
7 section 12 of this 2023 Act.

8       “(4) The department may retain an amount equal to five percent  
9 of moneys appropriated or otherwise transferred or credited to the  
10 fund to pay for the administrative and operational expenses of the  
11 department under sections 2 to 12 of this 2023 Act.

12       “(5) Moneys in the Abandoned Recreational Vehicle Account that  
13 are derived from any revenues under Article IX, section 3a, of the  
14 Oregon Constitution, may be used only for purposes permitted by Ar-  
15 ticle IX, section 3a, of the Oregon Constitution.

16       “**SECTION 15.** ORS 366.512 is amended to read:

17       “366.512. (1) The Department of Transportation shall collect all registra-  
18 tion fees for campers, motor homes and travel trailers.

19       “(2) Fees collected under section 13 of this 2023 Act shall be paid  
20 into the Abandoned Recreational Vehicle Account established under  
21 section 14 of this 2023 Act.

22       “(3) All other fees collected under this section [*Such fees*] shall be  
23 paid into the State Parks and Recreation Department Fund.

24       “[(2)] (4) As used in this section:

25       “(a) ‘Camper’ has the meaning given that term in ORS 801.180.

26       “(b) ‘Motor home’ has the meaning given that term in ORS 801.350.

27       “(c) ‘Travel trailer’ has the meaning given that term in ORS 801.565.

28

29                                   **“PRIVATE PROPERTY**

30

1       **“SECTION 16.** ORS 98.805 is amended to read:

2       “98.805. As used in this section and ORS 98.810 to 98.818, 98.830 and 98.840  
3 **and section 17 of this 2023 Act:**

4       “(1) ‘Owner of a parking facility’ means:

5       “(a) The owner, lessee or person in lawful possession of a private parking  
6 facility; or

7       “(b) Any officer or agency of this state with authority to control or op-  
8 erate a parking facility.

9       “(2) ‘Owner of proscribed property’ means the owner, lessee or person in  
10 lawful possession of proscribed property.

11       “(3) ‘Parking facility’ means any property used for vehicle parking.

12       “(4) ‘Proscribed property’ means any part of private property:

13       “(a) Where a reasonable person would conclude that parking is not  
14 normally permitted at all or where a land use regulation prohibits parking;  
15 or

16       “(b) That is used primarily for parking at a dwelling unit. As used in this  
17 paragraph, ‘dwelling unit’ means a single-family residential dwelling or a  
18 duplex.

19       “(5) ‘Tower’ means a person issued a towing business certificate under  
20 ORS 822.205.

21       “(6) ‘Vehicle’ has the meaning given that term in ORS 801.590.

22       **“SECTION 17. Towing abandoned recreational vehicle from private**  
23 **property; civil immunity; lien.** (1) **As used in this section, ‘abandoned**  
24 **recreational vehicle’ has the meaning given that term in section 2 of**  
25 **this 2023 Act except that ‘abandoned recreational vehicle’ includes only**  
26 **those vehicles left on proscribed property or in a parking facility.**

27       **“(2) A person who is the owner, or is in lawful possession, of pro-**  
28 **scribed property or a parking facility on which an abandoned recre-**  
29 **ational vehicle is located, or is the tower of the abandoned recreational**  
30 **vehicle, may file a claim for reimbursement pursuant to section 12 of**

1 **this 2023 Act from the Abandoned Recreational Vehicle Account es-**  
2 **tablished under section 14 of this 2023 Act for the costs of disposing**  
3 **of the abandoned recreational vehicle that are not otherwise covered**  
4 **under ORS 98.812. This section applies only to abandoned recreational**  
5 **vehicles towed pursuant to ORS 98.812.**

6 **“SECTION 18.** ORS 98.812 is amended to read:

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

12 **“(2) If the vehicle towed is an abandoned recreational vehicle, as**  
13 **defined in section 17 of this 2023 Act, and the tower transports the**  
14 **vehicle to a facility that is not under control of the tower, the tower**  
15 **is responsible for the vehicle’s safekeeping until the vehicle is deliv-**  
16 **ered to a storage facility that provides a secure location for the safe-**  
17 **keeping of the vehicle. The storage facility must be located in the**  
18 **same community as the site from which the vehicle was removed.**  
19 **Upon delivery of the vehicle to the storage facility, the facility shall**  
20 **assume custody and be responsible for the safekeeping of the vehicle.**  
21 **The storage facility shall take at least one photograph of the motor**  
22 **vehicle and record the time and date of the photograph. The photo-**  
23 **graph must show the motor vehicle as it was at the time the vehicle**  
24 **arrived at the storage facility. The storage facility shall maintain for**  
25 **at least one year, in electronic or printed form, each photograph taken**  
26 **along with the date and time of the photograph. Upon request, the**  
27 **storage facility shall provide a copy of any photographs to the inter-**  
28 **ested party, as defined in section 2 of this 2023 Act, at no additional**  
29 **charge.**

30 **“[(2)] (3) A tower is entitled to a lien on a towed vehicle and its contents**

1 for the tower's just and reasonable charges and may retain possession of the  
2 towed vehicle and its contents until the just and reasonable charges for the  
3 towage, care and storage, subject to subsection [(3)] (4) of this section, of the  
4 towed vehicle have been paid if the tower notifies the local law enforcement  
5 agency of the location of the towed vehicle within one hour after the towed  
6 vehicle is placed in storage.

7 “[3] (4) A tower may not assess any storage charge against the towed  
8 vehicle under subsection [(2)] (3) of this section that is incurred after:

9 “(a) If the towed vehicle is registered in Oregon, three business days after  
10 the vehicle is placed in storage unless, within that time, the tower delivers  
11 notice by mail or gives actual notice to the owner of the towed vehicle and  
12 to each person with an interest in the vehicle as indicated by the certificate  
13 of title.

14 “(b) If the towed vehicle is not registered in Oregon:

15 “(A) Three business days after the vehicle is placed in storage unless,  
16 within that time, the tower notifies and requests the title information from  
17 the records of the motor vehicle agency for the state in which the towed  
18 vehicle is registered.

19 “(B) Three business days from the date of receipt of the records requested  
20 under subparagraph (A) of this paragraph unless, within that time, the tower  
21 delivers notice by mail or gives actual notice to the owner of the towed ve-  
22 hicle and to each person with an interest in the vehicle as indicated by the  
23 requested records.

24 “[4] (5) The lien created by subsection [(2)] (3) of this section may be  
25 foreclosed only in the manner provided by ORS 87.172 (3) and 87.176 to 87.206  
26 for foreclosure of liens arising or claimed under ORS 87.152.

27

28

## “REPORT

29

30 “**SECTION 19.** (1) As used in this section, ‘abandoned recreational

1 **vehicle’ has the meaning given that term in section 2 of this 2023 Act.**

2 **“(2) No later than September 15 of each year, the Department of**  
3 **Transportation shall submit to the Joint Committee on Transportation**  
4 **a report on the implementation of sections 2 to 12 of this 2023 Act. In**  
5 **preparing the report, the department shall seek input from local gov-**  
6 **ernments, vehicle dismantlers, towers, a nonprofit legal services pro-**  
7 **gram that receives funding under the Legal Services Program**  
8 **established under ORS 9.572 and organizations that provide social ser-**  
9 **vices to persons experiencing homelessness.**

10 **“(3) The report must include, to the extent the data is available:**

11 **“(a) The number of abandoned recreational vehicles towed;**

12 **“(b) The number of abandoned recreational vehicles dismantled;**

13 **“(c) The general location of where abandoned recreational vehicles**  
14 **are located;**

15 **“(d) The number of reclaimed abandoned recreational vehicles; and**

16 **“(e) Any other information the department deems pertinent and**  
17 **useful to share with the committee.**

18 **“SECTION 20. Section 19 of this 2023 Act is repealed on January 2,**  
19 **2034.**

20

21 **“CONFORMING AMENDMENTS**

22

23 **“SECTION 21. ORS 819.100 is amended to read:**

24 **“819.100. (1) A person commits the offense of abandoning a vehicle if the**  
25 **person abandons a vehicle upon a highway or upon any public or private**  
26 **property.**

27 ***“(2) The owner of the vehicle as shown by the records of the Department***  
28 ***of Transportation shall be considered responsible for the abandonment of a***  
29 ***vehicle in the manner prohibited by this section and shall be liable for the cost***  
30 ***of towing and disposition of the abandoned vehicle.]***

1       “(2) A person that commits the offense of abandoning a vehicle and  
2 the owner of the vehicle, as shown by the records of the Department  
3 of Transportation or the records of the motor vehicle agency of the  
4 state in which the towed vehicle is registered, are each responsible for  
5 the abandonment of a vehicle in the manner prohibited by this section  
6 and are each liable for the cost of towing and disposal of the aban-  
7 doned vehicle.

8       “(3) Except as provided in subsection (4) of this section, a vehicle  
9 abandoned in violation of this section [*is*] may be subject to the provisions  
10 for towing and sale or disposal of abandoned vehicles under ORS 98.810 to  
11 98.818, 98.830, 98.853 to 98.862 or 819.110 to 819.215.

12       “(4) A recreational vehicle, as defined in section 2 of this 2023 Act,  
13 abandoned in violation of this section is subject to the provisions for  
14 towing and disposal under sections 2 to 12 of this 2023 Act or section  
15 18 of this 2023 Act.

16       “[(4)] (5) The offense described in this section, abandoning a vehicle, is  
17 a Class B traffic violation.

18       “**SECTION 22.** ORS 819.110 is amended to read:

19       “819.110. (1) After providing notice required under ORS 819.170 and, if  
20 requested, a hearing under ORS 819.190, an authority described under ORS  
21 819.140 may take a vehicle into custody and tow the vehicle if:

22       “(a) The authority has reason to believe the vehicle is disabled or aban-  
23 doned; and

24       “(b) The vehicle has been parked or left standing upon any public way for  
25 a period in excess of 24 hours without authorization by statute or local or-  
26 dinance.

27       “(2) The power to take vehicles into custody under this section is in ad-  
28 dition to any power to take vehicles into custody under ORS 819.120.

29       “(3) Subject to ORS 819.150, vehicles and the contents of vehicles taken  
30 into custody under this section are subject to a lien as provided under ORS

1 819.160.

2 “(4) The person that tows a vehicle under this section shall have the ve-  
3 hicle appraised within a reasonable time by a person authorized to perform  
4 such appraisals under ORS 819.480.

5 “(5) Vehicles taken into custody under this section are subject to sale or  
6 disposal under ORS 819.210 or 819.215 if the vehicles are not reclaimed as  
7 provided under ORS 819.150 or returned to the owner or person entitled to  
8 possession under ORS 819.190.

9 “(6) **The provisions of this section do not apply to abandoned rec-  
10 reational vehicles, as defined in section 2 of this 2023 Act.**

11 “**SECTION 23.** ORS 819.120 is amended to read:

12 “819.120. (1) An authority described under ORS 819.140 may immediately  
13 take custody of and tow a vehicle that is disabled, abandoned, parked or left  
14 standing unattended on a road or highway right of way and that is in such  
15 a location as to constitute a hazard or obstruction to motor vehicle traffic  
16 using the road or highway.

17 “(2) As used in this section, a ‘hazard or obstruction’ includes, but is not  
18 necessarily limited to:

19 “(a) Any vehicle that is parked so that any part of the vehicle extends  
20 within the paved portion of the travel lane.

21 “(b) Any vehicle that is parked so that any part of the vehicle extends  
22 within the highway shoulder or bicycle lane:

23 “(A) Of any freeway within the city limits of any city in this state at any  
24 time if the vehicle has a gross vehicle weight of 26,000 pounds or less;

25 “(B) Of any freeway within the city limits of any city in this state during  
26 the hours of 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m. if the vehicle has a gross  
27 vehicle weight of more than 26,000 pounds;

28 “(C) Of any freeway within 1,000 feet of the area where a freeway exit  
29 or entrance ramp meets the freeway; or

30 “(D) Of any highway during or into the period between sunset and sunrise

1 if the vehicle presents a clear danger.

2 “(3) As used in this section, ‘hazard or obstruction’ does not include  
3 parking in a designated parking area along any highway or, except as de-  
4 scribed in subsection (2) of this section, parking temporarily on the shoulder  
5 of the highway as indicated by a short passage of time and by the operation  
6 of the hazard lights of the vehicle, the raised hood of the vehicle, or advance  
7 warning with emergency flares or emergency signs.

8 “(4) An authority taking custody of a vehicle under this section must give  
9 the notice described under ORS 819.180 and, if requested, a hearing described  
10 under ORS 819.190.

11 “(5) The power to take vehicles into custody under this section is in ad-  
12 dition to any power to take vehicles into custody under ORS 819.110.

13 “(6) Subject to ORS 819.150, vehicles and the contents of vehicles taken  
14 into custody under this section are subject to a lien as provided under ORS  
15 819.160.

16 “(7) The person that tows a vehicle under this section shall have the ve-  
17 hicle appraised within a reasonable time by a person authorized to perform  
18 such appraisals under ORS 819.480.

19 “(8) Vehicles taken into custody under this section are subject to sale or  
20 disposal under ORS 819.210 or 819.215 if the vehicles are not reclaimed under  
21 ORS 819.150 or returned to the owner or person entitled thereto under ORS  
22 819.190.

23 “(9) The Oregon Transportation Commission, by rule, shall establish ad-  
24 ditional criteria for determining when vehicles on state highways, interstate  
25 highways and state property are subject to being taken into immediate cus-  
26 tody under this section.

27 “(10) **The provisions of this section do not apply to abandoned rec-**  
28 **reational vehicles, as defined in section 2 of this 2023 Act.**

29 “**SECTION 24.** ORS 819.160 is amended to read:

30 “819.160. (1) Except as otherwise provided by this section, a person shall



1 have a lien on the vehicle and its contents if the person, at the request of  
2 an authority described under ORS 819.140, tows any of the following vehicles:

3 “(a) An abandoned vehicle appraised at a value of more than \$500 by a  
4 person who holds a certificate issued under ORS 819.480.

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

8 “(c) A vehicle left parked or standing in violation of ORS 811.555 or  
9 811.570.

10 “(2) A lien established under this section shall be on the vehicle and its  
11 contents for the just and reasonable charges for the towing service performed  
12 and any storage provided. However, the storage charge is limited subject to  
13 ORS 98.812 [(3)] (4). A lien described under this section does not attach:

14 “(a) To the contents of any vehicle taken from public property until 15  
15 days after taking the vehicle into custody.

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

18 “(3) A person that tows any vehicle at the request of an authority under  
19 ORS 819.110 or 819.120 shall transmit by first class mail with a certificate  
20 of mailing, no later than the third business day after the vehicle and its  
21 contents are placed in storage, written notice, approved by the authority,  
22 containing information on the procedures necessary to obtain a hearing un-  
23 der ORS 819.190. The notice shall be provided to the owner, a person entitled  
24 to possession or any person with an interest recorded on the title to the ve-  
25 hicle. This subsection does not apply to a person that tows an abandoned  
26 vehicle that is appraised at a value of \$500 or less by a person who holds a  
27 certificate issued under ORS 819.480.

28 “**SECTION 25.** ORS 819.215 is amended to read:

29 “819.215. (1) If an abandoned vehicle is appraised at a value of \$500 or less  
30 by a person who holds a certificate issued under ORS 819.480, the person that

1 towed the vehicle shall:

2 “(a) Notify the registered owner and secured parties as provided in sub-  
3 section (3) of this section;

4 “(b) Photograph the vehicle;

5 “(c) Notify the Department of Transportation that the vehicle will be  
6 disposed of; and

7 “(d) Unless the vehicle is claimed by a person entitled to possession of it  
8 within 15 days of the date of notice under subsection (3) of this section,  
9 dispose of the vehicle and its contents to a person who holds a valid  
10 dismantler certificate issued under ORS 822.110.

11 “(2) The authority that requests towing of an abandoned vehicle shall  
12 provide to the person that tows the vehicle, at the time of the tow or as soon  
13 as possible thereafter, a written statement that contains the name and ad-  
14 dress of the registered owner of the vehicle, as shown by records of the de-  
15 partment, and the names and addresses of any persons claiming interests in  
16 the vehicle, as shown by records of the department.

17 “(3) Within 48 hours after the written statement is provided under sub-  
18 section (2) of this section to a person that tows a vehicle, the person must  
19 give written notice to the persons whose names are furnished in the state-  
20 ment. The 48-hour period does not include Saturdays, Sundays or holidays.  
21 The notice shall state that a person that is entitled to possession of the ve-  
22 hicle has 15 days from the date the notice was mailed to claim the vehicle  
23 and that if the vehicle is not claimed, it will be disposed of as provided in  
24 this section.

25 “(4) If the authority that requests towing of an abandoned vehicle does  
26 not provide to the person that tows the vehicle the written statement within  
27 48 hours after the vehicle is towed, the person may dispose of the vehicle  
28 as provided in ORS 819.210.

29 “(5) Disposal of a vehicle to a dismantler as provided in this section ex-  
30 tinguishes all prior ownership and possessory rights.

1 “(6) The department shall adopt rules specifying the form in which no-  
2 tification to the department required by subsection (1) of this section shall  
3 be submitted and what information shall be conveyed to the department. The  
4 person that tows the vehicle may submit to the dismantler a copy of any  
5 notification submitted to the department under this section instead of sub-  
6 mitting to the dismantler ownership or other title documents for the vehicle.

7 “(7) **The provisions of this section do not apply to abandoned rec-**  
8 **reational vehicles, as defined in section 2 of this 2023 Act.**

9 “**SECTION 26.** ORS 819.280 is amended to read:

10 “819.280. (1) A person may make a request to an authority described in  
11 ORS 819.140 (1)(b) or (c) to dispose of a vehicle that is on the private prop-  
12 erty of the person and that is appraised at a value of \$500 or less, as deter-  
13 mined by a holder of a certificate issued under ORS 819.480, if the person is  
14 in lawful possession of the vehicle. For the purposes of this subsection, a  
15 person need not have the certificate of title to be in lawful possession of the  
16 vehicle.

17 “(2) If the authority requested to dispose of a vehicle under subsection (1)  
18 of this section chooses to dispose of the vehicle, the authority shall do all  
19 of the following:

20 “(a) Photograph the vehicle.

21 “(b) Verify that the person is in lawful possession of the vehicle.

22 “(c) Provide notification to the person requesting the disposal and the  
23 Department of Transportation of all of the following:

24 “(A) The name and address of the person requesting the disposal;

25 “(B) The vehicle identification number;

26 “(C) The appraised value of the vehicle;

27 “(D) The appraiser’s certificate number and signature; and

28 “(E) The name and address of the authority disposing of the vehicle.

29 “(d) Dispose of the vehicle and its contents to a person who holds a valid  
30 dismantler certificate issued under ORS 822.110.

1 “(3) The authority disposing of the vehicle may charge the person re-  
2 questing the disposal a fee to dispose of the vehicle.

3 “(4) Disposal of a vehicle to a dismantler as provided in this section ex-  
4 tinguishes all prior ownership and possessory rights.

5 “(5) The department shall adopt rules specifying the form in which no-  
6 tification required by subsection (2) of this section shall be submitted and  
7 what additional information shall be conveyed to the department.

8 “(6) In lieu of submitting ownership or other title documents for the ve-  
9 hicle, the authority disposing of the vehicle may submit to the dismantler a  
10 copy of the notification provided to the department under subsection (2) of  
11 this section.

12 “(7) **The provisions of this section do not apply to abandoned rec-**  
13 **reational vehicles, as defined in section 2 of this 2023 Act.**

14 “**SECTION 27.** ORS 98.820 is amended to read:

15 “98.820. (1) As used in this section:

16 “(a) ‘Class 1 flammable liquids’ has the meaning given that term in ORS  
17 480.310.

18 “(b) ‘Fuel dispensary’ means a filling station, service station, garage or  
19 other dispensary where Class 1 flammable liquids or diesel fuel is dispensed  
20 at retail for use in vehicles.

21 “(c) ‘Towing company’ means a company holding a towing business cer-  
22 tificate issued under ORS 822.205.

23 “(d) ‘Vehicle’ has the meaning given that term in ORS 801.590.

24 “(2) An owner, operator or employee of a fuel dispensary may have a ve-  
25 hicle towed from the fuel dispensary premises if:

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

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

30 “(c) An owner, operator or employee of the fuel dispensary affixes a notice

1 to the windshield of the vehicle or, if the vehicle lacks a windshield, in an-  
2 other prominent location on the vehicle, stating the date and time the notice  
3 was affixed and that the vehicle may be towed if it is not removed within  
4 two hours after the date and time stated on the notice;

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

7 “(e) The owner, operator or employee provides the towing company with  
8 a signed statement that:

9 “(A) Describes the vehicle to be towed;

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

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

14 “(3) A towing company that tows a vehicle pursuant to this section is  
15 immune from civil liability for towing the vehicle if the towing company  
16 possesses a signed statement described in subsection (2)(e) of this section.  
17 This subsection does not grant immunity for any loss, damage or injury  
18 arising out of any negligent or willful damage to, or destruction of, the ve-  
19 hicle that occurs during the course of the towing.

20 “(4) A towing company is entitled to a lien on a vehicle towed under this  
21 section and its contents for the just and reasonable charges of the towing  
22 company. The towing company may retain possession of the towed vehicle  
23 and its contents until the just and reasonable charges for the towing, care  
24 and storage of the towed vehicle have been paid if the towing company pro-  
25 vides timely notice in the manner described under ORS 98.812 [(2)] (3) to  
26 local law enforcement, the owner of the vehicle and any person shown on a  
27 certificate of title to have an interest in the vehicle.

28 “(5) The lien created by subsection (4) of this section may be foreclosed  
29 only in the manner provided by ORS 87.172 (3) and 87.176 to 87.206 for fore-  
30 closure of liens arising or claimed under ORS 87.152.

1 “(6) The procedure established in this section is an alternative to any  
2 other lawful procedure available for obtaining the removal from private  
3 property of a vehicle that is abandoned or parked without authorization.

4 **“SECTION 28.** ORS 98.830 is amended to read:

5 “98.830. (1) A person who is the owner, or is in lawful possession, of pri-  
6 vate property on which a vehicle has been abandoned may have a tower tow  
7 the vehicle from the property if:

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

10 “(b) The notice required by paragraph (a) of this subsection remains on  
11 the vehicle for at least 72 hours before the vehicle is towed; and

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

13 “(A) A description of the vehicle to be towed;

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

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

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

25 “(3) A vehicle towed under this section is subject to liens, possession and  
26 foreclosure by a tower under ORS 98.812 [(2) to (4)] **(3) to (5)**.

27 **“SECTION 29.** ORS 366.744 is amended to read:

28 “366.744. (1) The following moneys shall be allocated as provided in sub-  
29 section (2) of this section:

30 “(a) The amount attributable to the increase in title fees by the amend-

1 ments to ORS 803.090 by section 1, chapter 618, Oregon Laws 2003.

2 “(b) The amount attributable to the increase in registration fees by the  
3 amendments to ORS 803.420 by section 2, chapter 618, Oregon Laws 2003,  
4 except for the amount paid to the State Parks and Recreation Department  
5 Fund under ORS 366.512 (3); and

6 “(c) The amount attributable to the increase in fees and tax rates by the  
7 amendments to ORS 818.225, 825.476 and 825.480 by sections 3, 4 and 5,  
8 chapter 618, Oregon Laws 2003.

9 “(2) The moneys described in subsection (1) of this section shall be allo-  
10 cated as follows:

11 “(a) 57.53 percent to the Department of Transportation.

12 “(b) 25.48 percent to the department to pay the principal and interest due  
13 on bonds authorized under ORS 367.620 (3) that are issued for replacement  
14 and repair of bridges on county highways. However, any portion of the 25.48  
15 percent that is not needed for payment of principal and interest on the bonds  
16 described in this paragraph shall be allocated to counties. Moneys allocated  
17 to counties under this paragraph shall be distributed in the same manner as  
18 moneys allocated to counties under ORS 366.739 are distributed.

19 “(c) 16.99 percent to the department to pay the principal and interest due  
20 on bonds authorized under ORS 367.620 (3) that are issued for replacement  
21 and repair of bridges on city highways. However, any portion of the 16.99  
22 percent that is not needed for payment of principal and interest on the bonds  
23 described in this paragraph shall be allocated to cities. Moneys allocated to  
24 cities under this paragraph shall be distributed in the same manner as mon-  
25 eys allocated to cities under ORS 366.739 are distributed.

26 “(3)(a) Multnomah County shall spend a majority of moneys distributed  
27 to it under subsection (2)(b) of this section on bridges in the county.

28 “(b) Moneys distributed to Multnomah County under subsection (2)(b) of  
29 this section that are not spent on bridges shall be distributed equitably  
30 within the county, based on the agreement described in paragraph (c) of this

1 subsection.

2 “(c) Multnomah County and the cities within the county shall agree upon  
3 the distribution of moneys described in paragraph (b) of this subsection.  
4 When the county and the cities have reached an agreement, they shall notify  
5 the Oregon Transportation Commission of the agreement. If the commission  
6 does not receive notice of an agreement by June 30, 2004, the Department  
7 of Transportation may not distribute moneys that would otherwise go to the  
8 county under paragraph (b) of this subsection. Such moneys shall revert to  
9 the State Highway Fund for use by the Department of Transportation.

10 **“SECTION 30.** ORS 367.173 is amended to read:

11 “367.173. The principal, interest, premium, if any, and the purchase or  
12 tender price of the grant anticipation revenue bonds issued under ORS  
13 367.161 to 367.181 are payable solely from the following moneys:

14 “(1) Federal transportation funds.

15 “(2) To the extent affirmatively pledged at the time issuance of revenue  
16 bonds is authorized, the following moneys that are lawfully available:

17 “(a) Moneys deposited in the State Highway Fund established under ORS  
18 366.505.

19 “(b) Except as provided in paragraph (c) of this subsection, moneys, once  
20 deposited in the State Highway Fund established under ORS 366.505, from  
21 the following sources may be affirmatively pledged:

22 “(A) Moneys from the taxes and fees on motor carriers imposed under  
23 ORS 825.474 and 825.480.

24 “(B) Moneys from the tax on motor vehicle fuel imposed under ORS  
25 319.020.

26 “(C) Moneys from the tax on fuel used in motor vehicles imposed under  
27 ORS 319.530.

28 “(D) Moneys from the special use fuel license fee under ORS 319.535.

29 “(E) Moneys described under ORS 803.090 from the titling of vehicles.

30 “(F) Moneys described under ORS 803.420 from the registration of vehi-



1 cles.

2 “(G) Moneys described under ORS 807.370 relating to the issuance of  
3 driver licenses and driver permits.

4 “(H) Moneys received by the Department of Transportation from taxes,  
5 fees or charges imposed after January 1, 2001, or other revenues or moneys  
6 received by the department from sources not listed in subparagraphs (A) to  
7 (G) of this paragraph that are lawfully available to be pledged under this  
8 section.

9 “(c) Moneys described in paragraph (b) of this subsection do not include:

10 “(A) Moneys provided for appropriations to counties under ORS 366.762  
11 to 366.768.

12 “(B) Moneys provided for appropriations to cities under ORS 366.785 to  
13 366.820.

14 “(C) Moneys [*in the account established*] **paid into the State Parks and**  
15 **Recreation Department Fund** under ORS 366.512 (3) [*for parks and recre-*  
16 *ation*].

17 **“SECTION 31.** ORS 367.605 is amended to read:

18 “367.605. (1) Moneys deposited in the State Highway Fund established  
19 under ORS 366.505 are pledged to payment of Highway User Tax Bonds is-  
20 sued under ORS 367.615.

21 “(2) Except as provided in subsection (3) of this section, moneys, once  
22 deposited in the highway fund from the following sources are subject to the  
23 use or pledge described in subsection (1) of this section:

24 “(a) Moneys from the taxes and fees on motor carriers imposed under ORS  
25 825.474 and 825.480.

26 “(b) Moneys from the tax on motor vehicle fuel imposed under ORS  
27 319.020.

28 “(c) Moneys from the tax on fuel used in motor vehicles imposed under  
29 ORS 319.530.

30 “(d) Moneys from the special use fuel license fee under ORS 319.535.

1 “(e) Moneys described under ORS 803.090 from the titling of vehicles.

2 “(f) Moneys described under ORS 803.420 from the registration of vehicles.

3 “(g) Moneys described under ORS 807.370 relating to the issuance of  
4 driver licenses and driver permits.

5 “(h) Moneys received by the Department of Transportation from taxes,  
6 fees or charges imposed after January 1, 2001, or other revenues received by  
7 the department from sources not listed in paragraphs (a) to (g) of this sub-  
8 section that are available for the use or pledge described by this section.

9 “(3) Moneys described under subsection (2) of this section do not include:

10 “(a) Moneys provided for appropriations to counties under ORS 366.762  
11 to 366.768.

12 “(b) Moneys provided for appropriations to cities under ORS 366.785 to  
13 366.820.

14 “(c) Moneys [*in the account established*] **paid into the State Parks and**  
15 **Recreation Department Fund** under ORS 366.512 (3) [*for parks and recre-*  
16 *ation*].

17 “(4) To the extent affirmatively pledged, moneys from the following  
18 sources are subject to the use or pledge described in subsection (1) of this  
19 section:

20 “(a) Moneys received by the Department of Transportation from the  
21 United States government.

22 “(b) Any other moneys legally available to the department.

23 “(5) Notwithstanding ORS 366.507, the lien or charge of any pledge of  
24 moneys securing bonds issued under ORS 367.615 is superior or prior to any  
25 other lien or charge and to any law of the state requiring the department  
26 to spend moneys for specified highway purposes.

27 **“SECTION 32.** ORS 390.134 is amended to read:

28 “390.134. (1) As used in this section:

29 “(a) ‘Camper’ has the meaning given that term in ORS 801.180.

30 “(b) ‘County’ includes a metropolitan service district organized under ORS

1 chapter 268, but only to the extent that the district has acquired, through  
2 title transfer, and is operating a park or recreation site of a county pursuant  
3 to an intergovernmental agreement.

4 “(c) ‘Motor home’ has the meaning given that term in ORS 801.350.

5 “(d) ‘Travel trailer’ has the meaning given that term in ORS 801.565.

6 “(2) The State Parks and Recreation Department Fund is established  
7 separate and distinct from the General Fund. Moneys in the fund are con-  
8 tinuously appropriated to the State Parks and Recreation Department for the  
9 purposes provided by law. The fund shall consist of the following:

10 “(a) All moneys placed in the fund as provided by law. Any interest or  
11 other income derived from the depositing or other investing of the fund must  
12 be credited to the fund.

13 “(b) All registration fees received by the Department of Transportation  
14 for campers, motor homes and travel trailers that are transferred to the fund  
15 under ORS 366.512 (3). The funds must be deposited in a separate subaccount  
16 established under subsection (3) of this section.

17 “(c) Revenue from charges pursuant to ORS 390.124.

18 “(d) All funds received by the State Parks and Recreation Department  
19 under ORS 390.141. The funds must be deposited in a separate subaccount  
20 established under subsection (3) of this section.

21 “(3) Any moneys placed in the fund for a particular purpose may be placed  
22 in a separate subaccount within the fund. Each separate subaccount estab-  
23 lished under this subsection must be separately accounted for. Moneys placed  
24 in a subaccount must be used for the purposes for which they are deposited.

25 “(4) All of the moneys in the fund except those moneys described in sub-  
26 section (3), (5), (6), (7), (8) or (9) of this section must be deposited in a sep-  
27 arate subaccount within the fund and used by the State Parks and  
28 Recreation Department for the acquisition, development, maintenance, care  
29 and use of park and recreation sites. The moneys deposited in the subaccount  
30 under this subsection must be accounted for separately and stated separately

1 in the State Parks and Recreation Department's biennial budget.

2       “(5)(a) Forty-five percent of the amount transferred to the State Parks and  
3 Recreation Department under ORS 366.512 (3) from the registration of travel  
4 trailers, campers and motor homes and under ORS 803.601 from recreational  
5 vehicle trip permits must be deposited in a separate subaccount within the  
6 fund to be distributed for the acquisition, development, maintenance, care  
7 and use of county park and recreation sites. The moneys deposited in the  
8 subaccount under this paragraph must be accounted for separately. The fol-  
9 lowing apply to the distribution of moneys under this paragraph:

10       “(A) The moneys must be distributed among the several counties for the  
11 purposes described in this paragraph. The distribution shall be made at times  
12 determined by the State Parks and Recreation Department but must be made  
13 not less than once a year.

14       “(B) The sums designated under this paragraph must be remitted to the  
15 county treasurers of the several counties by warrant.

16       “(b) The department shall establish an advisory committee to advise the  
17 department in the performance of its duties under this subsection. The com-  
18 position of the advisory committee under this subsection is as determined  
19 by the department by rule. In determining the composition of the advisory  
20 committee, the department shall attempt to provide reasonable represen-  
21 tation for county officials or employees with responsibilities relating to  
22 county parks and recreation sites.

23       “(c) The department, by rule, shall establish a program to provide moneys  
24 to counties for the acquisition, development, maintenance, care and use of  
25 county park and recreation sites. The rules under this paragraph shall pro-  
26 vide for distribution of moneys based on use and need and, as the department  
27 determines necessary, on the need for the development and maintenance of  
28 facilities to provide camping sites for campers, motor homes and travel  
29 trailers.

30       “(d) The counties may not use the moneys received under this subsection

1 to supplant moneys otherwise made available to the counties for the acqui-  
2 sition, development, maintenance, care and use of county park and recreation  
3 sites.

4 “(e) On or before January 15 of each odd-numbered year regular session  
5 of the Legislative Assembly, the State Parks and Recreation Director and a  
6 representative of the directors of county park and recreation sites shall  
7 submit a report to the Joint Committee on Ways and Means created by ORS  
8 171.555, or the Joint Interim Committee on Ways and Means, that describes  
9 the measurable biennial and cumulative results of county activities and  
10 programs financed by moneys transferred to the counties from the registra-  
11 tion of travel trailers, campers and motor homes and from recreational ve-  
12 hicle trip permits. Notwithstanding ORS 192.230 to 192.250, the report shall  
13 be made in a manner as the committee may prescribe.

14 “(6) The department shall create a separate City and County Subaccount  
15 within the fund to be used to reimburse cities and counties as provided in  
16 ORS 390.290.

17 “(7) The department shall create a separate rural Fire Protection District  
18 Subaccount to be used to provide funds for the fire protection districts as  
19 provided in ORS 390.290.

20 “(8) Twelve percent of the amount transferred to the State Parks and  
21 Recreation Department Fund from the Parks Subaccount shall be used only  
22 to carry out the purposes and achievements described in ORS 390.135 (2) and  
23 (3) through the awarding of grants to regional or local government entities  
24 to acquire property for public parks, natural areas or outdoor recreation  
25 areas or to develop or improve public parks, natural areas or outdoor recre-  
26 ation areas. Moneys described in this subsection may not be used to pay the  
27 cost of administering grants or the cost of any Secretary of State audit re-  
28 quired under section 4c, Article XV, of the Oregon Constitution.

29 “(9) If the amount transferred to the State Parks and Recreation Depart-  
30 ment Fund from the Parks Subaccount during a biennium is more than 150

1 percent of the amount that was transferred during the 2009-2011 biennium,  
2 the State Treasurer shall, during the next following biennium, deposit for  
3 use as described in subsection (8) of this section the amount required under  
4 subsection (8) of this section plus an amount equal to the difference between  
5 the amount deposited for use as described in subsection (8) of this section  
6 during the preceding biennium and 25 percent of the moneys transferred to  
7 the State Parks and Recreation Department Fund from the Parks Subaccount  
8 during the preceding biennium.

9 “(10) Subsections (8) and (9) of this section apply only for biennia in  
10 which the Legislative Assembly does not require a greater percentage of the  
11 amount transferred to the State Parks and Recreation Department Fund from  
12 the Parks Subaccount to be used for the purposes described in subsection (8)  
13 of this section. The Legislative Assembly may not authorize the percentage  
14 of the amount transferred to the State Parks and Recreation Department  
15 Fund from the Parks Subaccount that is deposited for use as described in  
16 subsection (8) of this section in a biennium to be less than the percentage  
17 required to be deposited under subsections (8) and (9) of this section.

18 “(11) On or before January 15 of each odd-numbered year, the director  
19 shall submit a report to the Joint Committee on Ways and Means created  
20 by ORS 171.555, or the Joint Interim Committee on Ways and Means, that  
21 describes the measurable biennial and cumulative results of activities and  
22 programs financed by moneys transferred to the State Parks and Recreation  
23 Department Fund from the Parks Subaccount. Notwithstanding ORS 192.230  
24 to 192.250, the director shall make the report in a form and manner as the  
25 committee may prescribe.

26 **“SECTION 33.** ORS 390.848 is amended to read:

27 “390.848. (1) The State Parks and Recreation Department shall establish,  
28 by rule, a system for issuing passes necessary to comply with the require-  
29 ments under ORS 390.851. The department shall establish a reasonable fee for  
30 issuance of a pass under this section. The department may establish any form

1 of proof of payment of the user fees that it deems appropriate.

2 “(2) The system for issuance of passes established by the department un-  
3 der this section may include issuance of the passes by governmental entities  
4 or private persons who have entered into appropriate agreements with the  
5 department for issuance of the passes. Agreements under this subsection may  
6 include, but are not limited to, terms providing for locations for the col-  
7 lection of fees, methods the department determines appropriate to assure  
8 payment of moneys collected and provisions for the distribution of river-user  
9 information.

10 “(3) The department shall issue, without charge, annual passes to comply  
11 with the requirements under ORS 390.851 to persons who own ranch, farm  
12 or residential property immediately abutting those portions of the Deschutes  
13 River designated as scenic waterways under ORS 390.826 and to members of  
14 the immediate family of such persons. This subsection does not authorize the  
15 issuance without charge of passes to persons holding less than a majority  
16 interest in a firm, corporation or cooperative organization which owns land  
17 immediately abutting the Deschutes River designated as scenic waterways  
18 under ORS 390.826.

19 “(4) Moneys collected under this section shall be deposited in the separate  
20 fund established for the State Parks and Recreation Department under ORS  
21 366.512 (3) and, subject to the limitations under subsection (5) of this section,  
22 are continually appropriated to that department to be used:

23 “(a) For operation of the pass system established under this section;

24 “(b) For providing river-user oriented law enforcement services;

25 “(c) For providing river recreation information and education;

26 “(d) For developing and maintaining river oriented recreation facilities;

27 and

28 “(e) For any other purposes the department considers appropriate for the  
29 maintenance, enhancement or protection of the natural and scenic beauty of  
30 the scenic waterway consistent with ORS 390.805 to 390.925.

1 “(5) The use of moneys for purposes described under subsection (4) of this  
2 section is limited to the performance of those purposes for areas of the  
3 Deschutes River designated as scenic waterways under ORS 390.826.

4 **“SECTION 34.** ORS 801.041 is amended to read:

5 “801.041. The following apply to the authority granted to counties by ORS  
6 801.040 to establish registration fees for vehicles:

7 “(1) An ordinance establishing registration fees under this section must  
8 be enacted by the county imposing the registration fee and filed with the  
9 Department of Transportation. Notwithstanding ORS 203.055 or any pro-  
10 vision of a county charter, the governing body of a county with a population  
11 of 350,000 or more may enact an ordinance establishing registration fees. The  
12 governing body of a county with a population of less than 350,000 may enact  
13 an ordinance establishing registration fees after submitting the ordinance to  
14 the electors of the county for their approval. The governing body of the  
15 county imposing the registration fee shall enter into an intergovernmental  
16 agreement under ORS 190.010 with the department by which the department  
17 shall collect the registration fees, pay them over to the county and, if nec-  
18 essary, allow the credit or credits described in ORS 803.445 (5). The inter-  
19 governmental agreement must state the date on which the department shall  
20 begin collecting registration fees for the county.

21 “(2) The authority granted by this section allows the establishment of  
22 registration fees in addition to those described in ORS 803.420 and 803.422  
23 **and section 13 of this 2023 Act.** There is no authority under this section  
24 to affect registration periods, qualifications, cards, plates, requirements or  
25 any other provision relating to vehicle registration under the vehicle code.

26 “(3) Except as otherwise provided for in this subsection, when registration  
27 fees are imposed under this section, they must be imposed on all vehicle  
28 classes. Registration fees as provided under this section may not be imposed  
29 on the following:

30 “(a) Snowmobiles and Class I all-terrain vehicles.



1       “(b) Fixed load vehicles.

2       “(c) Vehicles registered under ORS 805.100 to disabled veterans.

3       “(d) Vehicles registered as antique vehicles under ORS 805.010.

4       “(e) Vehicles registered as vehicles of special interest under ORS 805.020.

5       “(f) Government-owned or operated vehicles registered under ORS 805.040

6 or 805.045.

7       “(g) School buses or school activity vehicles registered under ORS 805.050.

8       “(h) Law enforcement undercover vehicles registered under ORS 805.060.

9       “(i) Vehicles registered on a proportional basis for interstate operation.

10       “(j) Vehicles with a registration weight of 26,001 pounds or more de-

11 scribed in ORS 803.420 (14)(a) or (b).

12       “(k) Vehicles registered as farm vehicles under the provisions of ORS

13 805.300.

14       “(L) Travel trailers, campers and motor homes.

15       “(m) Vehicles registered to an employment address as provided in ORS

16 802.250 when the eligible public employee or household member’s residence

17 address is not within the county of the employment address. The department

18 may adopt rules it considers necessary for the administration of this para-

19 graph.

20       “(n) Vehicles registered under ORS 805.110 to former prisoners of war.

21       “(4) Any registration fee imposed by a county must be a fixed amount not

22 to exceed, with respect to any vehicle class, the sum of the registration fee

23 established under ORS 803.420 (6)(a) and the fee applicable to the registered

24 vehicle under ORS 803.422. For vehicles on which a flat fee is imposed under

25 ORS 803.420, the fee must be a whole dollar amount.

26       “(5) Moneys from registration fees established under this section must be

27 paid to the county establishing the registration fees as provided in ORS

28 802.110.

29       “(6) Except as provided in ORS 801.044, or unless a different distribution

30 is agreed upon by the county and the cities within the jurisdiction of the

1 county, the county ordinance shall provide for payment of at least 40 percent  
2 of the moneys from registration fees established under this section to cities  
3 within the county.

4 “(7) The moneys for the cities and the county shall be used for any pur-  
5 pose for which moneys from registration fees may be used, including the  
6 payment of debt service and costs related to bonds or other obligations is-  
7 sued for such purposes.

8 “(8) Two or more counties may act jointly to impose a registration fee  
9 under this section. The ordinance of each county acting jointly with another  
10 under this subsection must provide for the distribution of moneys collected  
11 through a joint registration fee.

12 **“SECTION 35.** ORS 801.042 is amended to read:

13 “801.042. The following apply to the authority granted to a district by  
14 ORS 801.040 to establish registration fees for vehicles:

15 “(1) Before the governing body of a district can impose a registration fee  
16 under this section, it must submit the proposal to the electors of the district  
17 for their approval and, if the proposal is approved, enter into an intergov-  
18 ernmental agreement under ORS 190.010 with the governing bodies of all  
19 counties, other districts and cities with populations of over 300,000 that  
20 overlap the district. The intergovernmental agreement must state the regis-  
21 tration fees and, if necessary, how the revenue from the fees shall be appor-  
22 tioned among counties and the districts. Before the governing body of a  
23 county can enter into such an intergovernmental agreement, the county shall  
24 consult with the cities in its jurisdiction.

25 “(2) If a district raises revenues from a registration fee for purposes re-  
26 lated to highways, roads, streets and roadside rest areas, the governing body  
27 of that district shall establish a Regional Arterial Fund and shall deposit in  
28 the Regional Arterial Fund all such registration fees.

29 “(3) Interest received on moneys credited to the Regional Arterial Fund  
30 shall accrue to and become a part of the Regional Arterial Fund.

1       “(4) The Regional Arterial Fund must be administered by the governing  
2 body of the district referred to in subsection (2) of this section and such  
3 governing body by ordinance may disburse moneys in the Regional Arterial  
4 Fund. Moneys within the Regional Arterial Fund may be disbursed only for  
5 a program of projects recommended by a joint policy advisory committee on  
6 transportation consisting of local officials and state agency representatives  
7 designated by the district referred to in subsection (2) of this section. The  
8 projects for which the joint policy advisory committee on transportation can  
9 recommend funding must concern arterials, collectors or other improvements  
10 designated by the joint policy advisory committee on transportation.

11       “(5) Ordinances establishing registration fees under this section must be  
12 filed with the Department of Transportation. The governing body of the dis-  
13 trict imposing the registration fee shall enter into an intergovernmental  
14 agreement under ORS 190.010 with the department by which the department  
15 shall collect the registration fees, pay them over to the district and, if nec-  
16 essary, allow the credit or credits described in ORS 803.445 (5). The inter-  
17 governmental agreement must state the date on which the department shall  
18 begin collecting registration fees for the district.

19       “(6) The authority granted by this section allows the establishment of  
20 registration fees in addition to those described in ORS 803.420 and 803.422  
21 **and section 13 of this 2023 Act**. There is no authority under this section  
22 to affect registration periods, qualifications, cards, plates, requirements or  
23 any other provision relating to vehicle registration under the vehicle code.

24       “(7) Except as otherwise provided for in this subsection, when registration  
25 fees are imposed under this section, the fees must be imposed on all vehicle  
26 classes. Registration fees as provided under this section may not be imposed  
27 on the following:

28       “(a) Snowmobiles and Class I all-terrain vehicles.

29       “(b) Fixed load vehicles.

30       “(c) Vehicles registered under ORS 805.100 to disabled veterans.

1 “(d) Vehicles registered as antique vehicles under ORS 805.010.  
2 “(e) Vehicles registered as vehicles of special interest under ORS 805.020.  
3 “(f) Government-owned or operated vehicles registered under ORS 805.040  
4 or 805.045.  
5 “(g) School buses or school activity vehicles registered under ORS 805.050.  
6 “(h) Law enforcement undercover vehicles registered under ORS 805.060.  
7 “(i) Vehicles registered on a proportional basis for interstate operation.  
8 “(j) Vehicles with a registration weight of 26,001 pounds or more de-  
9 scribed in ORS 803.420 (14)(a) or (b).  
10 “(k) Vehicles registered as farm vehicles under the provisions of ORS  
11 805.300.  
12 “(L) Travel trailers, campers and motor homes.  
13 “(m) Vehicles registered to an employment address as provided in ORS  
14 802.250 when the eligible public employee or household member’s residence  
15 address is not within the county of the employment address. The department  
16 may adopt rules it considers necessary for the administration of this para-  
17 graph.  
18 “(n) Vehicles registered under ORS 805.110 to former prisoners of war.  
19 “(8) Any registration fee imposed by the governing body of a district must  
20 be a fixed amount not to exceed, with respect to any vehicle class, the reg-  
21 istration fee established under ORS 803.420 (6)(a) and the fee applicable to  
22 the registered vehicle under ORS 803.422. For vehicles on which a flat fee  
23 is imposed under ORS 803.420, the fee must be a whole dollar amount.  
24 “**SECTION 36.** ORS 803.315 is amended to read:  
25 “803.315. (1) A person commits the offense of failure to pay the appropri-  
26 ate registration fee if the person operates any vehicle or transports any  
27 camper that is registered in this state unless the proper fee, as established  
28 under ORS 803.420 **and 803.422 and section 13 of this 2023 Act**, has been  
29 paid for registration of the vehicle.  
30 “(2) The offense described in this section, failure to pay appropriate reg-

1 istration fee, is a Class D traffic violation.

2 **“SECTION 37.** ORS 803.350 is amended to read:

3 “803.350. This section establishes the requirements for qualification for  
4 registration. The Department of Transportation may not issue registration  
5 to a vehicle if the requirements under this section are not met. The depart-  
6 ment, in the absence of just cause for refusing to register a vehicle upon  
7 application, shall assign a distinctive number or other distinctive means of  
8 identification and shall issue registration for a vehicle if all of the following  
9 requirements are met:

10 “(1) The applicant applies for and is granted title in the applicant’s name  
11 at the same time the person makes application for registration, or presents  
12 satisfactory evidence that title covering the vehicle has been previously is-  
13 sued to the applicant.

14 “(2) The applicant completes an application described under ORS 803.370.  
15 If the vehicle is a reconstructed or assembled vehicle or a replica, the person  
16 must indicate that fact in the application or be subject to ORS 803.225.

17 “(3) The applicant pays the department the registration fee established  
18 under ORS 803.420 and 803.422 **and section 13 of this 2023 Act** and any  
19 applicable fees for issuance of registration plates.

20 “(4) For motor vehicles, proof of compliance with pollution control  
21 equipment requirements is provided to the department. Proof required to  
22 comply with this subsection is described under ORS 815.310. This subsection  
23 does not apply if the vehicle is exempt from the requirements for proof of  
24 compliance under ORS 815.300.

25 “(5) The applicant is domiciled in this state, as described in ORS 803.355,  
26 if required by ORS 803.360 to be domiciled in the state in order to register  
27 a vehicle. If the department has reason to believe that the applicant is not  
28 domiciled in this state and is required to be in order to register a vehicle,  
29 the department may require the person to submit proof of domicile. The de-  
30 partment shall determine by rule what constitutes proof of domicile.

1 “(6) The applicant owns a vehicle that qualifies under ORS 803.360 (2) for  
2 registration in this state, if the owner is not domiciled in this state and is  
3 not required by ORS 803.200, or any other provision of law, to register the  
4 vehicle in this state.

5 “(7) The applicant surrenders all evidence of any former registration or  
6 title as required by ORS 803.380.

7 “(8)(a) Beginning with 2009 model year new motor vehicles, the applicant  
8 provides proof of compliance with low emission motor vehicle standards  
9 adopted pursuant to ORS 468A.360. The department shall determine by rule  
10 what constitutes proof of compliance with low emission motor vehicle stan-  
11 dards.

12 “(b) The department shall determine by rule which new motor vehicles  
13 are exempt from the requirements of this subsection. Any rules adopted  
14 pursuant to this paragraph shall be consistent with the Environmental  
15 Quality Commission standards adopted pursuant to ORS 468A.360.

16 “(c) For purposes of this subsection, ‘new motor vehicle’ means a motor  
17 vehicle with 7,500 miles or less on the odometer when the vehicle is initially  
18 registered under ORS 803.420 (6)(a), 805.100, 805.110 or 805.120.

19 “(9) If required to do so by the department, the applicant provides the  
20 department with satisfactory proof that the vehicle was designed to be op-  
21 erated on highways and meets equipment requirements imposed by statute  
22 or rule for the lawful operation of a vehicle on highways. The department  
23 may adopt rules specifying the kinds of vehicles that are subject to this  
24 subsection and what constitutes satisfactory proof under this subsection.

25

26

## “CAPTIONS

27

28 **“SECTION 38. The unit and section captions used in this 2023 Act**  
29 **are provided only for the convenience of the reader and do not become**  
30 **part of the statutory law of this state or express any legislative intent**

1 in the enactment of this 2023 Act.

2

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**“EFFECTIVE DATE**

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5 **“SECTION 39. This 2023 Act takes effect on the 91st day after the**  
6 **date on which the 2023 regular session of the Eighty-second Legislative**  
7 **Assembly adjourns sine die.”.**

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