

Enrolled Senate Bill 431

Sponsored by Senator GORDLY

CHAPTER

AN ACT

Relating to involuntary towing of motor vehicles.

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

SECTION 1. Section 2 of this 2007 Act is added to and made a part of ORS chapter 90.

SECTION 2. (1) A landlord may have a motor vehicle removed from the premises only in compliance with this section and either ORS 98.810 to 98.818 or ORS 98.830, 98.835 and 98.840.

(2) Except as provided in ORS 90.425 regarding abandoned vehicles, a landlord may have a motor vehicle removed from the premises without notice to the owner or operator of the vehicle only if the vehicle:

- (a) Blocks or prevents access by emergency vehicles;**
- (b) Blocks or prevents entry to the premises;**
- (c) Violates a prominently posted parking prohibition;**
- (d) Blocks or is unlawfully parked in a space reserved for persons with disabilities;**
- (e) Is parked in an area not intended for motor vehicles including, but not limited to, sidewalks, lawns and landscaping;**
- (f) Is parked in a space reserved for tenants and does not display a parking tag, sticker or other device, as provided by subsection (3) of this section; or**
- (g) Is parked in a specific space assigned to a tenant, as provided by subsection (4) of this section.**

(3) A landlord may have a motor vehicle removed from the premises under subsection (2)(f) of this section only if the landlord:

- (a) Provides parking tags, stickers or other devices that identify vehicles that are authorized to be parked on the premises; and**
- (b) Enters into written agreements with the owners or operators of vehicles authorized to park on the premises that:**
 - (A) Authorize the landlord to have a vehicle removed from the premises without notice for failing to display the parking tag, sticker or other device;**
 - (B) Unless the information is disclosed on prominent signs posted on the premises, disclose to the owners or operators of authorized vehicles the name, address and contact information of the tow company that is authorized to remove vehicles from the premises; and**
 - (C) Specify whether guest parking is allowed and, if guest parking is allowed, describe methods for identifying guest parking spaces or identifying authorized guest vehicles.**

(4) If a landlord assigns a specific parking space to a tenant, the landlord may have a vehicle towed under subsection (2)(g) of this section from the assigned parking space only

with the agreement of the tenant. The landlord may not require the tenant to agree to towing.

(5) A landlord may have a motor vehicle that is inoperable, but otherwise parked in compliance with an agreement between the landlord and the owner or operator of the vehicle, removed from the premises if the landlord affixes a prominent notice to the vehicle stating that the vehicle will be towed if the vehicle is not removed or otherwise brought into compliance with the agreement. The landlord must affix the notice required by this subsection at least 72 hours before the vehicle may be removed.

(6) A landlord may not have a motor vehicle removed under this section because the vehicle's registration has expired or is otherwise invalid.

(7) This section does not:

(a) Apply to a landlord of a facility.

(b) Affect the obligations imposed on a landlord under ORS 98.810 to 98.818 or under ORS 98.830, 98.835 and 98.840.

Passed by Senate May 10, 2007

Received by Governor:

Repassed by Senate June 13, 2007

.....M.,....., 2007

Approved:

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Secretary of Senate

.....M.,....., 2007

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President of Senate

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Governor

Passed by House June 11, 2007

Filed in Office of Secretary of State:

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Speaker of House

.....M.,....., 2007

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Secretary of State