

Enrolled
Senate Bill 567

Sponsored by COMMITTEE ON BUSINESS, TRANSPORTATION AND WORKFORCE DEVELOPMENT (at the request of City of Portland)

CHAPTER

AN ACT

Relating to custody of vehicles; amending ORS 819.120.

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

SECTION 1. ORS 819.120 is amended to read:

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

(2) As used in this section, a "hazard or obstruction" includes, but is not necessarily limited to:

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

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

(A) Of any freeway within the city limits of any city in this state [*during the hours of 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m.*] **at any time if the vehicle has a gross vehicle weight of 26,000 pounds or less;**

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

[(B)] (C) Of any freeway within 1,000 feet of the area where a freeway exit or entrance ramp meets the freeway; or

[(C)] (D) Of any highway during or into the period between sunset and sunrise if the vehicle presents a clear danger.

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

(4) After taking a vehicle into custody under this section an authority taking custody of a vehicle is required to give the notice described under ORS 819.180 and, if requested, a hearing described under ORS 819.190.

(5) The authority in this section to remove and take vehicles into custody is in addition to any authority to remove and take vehicles into custody under ORS 819.110.

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

(7) An authority removing a vehicle under this section shall cause the vehicle to be appraised within a reasonable time by a person authorized to perform such appraisals under ORS 819.230.

(8) Vehicles removed and taken into custody under this section are subject to sale or disposition under ORS 819.210 or 819.220 if the vehicles are not reclaimed under ORS 819.150 or returned to the owner or person entitled thereto under ORS 819.190.

(9) The Oregon Transportation Commission, by rule, shall establish additional criteria for determining when vehicles on state highways, interstate highways and state property are subject to being taken into immediate custody under this section.

Passed by Senate April 23, 2007

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Secretary of Senate

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President of Senate

Passed by House June 4, 2007

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Speaker of House

Received by Governor:

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

Approved:

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

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Governor

Filed in Office of Secretary of State:

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

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Secretary of State