

Senate Bill 567

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

SUMMARY

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

Permits authority to declare vehicle parked on freeway within city limits at any time hazard or obstruction for purposes of custody and removal of vehicle.

A BILL FOR AN ACT

1
2 Relating to custody of vehicles; amending ORS 819.120.

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

4 **SECTION 1.** ORS 819.120 is amended to read:

5 819.120. (1) An authority described under ORS 819.140 may immediately take custody of a vehi-
6 cle that is disabled, abandoned, parked or left standing unattended on a road or highway right of
7 way and that is in such a location as to constitute a hazard or obstruction to motor vehicle traffic
8 using the road or highway.

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

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

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

14 (A) Of any freeway within the city limits of any city in this state [*during the hours of 7 a.m. to*
15 *9 a.m. and 4 p.m. to 6 p.m.*];

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

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

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

25 (4) After taking a vehicle into custody under this section an authority taking custody of a ve-
26 hicle is required to give the notice described under ORS 819.180 and, if requested, a hearing de-
27 scribed under ORS 819.190.

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

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

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

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

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

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

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