

# Senate Bill 861

Sponsored by Senator DECKERT

## 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**.

Requires tower of motor vehicle to provide certain information to owner of motor vehicle. Defines "tower."

## A BILL FOR AN ACT

1  
2 Relating to towers of motor vehicles; creating new provisions; and amending ORS 98.812, 811.620 and  
3 819.160.

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

5 **SECTION 1. (1) If the owner or operator of a motor vehicle is present at the time of a**  
6 **tow, the tower shall provide to the owner or operator of the motor vehicle, before towing,**  
7 **the following information:**

8 (a) **The estimated cost of the tow;**

9 (b) **The prices the tower charges for goods and services;**

10 (c) **The location where the tower will store the motor vehicle and personal property in**  
11 **the motor vehicle;**

12 (d) **The telephone number and any other means of contacting the tower, and the hours**  
13 **of availability at that telephone number and at the other means of contacting the tower; and**

14 (e) **The methods of payment that the tower accepts.**

15 (2)(a) **If the owner or operator of the motor vehicle is not present at the time of the tow,**  
16 **the tower shall, within 24 hours after towing the motor vehicle, request the name and ad-**  
17 **dress of the owner of the motor vehicle from the Department of Transportation.**

18 (b) **The tower shall provide the information required under subsection (1) of this section**  
19 **to the owner of the motor vehicle by mail or facsimile transmission within 24 hours from the**  
20 **receipt of the information from the department. The tower shall retain the record of the**  
21 **mailing or facsimile transmission for three years after the tow.**

22 (3) **For the purposes of this section, a "tower" means a person that owns or operates a**  
23 **tow vehicle for profit or is employed by a person that owns or operates a tow vehicle for**  
24 **profit.**

25 **SECTION 2. ORS 98.812 is amended to read:**

26 98.812. (1) **If a motor vehicle has been left or parked in violation of ORS 98.810, the owner of**  
27 **the parking facility or the owner of the proscribed property, after notice to the local law enforce-**  
28 **ment agency, may have [*the motor vehicle towed*] a tower, as defined in section 1 of this 2007 Act,**  
29 **tow the motor vehicle from the parking facility or the proscribed property and placed in storage**  
30 **at a public garage or public parking lot.**

31 (2) **A tower who tows a motor vehicle at the request of an owner of a parking facility or**

**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 **the owner of proscribed property under this section shall provide to the owner or operator**  
 2 **of the motor vehicle the information required under section 1 of this 2007 Act in the manner**  
 3 **provided in section 1 of this 2007 Act.**

4 [(2)] (3) [The] A garagekeeper or public parking operator is entitled to a lien on [the] **an un-**  
 5 **claimed motor** vehicle and its contents for the garagekeeper's or operator's just and reasonable  
 6 charges and may retain possession thereof until the just and reasonable charges for the towage, care  
 7 and storage of the **unclaimed motor** vehicle have been paid if the garagekeeper or public parking  
 8 operator complies with the following requirements:

9 (a) The garagekeeper or public parking operator shall notify the local law enforcement agency  
 10 of the location of the **motor** vehicle within one hour after the **motor** vehicle is placed in storage;

11 (b) If the unclaimed **motor** vehicle is registered in Oregon, the garagekeeper or public parking  
 12 operator shall give notice, within 15 days after the **motor** vehicle is placed in storage, to the **motor**  
 13 vehicle owner or any other person with an interest in the **motor** vehicle, as indicated by the cer-  
 14 tificate of title. If notice under this paragraph is given by mail, it must be transmitted within the  
 15 15-day period, but need not be received within that period, but within a reasonable time. If the  
 16 garagekeeper or public parking operator fails to comply with the notice requirements of this para-  
 17 graph, the amount of the lien is limited to a sum equal to the reasonable expenses incurred within  
 18 the 15-day period for towage, care and storage of the **motor** vehicle; and

19 (c) If the unclaimed **motor** vehicle is not registered in Oregon, the garagekeeper or public  
 20 parking operator shall, within 15 days after the **motor** vehicle is placed in storage, notify and re-  
 21 quest the title information and the name, address and telephone number of the **motor** vehicle owner  
 22 from the motor vehicle agency for the state in which the vehicle is registered. The garagekeeper  
 23 or public parking operator shall have 15 days from the date of receipt of the information from the  
 24 state motor vehicle agency to notify the **motor** vehicle owner or any other person with an interest  
 25 in the **motor** vehicle, as indicated by the certificate of title. If notice under this paragraph is given  
 26 by mail, it must be transmitted within 15 days from the receipt of information from the state motor  
 27 vehicle agency, but need not be received within that period, but within a reasonable time. If the  
 28 garagekeeper or public parking operator fails to comply with the notice requirements of this para-  
 29 graph, the amount of the lien is limited to a sum equal to the reasonable expenses incurred within  
 30 the period between storage of the **motor** vehicle and receipt of information from the state motor  
 31 vehicle agency for towage, care and storage of the **motor** vehicle.

32 [(3)] (4) The lien created by subsection [(2)] (3) of this section may be foreclosed only in the  
 33 manner provided by ORS 87.172 (3) and 87.176 to 87.206 for foreclosure of liens arising or claimed  
 34 under ORS 87.152.

35 **SECTION 3.** ORS 811.620 is amended to read:

36 811.620. If a vehicle is illegally parked in violation of ORS 811.615, the vehicle may be removed  
 37 and, if notice required under subsection (3) of this section is given, is subject to costs for the re-  
 38 moval and storage of the vehicle as provided under the following:

39 (1) The owner of private property may have the vehicle removed from the property in the man-  
 40 ner provided for removal of vehicles under ORS 98.812.

41 (2) Subject to subsection (3) of this section, any state agency or political subdivision of this state  
 42 may provide for the removal and storage of the vehicle and the vehicle shall be subject to the fol-  
 43 lowing:

44 (a) The state agency or political subdivision may require payment of reasonable costs for re-  
 45 moval and storage of the vehicle before the vehicle is released.

1 (b) If the vehicle is not claimed and any fees required under this subsection are not paid within  
2 30 days of the removal, a lien described under ORS 98.812 [(3)] (4) attaches to the vehicle and its  
3 contents for the reasonable costs for removal and storage of the vehicle and contents.

4 (3) If a vehicle is removed under subsection (2) of this section, the garagekeeper or public  
5 parking operator removing the vehicle shall:

6 (a) Notify the local law enforcement agency of the location of the vehicle within one hour after  
7 the vehicle is placed in storage; and

8 (b) Unless the vehicle is claimed, give notice, within 10 days after the vehicle is placed in  
9 storage, to the vehicle owner or any other person with an interest in the vehicle, as indicated by  
10 the title records. If notice under this paragraph is given by mail, it must be mailed within the 10-day  
11 period, but need not be received within that period.

12 **SECTION 4.** ORS 819.160 is amended to read:

13 819.160. (1) Except as otherwise provided by this section, a person shall have a lien on the ve-  
14 hicle and its contents if the person, at the request of an authority described under ORS 819.140, tows  
15 any of the following vehicles:

16 (a) An abandoned vehicle appraised at a value of more than \$500 by a person who holds a cer-  
17 tificate issued under ORS 819.230.

18 (b) A vehicle taken into custody under ORS 819.110 or 819.120, unless it is an abandoned vehicle  
19 appraised at a value of \$500 or less by a person who holds a certificate issued under ORS 819.230.

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

21 (2) A lien established under this section shall be on the vehicle and its contents for the just and  
22 reasonable charges for the towing service performed and any storage provided. However, if the  
23 person who tows the vehicle fails to comply with the notice requirements of subsection (3) of this  
24 section, the amount of any lien claimed under this paragraph shall be limited to an amount equal  
25 to the just and reasonable charges for the towing service performed and storage provided for a pe-  
26 riod not exceeding 20 days from the date the vehicle and its contents were placed in storage. The  
27 lien shall be subject to the provisions for liens under ORS 98.812 [(3)] (4). The person holding the  
28 lien may retain possession of the vehicle and contents until the charges on which the lien is based  
29 are paid. A lien described under this section does not attach:

30 (a) To the contents of any vehicle taken from public property until 15 days after taking the ve-  
31 hicle into custody.

32 (b) To the contents of any vehicle that is taken into custody for violation of ORS 811.555 or  
33 811.570.

34 (3) A person who tows any vehicle at the request of an authority under ORS 819.110 or 819.120  
35 shall transmit by certified mail, within 20 days after the vehicle and its contents are placed in  
36 storage, written notice, approved by the authority, containing information on the procedures neces-  
37 sary to obtain a hearing under ORS 819.190. The notice shall be provided to the owner, a person  
38 entitled to possession or any person with an interest recorded on the title to the vehicle. This sub-  
39 section does not apply to a person who tows an abandoned vehicle that is appraised at a value of  
40 \$500 or less by a person who holds a certificate issued under ORS 819.230.

41 **SECTION 5. Section 1 of this 2007 Act and the amendments to ORS 98.812, 811.620 and**  
42 **819.160 by sections 2 to 4 of this 2007 Act apply to persons who tow motor vehicles on or after**  
43 **the effective date of this 2007 Act.**