

Senate Bill 493

Sponsored by Senator PROZANSKI (at the request of Debra Obert)

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**.

Provides civil immunity for tower who tows vehicle at request of owner of parking facility or owner of proscribed property.

A BILL FOR AN ACT

1
2 Relating to towers; amending ORS 98.812.

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

4 **SECTION 1.** ORS 98.812 is amended to read:

5 98.812. (1) If a vehicle has been left or parked in violation of ORS 98.810, the owner of the
6 parking facility or the owner of the proscribed property may have a tower tow the vehicle from the
7 parking facility or the proscribed property and place the vehicle in storage at a secure location
8 under the control of the tower.

9 **(2) A tower who tows a vehicle pursuant to subsection (1) of this section is immune from**
10 **civil liability. This subsection does not grant immunity for any loss, damage or injury arising**
11 **out of any negligent or willful damage to or destruction of the vehicle that occurs during the**
12 **course of the towing.**

13 [(2)] (3) A tower who tows a vehicle at the request of an owner of a parking facility or the
14 owner of proscribed property under this section shall provide to the owner or operator of the vehicle
15 the information required in ORS 98.856 in the manner provided in ORS 98.856.

16 [(3)] (4) A tower is entitled to a lien on a towed vehicle and its contents for the tower's just
17 and reasonable charges and may retain possession thereof until the just and reasonable charges for
18 the towage, care and storage of the towed vehicle have been paid if the tower complies with the
19 following requirements:

20 (a) The tower shall notify the local law enforcement agency of the location of the towed vehicle
21 within one hour after the towed vehicle is placed in storage;

22 (b) If the towed vehicle is registered in Oregon, the tower shall give notice, within 15 days after
23 the towed vehicle is placed in storage, to the owner of the towed vehicle or any other person with
24 an interest in the towed vehicle, as indicated by the certificate of title. If notice under this para-
25 graph is given by mail, it must be transmitted within the 15-day period, but need not be received
26 within that period, but within a reasonable time. If the tower fails to comply with the notice re-
27 quirements of this paragraph, the amount of the lien is limited to a sum equal to the reasonable
28 expenses incurred within the 15-day period for towage, care and storage of the towed vehicle; and

29 (c) If the towed vehicle is not registered in Oregon, the tower shall, within 15 days after the
30 towed vehicle is placed in storage, notify and request the title information and the name and address
31 of the owner of the towed vehicle from the motor vehicle agency for the state in which the towed

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 vehicle is registered. The tower shall have 15 days from the date of receipt of the information from
2 the state motor vehicle agency to notify the owner of the towed vehicle or any other person with
3 an interest in the towed vehicle, as indicated by the certificate of title. If notice under this para-
4 graph is given by mail, it must be transmitted within 15 days from the receipt of information from
5 the state motor vehicle agency, but need not be received within that period, but within a reasonable
6 time. If the tower fails to comply with the notice requirements of this paragraph, the amount of the
7 lien is limited to a sum equal to the reasonable expenses incurred within the period between storage
8 of the towed vehicle and receipt of information from the state motor vehicle agency for towage, care
9 and storage of the towed vehicle.

10 [(4)] (5) The lien created by subsection [(3)] (4) of this section may be foreclosed only in the
11 manner provided by ORS 87.172 (3) and 87.176 to 87.206 for foreclosure of liens arising or claimed
12 under ORS 87.152.

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