

SENATE AMENDMENTS TO SENATE BILL 447

By COMMITTEE ON BUSINESS, TRANSPORTATION AND ECONOMIC DEVELOPMENT

April 5

- 1 On page 1 of the printed bill, delete lines 8 through 27.
- 2 On page 2, delete lines 1 through 3 and insert:
- 3 **“SECTION 2. (1) If personal property is deposited, left or displayed under a state highway**
- 4 **bridge, on property along a river and within an urban growth boundary, and the personal**
- 5 **property is a public nuisance under ORS 377.650, the Department of Transportation may re-**
- 6 **move, store and dispose of the personal property as provided in this section.**
- 7 **“(2) Prior to the removal of the personal property, the department shall post written**
- 8 **notice in the manner provided in this subsection. The written notice must:**
- 9 **“(a) Be laminated or weather resistant.**
- 10 **“(b) Be posted in a conspicuous location within 30 feet of the property to be removed.**
- 11 **“(c) Include the following dates:**
- 12 **“(A) The date the notice is posted;**
- 13 **“(B) The date by which the property owner must remove the property; and**
- 14 **“(C) The dates within which the department may remove the property pursuant to sub-**
- 15 **section (3) of this section.**
- 16 **“(d) Be posted no less than five days and no more than 19 days prior to removal. If the**
- 17 **notice is removed during the posting period, the department may proceed with the removal**
- 18 **of the personal property but shall replace the notice at the site for the purpose of informing**
- 19 **property owners about how to claim the property.**
- 20 **“(e) Provide information about the storage of the property, including but not limited to**
- 21 **how long the department will store the property and a telephone number at which the**
- 22 **property owner can contact the department to make arrangements to claim the property.**
- 23 **“(f) Be written in English and Spanish.**
- 24 **“(3) No less than five days and no more than 19 days after posting written notice, the**
- 25 **department may remove the personal property.**
- 26 **“(4) The department shall store the personal property removed under subsection (3) of**
- 27 **this section:**
- 28 **“(a) In a manner that is reasonably likely to protect the property from harm;**
- 29 **“(b) In a location that is reasonably secure; and**
- 30 **“(c) In a location that is reasonably accessible to the location where the property was**
- 31 **found.**
- 32 **“(5) After storing the property for 30 days, unless the property is claimed by the property**
- 33 **owner, the department may sell or otherwise dispose of the personal property.**
- 34 **“(6) The department is not liable for any conversion of personal property removed or**
- 35 **stored under this section.**

1 **“(7) The department may collect the costs of removing, storing, selling or disposing of**
2 **the personal property from the property owner pursuant to this section.**

3 **“(8) If the department determines that the personal property creates an exceptional**
4 **emergency, such as possible site contamination by hazardous materials, or that the personal**
5 **property presents an immediate danger to human life or safety, the department may imme-**
6 **diately remove and dispose of the property without notice as described in subsection (2) of**
7 **this section. Personal property that may enter a river as a result of seasonal increases in**
8 **river levels, absent other evidence, does not constitute an exceptional emergency. Personal**
9 **property that may enter a river as a result of unanticipated flooding, absent other evidence,**
10 **does constitute an exceptional emergency.**

11 **“(9) A permanent sign posted by the department that announces that personal property**
12 **will be removed does not satisfy the notice requirements established under this section.**

13 **“(10) The department may adopt rules for the implementation of this section.”.**

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