

D R A F T

SUMMARY

Reduces period in which towers must provide notice to owners and lienholders of vehicle after towing vehicle.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to notification of parties with interest in towed vehicles; amending ORS 98.812, 98.830, 811.615 and 819.160; and declaring an emergency.

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

SECTION 1. ORS 98.812 is amended to read:

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

(2) A tower is entitled to a lien on a towed vehicle and its contents for the tower's just and reasonable charges. The tower may retain possession of the towed vehicle and its contents until the just and reasonable charges for the towage, care and storage of the towed vehicle have been paid if the tower complies with the following requirements:

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

(b) If the towed vehicle is registered in Oregon, the tower shall give notice[, *within 15 days*] **no later than the business day** after the towed

1 vehicle is placed in storage[,] to the owner of the towed vehicle or any other
2 person with an interest in the towed vehicle[,] as indicated by the certificate
3 of title. If notice under this paragraph is given by mail, it must be [*trans-*
4 *mitted within the 15-day period,*] **mailed no later than the business day**
5 **after the towed vehicle is placed in storage** but need not be received
6 within that period[, *but within a reasonable time*]. If the tower fails to comply
7 with the notice requirements of this paragraph, the amount of the lien is
8 limited to a sum equal to the reasonable expenses incurred [*within the 15-day*
9 *period*] for towage, care and storage of the towed vehicle **for one day**; and

10 (c) If the towed vehicle is not registered in Oregon, the tower shall,
11 [*within 15 days*] **no later than the business day** after the towed vehicle is
12 placed in storage, notify and request the title information and the name and
13 address of the owner of the towed vehicle from the records of the motor ve-
14 hicle agency for the state in which the towed vehicle is registered. The tower
15 shall have [*15 days*] **one business day** from the date of receipt of the in-
16 formation contained in the records of the state motor vehicle agency to no-
17 tify the owner of the towed vehicle or any other person with an interest in
18 the towed vehicle, as indicated by the certificate of title. If notice under this
19 paragraph is given by mail, it must be [*transmitted within 15 days from*]
20 **mailed no later than one business day after** the receipt of the information
21 contained in the records of the state motor vehicle agency[,] but need not
22 be received within that period[, *but within a reasonable time*]. If the tower
23 fails to comply with the notice requirements of this paragraph, the amount
24 of the lien is limited to a sum equal to the reasonable expenses incurred
25 within the period between storage of the towed vehicle and receipt of the
26 information contained in the records of the state motor vehicle agency for
27 towage, care and storage of the towed vehicle.

28 (3) The lien created by subsection (2) of this section may be foreclosed
29 only in the manner provided by ORS 87.172 (3) and 87.176 to 87.206 for fore-
30 closure of liens arising or claimed under ORS 87.152.

31 **SECTION 2.** ORS 98.830 is amended to read:

1 98.830. (1) A person who is the owner, or is in lawful possession, of pri-
2 vate property on which a vehicle has been abandoned may have a tower tow
3 the vehicle from the property if:

4 (a) The person affixes a notice to the vehicle stating that the vehicle will
5 be towed if it is not removed;

6 (b) The notice required by paragraph (a) of this subsection remains on the
7 vehicle for at least 72 hours before the vehicle is [*removed*] **towed**; and

8 (c) The person fills out and signs a form that includes:

9 (A) A description of the vehicle to be towed;

10 (B) The location of the property from which the vehicle will be towed;
11 and

12 (C) A statement that the person has complied with paragraphs (a) and (b)
13 of this subsection.

14 (2) A tower who tows a vehicle pursuant to this section is immune from
15 civil liability for towing the vehicle if the tower has a form described in
16 subsection (1) of this section, filled out by a person purporting to be the
17 owner or a person in lawful possession of the private property from which
18 the vehicle is towed. This subsection does not grant immunity for any loss,
19 damage or injury arising out of any negligent or willful damage to, or de-
20 struction of, the vehicle that occurs during the course of the towing.

21 (3) A tower is entitled to a lien on a vehicle towed under this section and
22 its contents for the tower's just and reasonable charges. The tower may re-
23 tain possession of the towed vehicle and its contents until the just and rea-
24 sonable charges for the towage, care and storage have been paid [*if the tower*
25 *complies with the requirements of*] **under** ORS 98.812 (2).

26 (4) The lien created by subsection (3) of this section may be foreclosed
27 only in the manner provided by ORS 87.172 (3) and 87.176 to 87.206 for fore-
28 closure of liens arising or claimed under ORS 87.152.

29 **SECTION 3.** ORS 811.615 is amended to read:

30 811.615. (1) A person commits the offense of unlawful parking in a space
31 reserved for persons with disabilities if:

1 (a) The person parks a vehicle in any parking space that is on private or
2 public property and that is marked or signed to provide parking for persons
3 with disabilities and the vehicle does not conspicuously display a disabled
4 person parking permit described in ORS 811.602 or 811.606 or a disabled
5 parking permit issued by another jurisdiction;

6 (b) The person parks a vehicle in the aisle required by ORS 447.233 re-
7 gardless of whether or not the vehicle displays a disabled person parking
8 permit; or

9 (c) The person parks a vehicle in a parking space that is on private or
10 public property and that is marked or signed "Wheelchair User Only" as
11 described in ORS 447.233 and the vehicle does not conspicuously display a
12 "Wheelchair User" placard or decal issued under ORS 811.613.

13 (2) This section does not apply to any of the following:

14 (a) Momentarily parking a vehicle in a parking space marked or signed
15 for persons with disabilities for the purposes of allowing a person with a
16 disability to enter or leave the vehicle.

17 (b) Any parking space that is marked or signed to provide parking for
18 persons with disabilities and that is subject to different provisions or re-
19 quirements under city or county ordinance if the different provisions or re-
20 quirements are clearly posted.

21 (3) Unless the police officer or other authorized person issuing the cita-
22 tion witnesses the parking of the vehicle, a rebuttable presumption exists
23 that a vehicle parked in violation of this section was parked by the regis-
24 tered owner of the vehicle and the citation issued for the violation may be
25 placed upon the vehicle. If the parking of the vehicle is witnessed by the
26 police officer or other person authorized to issue a citation for the offense,
27 the operator of the vehicle is in violation of this section.

28 (4) The penalties provided by this section shall be imposed regardless of
29 the text or symbol displayed on the marking or sign reserving the space or
30 aisle for persons with disabilities. The penalties are in addition to the fol-
31 lowing:

1 (a) A vehicle parked on private property in violation of this section is
2 subject to removal, [*under ORS 98.810 and to*] lien and sale under ORS
3 98.812.

4 (b) A vehicle parked in violation of this section may be removed and sold
5 as provided under ORS 811.620.

6 (5)(a) Except as provided in paragraph (b) of this subsection, unlawful
7 parking in a space reserved for persons with disabilities is a Class C traffic
8 violation.

9 (b) A second or subsequent conviction for unlawful parking in a space
10 reserved for persons with disabilities is a Class A traffic violation.

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

12 819.160. (1) Except as otherwise provided by this section, a person shall
13 have a lien on the vehicle and its contents if the person, at the request of
14 an authority described under ORS 819.140, tows any of the following vehicles:

15 (a) An abandoned vehicle appraised at a value of more than \$500 by a
16 person who holds a certificate issued under ORS 819.480.

17 (b) A vehicle taken into custody under ORS 819.110 or 819.120, unless it
18 is an abandoned vehicle appraised at a value of \$500 or less by a person who
19 holds a certificate issued under ORS 819.480.

20 (c) A vehicle left parked or standing in violation of ORS 811.555 or
21 811.570.

22 (2) A lien established under this section shall be on the vehicle and its
23 contents for the just and reasonable charges for the towing service performed
24 and any storage provided. However, if the person that tows the vehicle fails
25 to comply with the notice requirements of subsection (3) of this section, the
26 amount of any lien claimed under this section is limited to an amount equal
27 to the just and reasonable charges for the towing service performed and
28 storage provided for a period not exceeding [*20 days*] **one day** from the date
29 the vehicle and its contents were placed in storage. The lien is subject to
30 the provisions for liens under ORS 98.812. The person holding the lien may
31 retain possession of the vehicle and contents until the charges on which the

1 lien is based are paid. A lien described under this section does not attach:

2 (a) To the contents of any vehicle taken from public property until 15
3 days after taking the vehicle into custody.

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

6 (3) A person that tows any vehicle at the request of an authority under
7 ORS 819.110 or 819.120 shall transmit by first class mail with a certificate
8 of mailing, [*within 20 days*] **no later than the next business day** after the
9 vehicle and its contents are placed in storage, written notice, approved by
10 the authority, containing information on the procedures necessary to obtain
11 a hearing under ORS 819.190. The notice shall be provided to the owner, a
12 person entitled to possession or any person with an interest recorded on the
13 title to the vehicle. This subsection does not apply to a person that tows an
14 abandoned vehicle that is appraised at a value of \$500 or less by a person
15 who holds a certificate issued under ORS 819.480.

16 **SECTION 5. This 2019 Act being necessary for the immediate pres-**
17 **ervation of the public peace, health and safety, an emergency is de-**
18 **clared to exist, and this 2019 Act takes effect on its passage.**

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