

SB 396 STAFF MEASURE SUMMARY

Senate Committee On Judiciary

Prepared By: Michael Lantz, Counsel

Meeting Dates: 3/20

WHAT THE MEASURE DOES:

Allows fuel dispensary to have vehicle hindering access to fuel pump towed after providing two hours notice.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Under ORS 98.830, a private property owner can have an abandoned vehicle towed from his or her property 72 hours after affixing notice of the pending tow to that vehicle. The property owner must also fill out and sign a form that describes the vehicle to be towed, provides the location of the property, and contains a statement confirming that the property owner has complied with the 72 hour notice requirement. The same statute also provides that a tower who removes the vehicle is entitled to a lien on that vehicle and is immune from civil liability. However, immunity does not extend to loss, damage, or injury caused by the tower's negligent or willful actions.

SB 396 allows the owner or operator of a fuel dispensary to have an abandoned vehicle blocking or hindering access to a fuel pump towed two hours after affixing notice to the vehicle. The fuel dispensary owner must still fill out and sign a form that describes the vehicle to be towed, provides the location of the property, and states that the vehicle is interfering with the fuel dispensary's business by blocking the fuel pump. SB 396 also provides that a tower who removes a vehicle under these circumstances is entitled to a lien on the towed vehicle and is granted the same limited civil liability immunity that towers operating under the 72 hour rule have.