

House Bill 2394

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Attorney General Ellen Rosenblum)

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**.

Creates Abandoned Recreational Vehicle Disposal Revolving Account within State Highway Fund. Funds account through increase in recreational vehicle registration fees. Authorizes Department of Transportation to use account to reimburse cost of towing and disposal of abandoned recreational vehicles.

Makes person that abandons vehicle responsible for abandonment of vehicle and liable for costs of towing and disposing of abandoned vehicle.

Modifies notice content to parties interested in abandoned vehicles.

Requires law enforcement to move hazardous recreational vehicles used as domiciles before towing when possible.

Allows towers to sell or dispose of unclaimed seized, impounded and forfeited vehicles under same process as abandoned vehicles.

A BILL FOR AN ACT

1
2 Relating to towing vehicles; creating new provisions; amending ORS 98.830, 366.512, 366.744, 367.173,
3 367.605, 390.134, 390.848, 801.041, 801.042, 803.315, 803.350, 809.700, 809.720, 809.725, 819.100,
4 819.110, 819.120, 819.150, 819.160, 819.170, 819.180, 819.190, 819.210 and 819.215; and providing for
5 revenue raising that requires approval by a three-fifths majority.

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

7 **SECTION 1. Sections 2 and 3 of this 2019 Act are added to and made a part of the Oregon**
8 **Vehicle Code.**

9 **SECTION 2. (1) As used in this section:**

10 (a) "Costs of disposing of a vehicle" includes the reasonable costs of:

11 (A) Providing any notice required by law relating to the towing, storing or disposing of
12 a publicly abandoned recreational vehicle;

13 (B) Hooking up for tow, towing, impounding, immobilizing, transporting, storing, liening,
14 appraising, dismantling, recycling or disposing of a publicly abandoned recreational vehicle;

15 (C) Providing cleaning services necessary for the recycling or disposing of a publicly
16 abandoned recreational vehicle, including pest removal, drug abatement, asbestos removal
17 or other environmental or hazardous waste cleanup service; and

18 (D) Any other action associated with the removal or disposal of a publicly abandoned
19 recreational vehicle specified by the Department of Transportation by rule.

20 (b) "Person that disposes of a vehicle" includes any person other than the department
21 that:

22 (A) Holds a towing business certificate issued under ORS 822.205;

23 (B) Holds a dismantler certificate issued under ORS 822.110;

24 (C) Operates a tow vehicle under ORS 807.036;

25 (D) Is a law enforcement agency or is otherwise authorized to impound, immobilize, seize

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 or take custody of a vehicle under ORS 98.853, 809.700, 809.720, 809.730, 809.735, 809.740,
2 819.110 to 819.215 or 819.440 or a local ordinance; or

3 (E) Otherwise may incur reimbursable costs of disposing of a vehicle as specified by the
4 department by rule.

5 (c) "Publicly abandoned recreational vehicle" means a recreational vehicle that is:

6 (A) Abandoned under ORS 819.100 or 819.110, blocking or preventing access as described
7 in ORS 98.853 (1)(a) to (c) or subject to impoundment, immobilization or seizure under ORS
8 809.700, 809.720, 809.730 or 809.740 or a local ordinance; and

9 (B) Located upon a highway right of way, roadside rest area or park or recreation area.

10 (2) A person that disposes of a vehicle may request reimbursement from the department
11 of the person's unrecovered costs of disposing of the vehicle. The request must be received
12 by the department no later than 60 days following the date that a publicly abandoned recre-
13 ational vehicle is disposed of as described in ORS 819.210, 819.215 or 819.440 or moved as de-
14 scribed in ORS 819.110 (2).

15 (3) The department may use funds available from the Abandoned Recreational Vehicle
16 Disposal Revolving Account established in section 5 of this 2019 Act to reimburse a person
17 that disposes of a vehicle for up to 100 percent of the requested costs of disposing of the
18 vehicle, but not more than \$5,000 per publicly abandoned recreational vehicle.

19 (4) The owner of a publicly abandoned recreational vehicle and any person who causes
20 an inoperable vehicle to become a publicly abandoned recreational vehicle are each liable to
21 the department for the costs of disposing of a vehicle paid by the department under sub-
22 section (3) of this section. Moneys collected or received by the department under this sub-
23 section shall be paid into the Abandoned Recreational Vehicle Disposal Revolving Account
24 created in section 5 of this 2019 Act.

25 (5) A person may not receive reimbursement for the costs of disposing of a vehicle if, as
26 determined by a court, hearings officer under ORS 819.190, local ordinance or agency rule:

27 (a) The person is liable for those costs;

28 (b) The costs of disposing of the vehicle are unreasonable or unlawful; or

29 (c) The towing or disposal was unlawful.

30 (6) The department may adopt rules to establish reimbursement request forms, set
31 maximum reimbursement rates, aid in the recovery of account expenses or otherwise ad-
32 minister this section.

33 **SECTION 3.** In addition to the registration fees prescribed under ORS 803.420 (7), there
34 shall be paid for campers, travel trailers and motor homes each biennial registration period
35 an amount established by the Department of Transportation not to exceed \$12.

36 **SECTION 4.** Section 5 of this 2019 Act is added to and made a part of ORS chapter 366.

37 **SECTION 5.** (1) The Abandoned Recreational Vehicle Disposal Revolving Account is cre-
38 ated in the State Highway Fund. Interest earned by the account shall be credited to the ac-
39 count.

40 (2) The account shall consist of moneys paid into the account under ORS 366.512 (2) and
41 section 2 (4) of this 2019 Act.

42 (3) Moneys in the account are continuously appropriated to the Department of Trans-
43 portation to pay the expenses incurred under section 2 of this 2019 Act, including the costs
44 of administration.

45 **SECTION 6.** ORS 366.512 is amended to read:

1 366.512. (1) The Department of Transportation shall collect all registration fees for campers,
2 motor homes and travel trailers.

3 **(2) Fees collected under section 3 of this 2019 Act shall be paid into the Abandoned Rec-**
4 **reational Vehicle Disposal Revolving Account created in section 5 of this 2019 Act.**

5 **(3) All other fees collected under this section** [*Such fees*] shall be paid into the State Parks
6 and Recreation Department Fund.

7 [(2)] **(4)** As used in this section:

8 (a) “Camper” has the meaning given that term in ORS 801.180.

9 (b) “Motor home” has the meaning given that term in ORS 801.350.

10 (c) “Travel trailer” has the meaning given that term in ORS 801.565.

11 **SECTION 7.** ORS 819.100 is amended to read:

12 819.100. (1) A person commits the offense of abandoning a vehicle if the person abandons a ve-
13 hicle upon a highway or upon any public or private property.

14 **(2) A person who commits the offense of abandoning a vehicle and** the owner of the vehicle
15 as shown by the records of the Department of Transportation, [*shall be considered responsible*] **or**
16 **the records of the motor vehicle agency of the state in which the towed vehicle is registered,**
17 **are each responsible** for the abandonment of a vehicle in the manner prohibited by this section and
18 [*shall be*] **are each** liable for the cost of towing and disposition of the abandoned vehicle.

19 (3) A vehicle abandoned in violation of this section [*is*] **may be** subject to the provisions for
20 towing and sale **or disposal** of abandoned vehicles under ORS **98.810 to 98.818, 98.830, 98.853 to**
21 **98.862 or** 819.110 to 819.215.

22 (4) The offense described in this section, abandoning a vehicle, is a Class B traffic violation.

23 **SECTION 8.** ORS 819.110 is amended to read:

24 819.110. (1) After providing notice required under ORS 819.170 and, if requested, a hearing under
25 ORS 819.190, an authority described under ORS 819.140 may take a vehicle into custody and tow the
26 vehicle if:

27 (a) The authority has reason to believe the vehicle is disabled or abandoned; and

28 (b) The vehicle has been parked or left standing upon any [*public way*] **highway right of way**
29 **or other public property** for a period in excess of 24 hours without authorization by statute or
30 local ordinance.

31 **(2) If the vehicle is a camper, travel trailer or motor home that appears to the authority**
32 **to be occupied as a domicile and all the following can be accomplished safely and practicably,**
33 **the authority may:**

34 (a) **Leave the vehicle in place or transport the vehicle to an appropriate public way or**
35 **public property in the vicinity;**

36 (b) **Thereafter provide notice and take custody of the vehicle only as authorized under**
37 **this section and ORS 819.170; and**

38 (c) **Mail a copy of the notice given under ORS 819.170 that includes the location of the**
39 **vehicle within 24 hours of posting the notice to the persons entitled to a notice under ORS**
40 **819.180.**

41 [(2)] **(3)** The power to take vehicles into custody under this section is in addition to any power
42 to take vehicles into custody under ORS 819.120.

43 [(3)] **(4)** [*Subject to ORS 819.150,*] Vehicles and the contents of vehicles taken into custody under
44 this section are subject to a lien as provided under ORS 819.160.

45 [(4)] **(5)** The person that tows a vehicle under this section shall have the vehicle appraised

1 within a reasonable time by a person authorized to perform such appraisals under ORS 819.480.

2 [(5)] (6) Vehicles taken into custody under this section are subject to sale or disposal under ORS
 3 819.210 or 819.215 if the vehicles are not reclaimed as provided under ORS 819.150 or [returned]
 4 **released** to the owner or person entitled to possession under ORS 819.190.

5 **SECTION 9.** ORS 819.120 is amended to read:

6 819.120. (1) An authority described under ORS 819.140 may immediately take custody of and tow
 7 a vehicle that is disabled, abandoned, parked or left standing unattended on a road or highway right
 8 of way and that is in such a location as to constitute a hazard or obstruction to motor vehicle traffic
 9 using the road or highway.

10 (2) As used in this section[, a]:

11 (a) "Hazard or obstruction" includes[, *but is not necessarily limited to*]:

12 (A) **Any vehicle that a police officer may move or require to be moved under ORS 811.555**
 13 **or 811.570.**

14 [(a)] (B) Any vehicle that is parked so that any part of the vehicle extends within the paved
 15 portion of the travel lane.

16 [(b)] (C) Any vehicle that is parked so that any part of the vehicle extends within the highway
 17 shoulder or bicycle lane:

18 [(A)] (i) Of any freeway within the city limits of any city in this state at any time if the vehicle
 19 has a gross vehicle weight of 26,000 pounds or less;

20 [(B)] (ii) Of any freeway within the city limits of any city in this state during the hours of 7 a.m.
 21 to 9 a.m. and 4 p.m. to 6 p.m. if the vehicle has a gross vehicle weight of more than 26,000 pounds;

22 [(C)] (iii) Of any freeway within 1,000 feet of the area where a freeway exit or entrance ramp
 23 meets the freeway; or

24 [(D)] (iv) Of any highway during or into the period between sunset and sunrise if the vehicle
 25 presents a clear danger.

26 [(3)] (b) [As used in this section,] "Hazard or obstruction" does not include parking in a desig-
 27 nated parking area along any highway or, except as described in [subsection (2) of this section]
 28 **paragraph (a) of this subsection**, parking temporarily on the shoulder of the highway as indicated
 29 by a short passage of time and by the operation of the hazard lights of the vehicle[, the raised hood
 30 of the vehicle[, or advance warning with emergency flares or emergency signs.

31 [(4)] (3) An authority taking custody of a vehicle under this section must give the notice de-
 32 scribed under ORS 819.180 and, [if requested,] **upon request**, a hearing described under ORS 819.190.

33 [(5)] (4) The power to take vehicles into custody under this section is in addition to any power
 34 to take vehicles into custody under ORS 819.110.

35 [(6)] (5) [Subject to ORS 819.150,] Vehicles and the contents of vehicles taken into custody under
 36 this section are subject to a lien as provided under ORS 819.160.

37 [(7)] (6) [The] **A** person that tows a vehicle under this section shall have the vehicle appraised
 38 within a reasonable time by a person authorized to perform such appraisals under ORS 819.480.

39 [(8)] (7) Vehicles taken into custody under this section are subject to sale or disposal under ORS
 40 819.210 or 819.215 [if] **unless** the vehicles are [not] reclaimed under ORS 819.150 or [returned to the
 41 owner or person entitled thereto] **released** under ORS 819.190.

42 [(9)] (8) The Oregon Transportation Commission, by rule, shall establish additional criteria for
 43 determining when vehicles on state highways, interstate highways and state property are subject to
 44 being taken into immediate custody under this section.

45 **SECTION 10.** ORS 819.150 is amended to read:

1 819.150. The owner, a person entitled to possession or any person with an interest recorded on
 2 the title of a vehicle taken into custody under ORS 819.110 or 819.120:

3 (1) Is **jointly liable with the person that abandoned the vehicle** for all costs and expenses
 4 incurred in the towing, preservation [*and custody*], **storage and sale or disposal** of the vehicle and
 5 its contents except that:

6 (a) [*The owner, a person entitled to the vehicle or any person with an interest recorded on the title*
 7 *is not liable for nor shall be*] **A person is not** required to pay storage charges for a period in excess
 8 of 20 days unless the person has received a written notice under ORS 819.160. In no case shall a
 9 person be required to pay storage charges **under this section** for a storage period in excess of 60
 10 days.

11 (b) A security interest holder is not liable under this subsection unless the security interest
 12 holder reclaims the vehicle.

13 (2) May reclaim the vehicle [*at any time after it is taken into custody and*] before the vehicle is
 14 sold or disposed of under ORS 819.210 or 819.215 upon presentation to the authority holding the
 15 vehicle of satisfactory proof of ownership or right to possession and upon payment of costs and ex-
 16 penses for which the person is liable under this section **or the deposit of equivalent cash security**
 17 **or a bond.**

18 (3) [*If the vehicle is taken into custody under ORS 819.110 or 819.120, has a right to*] **May** request
 19 and [*have*] **receive** a hearing under ORS 819.190 [*or under procedures established under ORS 801.040,*
 20 *as appropriate*] **subject to subsection (6) of this section and without regard to whether the**
 21 **vehicle is reclaimed under subsection (2) of this section.**

22 (4) [*If the vehicle is sold or disposed of under ORS 819.210 or 819.215,*] has no further right, title
 23 or claim to or interest in the vehicle or the contents of the vehicle **after the vehicle is sold or**
 24 **disposed of under ORS 819.210 or 819.215.**

25 (5) [*If the vehicle is sold or disposed of under ORS 819.210, has a right to*] **May** claim the balance
 26 of the proceeds from the sale [*or disposition*] **under ORS 819.210** as provided under ORS 87.206.

27 (6) Has no right to a hearing [*if*] **after** the vehicle is disposed of under ORS 819.215.

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

29 819.160. (1) [*Except as otherwise provided by this section, a person shall have*] **A person has** a
 30 lien on [*the*] **a** vehicle and its contents if [*the person*], at the request of an authority described under
 31 ORS 819.140, **the person** tows any of the following vehicles:

32 [(a) *An abandoned vehicle appraised at a value of more than \$500 by a person who holds a cer-*
 33 *tificate issued under ORS 819.480.*]

34 [(b)] (a) A vehicle taken into custody under ORS 819.110 or 819.120[, *unless it is an abandoned*
 35 *vehicle appraised at a value of \$500 or less by a person who holds a certificate issued under ORS*
 36 *819.480*].

37 [(c)] (b) A vehicle left parked or standing in violation of ORS 811.555 or 811.570.

38 (c) **A vehicle impounded, immobilized or seized under ORS 809.700, 809.720, 809.730 or**
 39 **809.740 or a local ordinance.**

40 (2)(a) A lien established under this section [*shall be on*] **attaches to** the vehicle and its contents
 41 for the just and reasonable charges for the towing service performed and any storage provided.
 42 [*However,*]

43 (b) If the person that tows the vehicle fails to comply with the notice requirements of subsection
 44 [(3)] (5) of this section, the amount of any lien claimed under this section is limited to an amount
 45 equal to the just and reasonable charges for the towing service performed and storage provided for

1 a period not exceeding 20 days from the date the vehicle and its contents were placed in storage.
 2 *[The lien is subject to the provisions for liens under ORS 98.812.]*

3 (c) The person holding the lien may retain possession of the vehicle and contents until the
 4 charges on which the lien is based are paid.

5 (3) A lien described under this section does not attach:

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

8 (b) To the contents of any vehicle that is taken into custody for violation of ORS 811.555 or
 9 811.570.

10 (4) **At the time of towing or as soon as practicable thereafter, an authority that requests**
 11 **that a vehicle be towed under subsection (1) of this section shall provide to the person that**
 12 **tows the vehicle a written statement that contains the name and address of the registered**
 13 **owner of the vehicle and any person claiming interest in the vehicle as shown by the records**
 14 **of the Department of Transportation or the motor vehicle records office of the state in which**
 15 **the vehicle is registered.**

16 *[(3)]* (5) **Within 20 days of placing the vehicle and its contents into storage,** a person that
 17 tows any vehicle at the request of an authority *[under ORS 819.110 or 819.120]* **that has not been**
 18 **claimed and returned** shall transmit, by first class mail with a certificate of mailing, *[within 20*
 19 *days after the vehicle and its contents are placed in storage,]* written notice, approved by the author-
 20 ity, *[containing information on the procedures necessary to obtain a hearing under ORS 819.190. The*
 21 *notice shall be provided to the owner, a person entitled to possession or any person with an interest*
 22 *recorded on the title to the vehicle.]* **to each person listed on the written statement received**
 23 **under subsection (4) of this section. The notice must include:**

24 (a) **The name and address of the person that towed the vehicle;**

25 (b) **The current amount of the lien claim on the vehicle under this section;**

26 (c) **How the lien may be satisfied and the vehicle claimed;**

27 (d) **The rate of any accruing additional storage charges;**

28 (e) **That until the lien is satisfied or the vehicle is sold or disposed of, storage charges**
 29 **may continue to accrue for up to 60 days from the date of the towing; and**

30 (f) **That the reasonableness of the towing charges may be challenged by seeking a hearing**
 31 **from the authority under ORS 819.190.**

32 (6) *[This]* Subsection (5) of this section does not apply *[to a person that tows an abandoned*
 33 *vehicle that is appraised at a value of \$500 or less by a person who holds a certificate issued under*
 34 *ORS 819.480]* **if the person that tows the vehicle disposes of the vehicle under ORS 819.215.**

35 **SECTION 12.** ORS 819.170 is amended to read:

36 819.170. (1) If an authority **described under ORS 819.140** proposes to take custody of a vehicle
 37 under ORS 819.110, the authority shall *[provide notice and shall provide an explanation of procedures*
 38 *available for obtaining a hearing under ORS 819.190. Except as otherwise provided under ORS*
 39 *801.040, notice required under this section shall comply with all of the following:]*

40 *[(1) Notice shall be given by affixing]* **first affix** a notice to the vehicle with the *[required]* in-
 41 formation **required by subsection (3) of this section.** *[The notice shall be affixed to the vehicle at*
 42 *least 24 hours before taking the vehicle into custody. The 24-hour]*

43 (2) **The authority shall affix the notice to the vehicle at least 24 hours before taking the**
 44 **vehicle into custody. The notice** period under this subsection includes holidays, Saturdays and
 45 Sundays.

1 [(2)] **(3)** The notice shall state all of the following:

2 (a) **The time and date when the vehicle must be removed and** that the vehicle [*will be sub-*
 3 *ject to being*] **may be** taken into custody **by the authority** and towed [*by the appropriate authority*
 4 *if*] **unless** the vehicle is [*not*] removed **or a hearing is requested under ORS 819.190** before [*the*
 5 *time set by the appropriate authority*] **that time**.

6 (b) The statute, ordinance or rule violated by the vehicle and under which the vehicle will be
 7 towed.

8 (c) The place where the vehicle will be held in custody or the telephone number and address
 9 of the [*appropriate*] authority that will provide the information.

10 (d) That the vehicle, if taken into custody **by the authority** and towed, [*by the appropriate au-*
 11 *thority, will be*] **is** subject to towing and storage charges and that a lien will attach to the vehicle
 12 and its contents.

13 (e) That, **if towing and storage charges are not paid**, the vehicle [*will*] **may** be sold to satisfy
 14 the **unpaid** costs of towing and storage [*if the charges are not paid*] **or otherwise disposed of**.

15 (f) That [*the*] **an** owner, possessor or person having an interest in the vehicle [*is entitled to*] **may**
 16 **timely request and receive** a hearing, before **or after** the vehicle is impounded, to contest the
 17 [*proposed*] custody and towing [*if a hearing is timely requested*].

18 (g) That the owner, possessor or person having an interest in the vehicle may also [*challenge*]
 19 **contest** the reasonableness of any towing and storage charges at [*the*] **a** hearing.

20 (h) The time within which a hearing **under ORS 819.190** must be requested, [*and*] the method
 21 for requesting a hearing **and the process under which a hearing will be conducted**.

22 **(4) If the vehicle is a publicly abandoned recreational vehicle, as defined in section 2 of**
 23 **this 2019 Act, in addition to the requirements in subsection (3) of this section, the notice**
 24 **must contain, in English and Spanish, substantially the following information:**

25 _____
 26
 27 **To find local resources that can provide assistance with housing, food, shelter, health**
 28 **care, domestic or sexual violence safety services, legal advice or other needs, dial 211 from**
 29 **any phone or see www.211.org.**

30 _____
 31
 32 **SECTION 13.** ORS 819.180 is amended to read:

33 819.180. (1) [*If*] **Within two business days from the time** an authority **described under ORS**
 34 **819.140** takes custody of a vehicle under ORS 819.120, the authority shall provide, by **first class**
 35 **and** certified mail [*within 48 hours of the towing,*] written notice [*with an explanation of procedures*
 36 *available for obtaining a hearing under ORS 819.190*] to the owners of the vehicle and any lessors
 37 or security interest holders as shown in the records of the Department of Transportation. [*The notice*
 38 *shall state that the vehicle has been taken into custody and shall give the location of the vehicle and*
 39 *describe procedures for the release of the vehicle and for obtaining a hearing under ORS 819.190. The*
 40 *48-hour period under this subsection does not include holidays, Saturdays or Sundays.*]

41 (2) Any notice given under this section [*after a vehicle is taken into custody and towed*] shall
 42 state all of the following:

43 (a) That the vehicle has been taken into custody and towed[.].

44 (b) The identity of the [*appropriate*] authority that took the vehicle into custody. [*and towed the*
 45 *vehicle and*]

1 (c) The statute, ordinance or rule under which the vehicle has been taken into custody [*and*
2 *towed*].

3 [(b)] (d) **The name and address of the entity that towed the vehicle and** the location of the
4 vehicle or the telephone number and address of the [*appropriate*] authority that will provide the in-
5 formation.

6 [(c)] (e) That the vehicle is subject to towing and storage charges **and, if known**, the amount
7 of charges that have accrued to the date of the notice and the daily storage charges.

8 [(d)] (f) That the vehicle and its contents are subject to a lien for payment of the towing and
9 storage charges.

10 (g) **The date by which towing and storage charges must be paid.**

11 [(h)] [*and*] That, **if the towing and storage charges are not paid by the date specified**, the
12 vehicle and its contents [*will*] **may** be sold to cover the **unpaid** charges [*if the charges are not paid*
13 *by a date specified by the appropriate authority*] **or otherwise disposed of.**

14 [(e)] (i) That the owner, possessor or **any** person having an interest in the vehicle [*and*] **or** its
15 contents [*is entitled to*] **may request and receive** a prompt hearing to contest the validity of taking
16 the vehicle into custody and towing it [*and*] **or** to contest the reasonableness of the charges for
17 towing and storage [*if a hearing is timely requested*].

18 [(f)] (j) The time within which a hearing **under ORS 819.190** must be requested, [*and*] the
19 [*method*] **methods** for requesting a hearing **and the process under which a hearing will be con-**
20 **ducted.**

21 [(g)] (k) That the vehicle and its contents may be immediately reclaimed by presentation to the
22 [*appropriate*] authority of satisfactory proof of ownership or right to possession and either payment
23 of the towing and storage charges or the deposit of cash security or a bond equal to the charges
24 [*with the appropriate authority*].

25 **(3) If the vehicle is a publicly abandoned recreational vehicle, as defined in section 2 of**
26 **this 2019 Act, in addition to the requirements in subsection (2) of this section, the notice**
27 **must also contain information in a form designated by the Department of Transportation,**
28 **and as may be supplemented by the authority, that provides information including legal,**
29 **housing, shelter, domestic violence and addiction resources that are available to low-income**
30 **individuals.**

31 **SECTION 14.** ORS 819.190 is amended to read:

32 819.190. (1) A person [*provided notice under ORS 819.170 or 819.180 or any other person*] who
33 reasonably appears to have an interest in the vehicle **or its contents** may request a hearing under
34 this section to contest the validity of the towing and custody under ORS 819.120 or proposed towing
35 and custody of a vehicle under ORS 819.110 by submitting a request for hearing with the [*appro-*
36 *pr**iate*] authority [*not*] **no** more than five **business** days [*from the mailing date of the notice. The*
37 *five-day period in this section does not include holidays, Saturdays or Sundays. Except as otherwise*
38 *provided under ORS 801.040, a hearing under this section shall comply with all of the following:*] **after**
39 **the date a notice was last affixed to the vehicle or mailed under ORS 819.170 or 819.180.**

40 [(1)] (2) If the authority proposing to tow a vehicle under ORS 819.110 receives a request for
41 hearing before the vehicle is taken into custody and towed, the vehicle may not be towed unless the
42 vehicle constitutes a hazard.

43 [(2)] (3) A request for hearing [*shall*] **must** be in writing and [*shall*] state grounds upon which
44 the person requesting the hearing believes that the custody [*and towing*] of the vehicle is not justi-
45 fied **or that the towing or storage charges are not reasonable.**

1 [(3)] (4) Upon receipt of a request for [a] hearing under this section, the [appropriate] authority
 2 shall set a time for the hearing within [72 hours] **three business days** of the receipt of the request
 3 and shall provide notice of the hearing to the person requesting the hearing and to the owners of
 4 the vehicle and any lessors or security interest holders shown in the records of the Department of
 5 Transportation[, if not the same as the person requesting the hearing. The 72-hour period in this sub-
 6 section does not include holidays, Saturdays or Sundays].

7 [(4)] (5) If the [appropriate authority] **hearings officer** finds, after hearing and by substantial
 8 evidence on the record, that the custody and towing of a vehicle was:

9 (a) Invalid, the [appropriate] authority shall order the immediate release of the vehicle to the
 10 owner or person with right of possession. If the vehicle is released under this paragraph, the person
 11 to whom the vehicle is released is not liable for any towing or storage charges. If [the] a person has
 12 already paid the towing and storage charges on the vehicle, the authority responsible for taking the
 13 vehicle into custody [and towing the vehicle] shall reimburse the person for the charges. New storage
 14 costs on the vehicle will not start to accrue[, however,] until more than 24 hours after the time the
 15 vehicle is officially released to the person under this paragraph.

16 (b) Valid, the [appropriate] authority shall order the vehicle to be held in custody until the costs
 17 of the hearing and all towing and storage costs are paid by the party claiming the vehicle. If the
 18 vehicle has not yet been towed, the [appropriate] authority shall order that the vehicle be towed.

19 [(5)] (6) A person who fails to appear at a hearing under this section is not entitled to another
 20 hearing unless the person provides reasons satisfactory to the [appropriate authority] **hearings of-
 21 ficer** for the person's failure to appear.

22 [(6)] (7) An [appropriate] authority is only required to provide one hearing under this section for
 23 each time the [appropriate] authority takes a vehicle into custody and tows the vehicle or proposes
 24 to do so.

25 [(7)] (8) A hearing under this section may be used to determine the reasonableness of the
 26 [charge] **charges** for towing and storage of the vehicle. Towing and storage charges [set by law,
 27 ordinance or rule or] that comply with law, ordinance or rule are reasonable for purposes of this
 28 subsection. **A request for a hearing under this subsection must be filed no later than five
 29 business days after the vehicle is reclaimed under ORS 819.150 or sold under ORS 819.210. A
 30 hearing is not available under this subsection after a vehicle is disposed of under ORS
 31 819.215.**

32 [(8)] (9) [An authority] **A hearings officer** shall provide a written statement of the results of a
 33 hearing held under this section to the person requesting the hearing.

34 [(9)] (10) Hearings held under this section may be informal in nature, but the presentation of
 35 evidence in a hearing shall be consistent with the presentation of evidence required for contested
 36 cases under ORS 183.450.

37 [(10)] (11) The hearings officer at a hearing under this section may be an officer, official or
 38 employee of the [appropriate] authority but shall not have participated in any determination or in-
 39 vestigation related to taking into custody and towing the vehicle that is the subject of the hearing.

40 [(11)] (12) The determination of a hearings officer at a hearing under this section is final and
 41 is not subject to appeal.

42 **SECTION 15.** ORS 819.210 is amended to read:

43 819.210. (1) [If] **No sooner than 15 days after** a vehicle **is** taken into custody, [under ORS
 44 819.110 or 819.120 is not reclaimed within 30 days after it is taken into custody, the] **a person de-
 45 scribed in ORS 819.160 that [towed the] tows a vehicle [shall either] may:**

1 (a) **Deliver notices and** sell the vehicle and its contents at public auction in the manner pro-
 2 vided in ORS 87.192 and 87.196; or

3 (b) Dispose of the vehicle in a manner provided by local ordinance.

4 (2) The contents of any vehicle sold under this section are subject to the same conditions of sale
 5 as the vehicle in which *[they]* **the contents** are found.

6 **SECTION 16.** ORS 819.215 is amended to read:

7 819.215. (1) *[If an abandoned]* **A person described in ORS 819.160 that tows a vehicle that is**
 8 appraised at a value of \$500 or less by a person who holds a certificate issued under ORS 819.480,
 9 *the person that towed the vehicle shall* **may dispose of the vehicle as set forth in this section.**

10 **(2) No fewer than 15 days before disposing of a vehicle under this section, a person that**
 11 **tows a vehicle must:**

12 (a) Notify the registered owner and secured parties as provided in subsection (3) of this section;

13 (b) Photograph the vehicle; **and**

14 (c) Notify the Department of Transportation that the vehicle will be disposed of **if not**
 15 **claimed.***;* *and*

16 *[(d) Unless the vehicle is claimed by a person entitled to possession of it within 15 days of the date*
 17 *of notice under subsection (3) of this section, dispose of the vehicle and its contents to a person who*
 18 *holds a valid dismantler certificate issued under ORS 822.110.]*

19 *[(2) The authority that requests towing of an abandoned vehicle shall provide to the person that*
 20 *tows the vehicle, at the time of the tow or as soon as possible thereafter, a written statement that con-*
 21 *tains the name and address of the registered owner of the vehicle, as shown by records of the depart-*
 22 *ment, and the names and addresses of any persons claiming interests in the vehicle, as shown by*
 23 *records of the department.]*

24 (3) *[Within 48 hours after the written statement is provided under subsection (2) of this section to*
 25 *a person that tows a vehicle, the person must give]* **A person that tows a vehicle under this section**
 26 **shall deliver, by first class mail with certificate of mailing,** written notice to *[the]* **all persons**
 27 whose names are furnished in the statement **received under ORS 819.160 (4).** *[The 48-hour period*
 28 *does not include Saturdays, Sundays or holidays.]* The notice shall state that **unless** a person that
 29 is entitled to possession of the vehicle *[has]* **claims and removes the vehicle within** 15 days from
 30 the date the notice was mailed, *[to claim the vehicle and that if the vehicle is not claimed, it]* **the**
 31 **vehicle** will be disposed of as provided in this section.

32 *[(4) If the authority that requests towing of an abandoned vehicle does not provide to the person*
 33 *that tows the vehicle the written statement within 48 hours after the vehicle is towed, the person may*
 34 *dispose of the vehicle as provided in ORS 819.210.]*

35 *[(5)]* **(4) A person that tows a vehicle under this section shall dispose of the vehicle and**
 36 **its contents to a person that holds a valid dismantler certificate issued under ORS 822.110.**
 37 Disposal of a vehicle to a dismantler *[as provided in this section]* extinguishes all prior ownership
 38 and possessory rights **and any liens against the vehicle, including liens of a person that tows**
 39 **the vehicle.**

40 *[(6)]* **(5)** The department shall adopt rules specifying the form in which notification to the de-
 41 partment required by subsection *[(1)]* **(2)** of this section shall be submitted and what information
 42 shall be conveyed to the department.

43 **(6)** The person that tows the vehicle may submit to the dismantler a copy of any notification
 44 submitted to the department under this section instead of submitting to the dismantler ownership
 45 or other title documents for the vehicle.

SECTION 17. ORS 809.700 is amended to read:

809.700. A court may order a motor vehicle impounded or immobilized upon conviction for the traffic offenses described in this section. The authority to impound or immobilize a vehicle under this section is subject to all of the following:

(1) The court may order a vehicle impounded or immobilized under this section when a person is convicted:

(a) For driving a motor vehicle while the person's license is suspended or revoked in violation of ORS 811.175 or 811.182; or

(b) On a second or subsequent charge of driving while under the influence of intoxicants in violation of ORS 813.010.

(2) A vehicle may be impounded or immobilized under this section for not more than one year from judgment.

(3) The following vehicles may be impounded under this section:

(a) Any motor vehicle of which the convicted person is the owner.

(b) Any motor vehicle which the convicted person is operating at the time of arrest.

(4) A vehicle may be immobilized under this section if the vehicle is registered in this state and is a vehicle that may be impounded under subsection (3) of this section.

(5)(a) If a vehicle is ordered to be immobilized under this section and if the convicted person resides in the jurisdiction of the law enforcement agency that arrested the person for the offense described in subsection (1) of this section, the arresting law enforcement agency shall install a vehicle immobilization device on the vehicle. If the convicted person does not reside in the jurisdiction of the law enforcement agency that arrested the person, the sheriff of the county in which the person resides shall install the device.

(b) A vehicle ordered immobilized under this section shall be immobilized at the residence of the owner of the vehicle or at the location where the owner regularly parks the vehicle.

(c) A vehicle ordered immobilized under this section may be immobilized only in a location at which the vehicle may be legally stored for the period of the immobilization order. If no location is available at which the vehicle may be legally stored, the vehicle may be impounded for the period of the immobilization order.

(d) A vehicle owner who fails to allow installation of a vehicle immobilization device ordered under this section shall be subject to contempt of court proceedings under ORS 33.015 to 33.155.

(6)(a) If a vehicle is impounded under this section, the person convicted shall be liable for the expenses incurred in the towing and storage of the vehicle under this section, whether or not the vehicle is returned to the person convicted.

(b) If a vehicle is immobilized under this section, the person convicted shall be liable for the expenses incurred in installation and removal of the vehicle immobilization device and for rental of the device during the period the device is installed on the vehicle, whether or not the vehicle is released to the person convicted.

(7) A vehicle shall be released or returned to the person convicted or the owner only upon payment of the expenses incurred in the immobilization or towing and storage of the vehicle under this section.

(8) *[If a vehicle is not reclaimed within 30 days]* **A person that tows or stores a vehicle under this section has a lien on the vehicle and its contents for the person's costs of towing and storing the vehicle. If the costs are not paid or the vehicle is not reclaimed by the owner, possessor or person having an interest in the vehicle after the time set for the return of the**

1 vehicle in an impounding order or release of the vehicle in an immobilization order, [*the vehicle may*
 2 *be disposed of*] **the person that towed the vehicle may sell or dispose of the vehicle and its**
 3 **contents** in accordance with procedures under ORS 819.110 to 819.215.

4 (9) The court may order that a motor vehicle of which the convicted person is not the owner
 5 be impounded or immobilized under this section only if the court is satisfied by a preponderance of
 6 the evidence that the owner knew or had good reason to know that the convicted person:

7 (a) Did not have a valid license and knowingly consented to the operation of the vehicle by the
 8 convicted person; or

9 (b) Was operating the vehicle while under the influence of intoxicants.

10 (10) The authority to impound or immobilize a vehicle under this section is subject to the rights
 11 of a security interest holder under a security agreement executed before an arrest for violation of
 12 an offense for which the vehicle may be impounded or immobilized under this section. A vehicle
 13 shall be released for the purpose of satisfying a security interest if:

14 (a) Request in writing is made to the court;

15 (b) If the vehicle has been impounded or immobilized, the security interest holder pays the ex-
 16 penses in towing and storage or in immobilization of the vehicle; and

17 (c) If the registration of the vehicle has been suspended under ORS 809.010, the security interest
 18 holder takes possession of the vehicle subject to the suspension of the registration remaining in ef-
 19 fect against the registered owner.

20 (11) A security interest holder's obligation to pay and right to recover towing and storage or
 21 immobilization expenses under subsection (10) of this section are limited to the recovery of those
 22 towing and storage or immobilization expenses incurred during the initial 20-day period when the
 23 vehicle was in public storage or immobilized, unless the authority taking the vehicle into custody
 24 or immobilizing the vehicle under this section has transmitted by certified mail a written notice to
 25 the holder concerning the accrual of storage or immobilization expenses. If the vehicle is [*in private*
 26 *storage, the lien claimant shall transmit the written notice*] **privately stored, the provisions of ORS**
 27 **819.160 apply.**

28 **SECTION 18.** ORS 809.720 is amended to read:

29 809.720. (1) A police officer who has probable cause to believe that a person, at or just prior to
 30 the time the police officer stops the person, has committed an offense described in this subsection
 31 may, without prior notice, order the vehicle impounded until a person with right to possession of the
 32 vehicle complies with the conditions for release or the vehicle is ordered released by a hearings
 33 officer. This subsection applies to the following offenses:

34 (a) Driving while suspended or revoked in violation of ORS 811.175 or 811.182.

35 (b) Driving while under the influence of intoxicants in violation of ORS 813.010.

36 (c) Operating without driving privileges or in violation of license restrictions in violation of ORS
 37 807.010.

38 (d) Driving uninsured in violation of ORS 806.010.

39 (2) Notice that the vehicle has been impounded shall be given to the same parties, in the same
 40 manner and within the same time limits as provided in ORS 819.180 for notice after removal of a
 41 vehicle.

42 (3) **Subject to subsection (5) of this section,** a vehicle impounded under subsection (1) of this
 43 section shall be released to a person entitled to lawful possession upon compliance with the follow-
 44 ing:

45 (a) Submission of proof that a person with valid driving privileges will be operating the vehicle;

1 (b) Submission of proof of compliance with financial responsibility requirements for the vehicle;
 2 and

3 (c) Payment to the police agency of an administrative fee determined by the agency to be suffi-
 4 cient to recover its actual administrative costs for the impoundment.

5 (4) *[Notwithstanding subsection (3) of this section,]* **Subject to subsection (5) of this section**, a
 6 person who holds a security interest in the impounded vehicle may obtain release of the vehicle by
 7 paying **to the police agency** the administrative fee.

8 (5) When a person entitled to possession of the impounded vehicle has complied with the re-
 9 quirements of subsection (3) or (4) of this section, the impounding police agency shall authorize the
 10 person storing the vehicle to release *[it]* **the vehicle** upon payment of any towing and storage costs.

11 (6) *[Notwithstanding subsection (3) of this section, the holder of a towing business certificate issued*
 12 *under ORS 822.205 may foreclose a lien created by ORS 87.152 for the towing and storage charges*
 13 *incurred in the impoundment of the vehicle, without payment of]* **A person that tows a vehicle under**
 14 **this section at the direction of a police agency has a lien on the vehicle and its contents for**
 15 **the person's costs of towing and storing the vehicle. If towing and storage costs are not paid,**
 16 **the vehicle and its contents may be sold or disposed of in accordance with ORS 819.110 to**
 17 **819.215. The person that towed the vehicle is not responsible for paying** the administrative fee
 18 under subsection (3)(c) of this section.

19 (7) Nothing in this section or ORS 809.716 limits either the authority of a city or county to adopt
 20 ordinances dealing with impounding of uninsured vehicles or the contents of such ordinances except
 21 that cities and counties shall comply with the notice requirements of subsection (2) of this section
 22 and ORS 809.725.

23 (8) A police agency may not collect *[its]* **an administrative** fee under subsection (3)(c) of this
 24 section from a holder of a towing business certificate issued under ORS 822.205 unless the holder
 25 has first collected payment of any towing and storage charges associated with the impoundment.

26 **SECTION 19.** ORS 366.744 is amended to read:

27 366.744. (1) The following moneys shall be allocated as provided in subsection (2) of this section:

28 (a) The amount attributable to the increase in title fees by the amendments to ORS 803.090 by
 29 section 1, chapter 618, Oregon Laws 2003.

30 (b) The amount attributable to the increase in registration fees by the amendments to ORS
 31 803.420 by section 2, chapter 618, Oregon Laws 2003, except for the amount paid to the State Parks
 32 and Recreation Department Fund under ORS 366.512 **(3)**; and

33 (c) The amount attributable to the increase in fees and tax rates by the amendments to ORS
 34 818.225, 825.476 and 825.480 by sections 3, 4 and 5, chapter 618, Oregon Laws 2003.

35 (2) The moneys described in subsection (1) of this section shall be allocated as follows:

36 (a) 57.53 percent to the Department of Transportation.

37 (b) 25.48 percent to the department to pay the principal and interest due on bonds authorized
 38 under ORS 367.620 (3) that are issued for replacement and repair of bridges on county highways.
 39 However, any portion of the 25.48 percent that is not needed for payment of principal and interest
 40 on the bonds described in this paragraph shall be allocated to counties. Moneys allocated to coun-
 41 ties under this paragraph shall be distributed in the same manner as moneys allocated to counties
 42 under ORS 366.739 are distributed.

43 (c) 16.99 percent to the department to pay the principal and interest due on bonds authorized
 44 under ORS 367.620 (3) that are issued for replacement and repair of bridges on city highways.
 45 However, any portion of the 16.99 percent that is not needed for payment of principal and interest

1 on the bonds described in this paragraph shall be allocated to cities. Moneys allocated to cities
 2 under this paragraph shall be distributed in the same manner as moneys allocated to cities under
 3 ORS 366.739 are distributed.

4 (3)(a) Multnomah County shall spend a majority of moneys distributed to it under subsection
 5 (2)(b) of this section on bridges in the county.

6 (b) Moneys distributed to Multnomah County under subsection (2)(b) of this section that are not
 7 spent on bridges shall be distributed equitably within the county, based on the agreement described
 8 in paragraph (c) of this subsection.

9 (c) Multnomah County and the cities within the county shall agree upon the distribution of
 10 moneys described in paragraph (b) of this subsection. When the county and the cities have reached
 11 an agreement, they shall notify the Oregon Transportation Commission of the agreement. If the
 12 commission does not receive notice of an agreement by June 30, 2004, the Department of Transpor-
 13 tation may not distribute moneys that would otherwise go to the county under paragraph (b) of this
 14 subsection. Such moneys shall revert to the State Highway Fund for use by the Department of
 15 Transportation.

16 **SECTION 20.** ORS 367.173 is amended to read:

17 367.173. The principal, interest, premium, if any, and the purchase or tender price of the grant
 18 anticipation revenue bonds issued under ORS 367.161 to 367.181 are payable solely from the follow-
 19 ing moneys:

20 (1) Federal transportation funds.

21 (2) To the extent affirmatively pledged at the time issuance of revenue bonds is authorized, the
 22 following moneys that are lawfully available:

23 (a) Moneys deposited in the State Highway Fund established under ORS 366.505.

24 (b) Except as provided in paragraph (c) of this subsection, moneys, once deposited in the State
 25 Highway Fund established under ORS 366.505, from the following sources may be affirmatively
 26 pledged:

27 (A) Moneys from the taxes and fees on motor carriers imposed under ORS 825.474 and 825.480.

28 (B) Moneys from the tax on motor vehicle fuel imposed under ORS 319.020.

29 (C) Moneys from the tax on fuel used in motor vehicles imposed under ORS 319.530.

30 (D) Moneys from the special use fuel license fee under ORS 319.535.

31 (E) Moneys described under ORS 803.090 from the titling of vehicles.

32 (F) Moneys described under ORS 803.420 from the registration of vehicles.

33 (G) Moneys described under ORS 807.370 relating to the issuance of driver licenses and driver
 34 permits.

35 (H) Moneys received by the Department of Transportation from taxes, fees or charges imposed
 36 after January 1, 2001, or other revenues or moneys received by the department from sources not
 37 listed in subparagraphs (A) to (G) of this paragraph that are lawfully available to be pledged under
 38 this section.

39 (c) Moneys described in paragraph (b) of this subsection do not include:

40 (A) Moneys provided for appropriations to counties under ORS 366.762 to 366.768.

41 (B) Moneys provided for appropriations to cities under ORS 366.785 to 366.820.

42 (C) Moneys [*in the account established*] **paid into the State Parks and Recreation Department**
 43 **Fund** under ORS 366.512 (3) [*for parks and recreation*].

44 **SECTION 21.** ORS 367.605 is amended to read:

45 367.605. (1) Moneys deposited in the State Highway Fund established under ORS 366.505 are

1 pledged to payment of Highway User Tax Bonds issued under ORS 367.615.

2 (2) Except as provided in subsection (3) of this section, moneys, once deposited in the highway
 3 fund from the following sources are subject to the use or pledge described in subsection (1) of this
 4 section:

- 5 (a) Moneys from the taxes and fees on motor carriers imposed under ORS 825.474 and 825.480.
- 6 (b) Moneys from the tax on motor vehicle fuel imposed under ORS 319.020.
- 7 (c) Moneys from the tax on fuel used in motor vehicles imposed under ORS 319.530.
- 8 (d) Moneys from the special use fuel license fee under ORS 319.535.
- 9 (e) Moneys described under ORS 803.090 from the titling of vehicles.
- 10 (f) Moneys described under ORS 803.420 from the registration of vehicles.
- 11 (g) Moneys described under ORS 807.370 relating to the issuance of driver licenses and driver
 12 permits.

13 (h) Moneys received by the Department of Transportation from taxes, fees or charges imposed
 14 after January 1, 2001, or other revenues received by the department from sources not listed in par-
 15 agraphs (a) to (g) of this subsection that are available for the use or pledge described by this section.

16 (3) Moneys described under subsection (2) of this section do not include:

- 17 (a) Moneys provided for appropriations to counties under ORS 366.762 to 366.768.
- 18 (b) Moneys provided for appropriations to cities under ORS 366.785 to 366.820.
- 19 (c) Moneys *[in the account established]* **paid into the State Parks and Recreation Department**
 20 **Fund** under ORS 366.512 (3) *[for parks and recreation]*.

21 (4) To the extent affirmatively pledged, moneys from the following sources are subject to the
 22 use or pledge described in subsection (1) of this section:

- 23 (a) Moneys received by the Department of Transportation from the United States government.
- 24 (b) Any other moneys legally available to the department.
- 25 (5) Notwithstanding ORS 366.507, the lien or charge of any pledge of moneys securing bonds
 26 issued under ORS 367.615 is superior or prior to any other lien or charge and to any law of the state
 27 requiring the department to spend moneys for specified highway purposes.

28 **SECTION 22.** ORS 390.134 is amended to read:

29 390.134. (1) As used in this section:

- 30 (a) “Camper” has the meaning given that term in ORS 801.180.
- 31 (b) “County” includes a metropolitan service district organized under ORS chapter 268, but only
 32 to the extent that the district has acquired, through title transfer, and is operating a park or re-
 33 creation site of a county pursuant to an intergovernmental agreement.
- 34 (c) “Motor home” has the meaning given that term in ORS 801.350.
- 35 (d) “Travel trailer” has the meaning given that term in ORS 801.565.

36 (2) The State Parks and Recreation Department Fund is established separate and distinct from
 37 the General Fund. Moneys in the fund are continuously appropriated to the State Parks and Recre-
 38 ation Department for the purposes provided by law. The fund shall consist of the following:

- 39 (a) All moneys placed in the fund as provided by law. Any interest or other income derived from
 40 the depositing or other investing of the fund must be credited to the fund.
- 41 (b) All registration fees received by the Department of Transportation for campers, motor homes
 42 and travel trailers that are transferred to the fund under ORS 366.512 (3). The funds must be de-
 43 posited in a separate subaccount established under subsection (3) of this section.
- 44 (c) Revenue from charges pursuant to ORS 390.124.
- 45 (d) All funds received by the State Parks and Recreation Department under ORS 390.141. The

1 funds must be deposited in a separate subaccount established under subsection (3) of this section.

2 (3) Any moneys placed in the fund for a particular purpose may be placed in a separate subac-
 3 count within the fund. Each separate subaccount established under this subsection must be sepa-
 4 rately accounted for. Moneys placed in a subaccount must be used for the purposes for which they
 5 are deposited.

6 (4) All of the moneys in the fund except those moneys described in subsection (3), (5), (6), (7), (8)
 7 or (9) of this section must be deposited in a separate subaccount within the fund and used by the
 8 State Parks and Recreation Department for the acquisition, development, maintenance, care and use
 9 of park and recreation sites. The moneys deposited in the subaccount under this subsection must
 10 be accounted for separately and stated separately in the State Parks and Recreation Department's
 11 biennial budget.

12 (5)(a) Forty-five percent of the amount transferred to the State Parks and Recreation Depart-
 13 ment under ORS 366.512 (3) from the registration of travel trailers, campers and motor homes and
 14 under ORS 803.601 from recreational vehicle trip permits must be deposited in a separate subac-
 15 count within the fund to be distributed for the acquisition, development, maintenance, care and use
 16 of county park and recreation sites. The moneys deposited in the subaccount under this paragraph
 17 must be accounted for separately. The following apply to the distribution of moneys under this par-
 18 agraph:

19 (A) The moneys must be distributed among the several counties for the purposes described in
 20 this paragraph. The distribution shall be made at times determined by the State Parks and Recre-
 21 ation Department but must be made not less than once a year.

22 (B) The sums designated under this paragraph must be remitted to the county treasurers of the
 23 several counties by warrant.

24 (b) The department shall establish an advisory committee to advise the department in the per-
 25 formance of its duties under this subsection. The composition of the advisory committee under this
 26 subsection is as determined by the department by rule. In determining the composition of the advi-
 27 sory committee, the department shall attempt to provide reasonable representation for county offi-
 28 cials or employees with responsibilities relating to county parks and recreation sites.

29 (c) The department, by rule, shall establish a program to provide moneys to counties for the
 30 acquisition, development, maintenance, care and use of county park and recreation sites. The rules
 31 under this paragraph shall provide for distribution of moneys based on use and need and, as the
 32 department determines necessary, on the need for the development and maintenance of facilities to
 33 provide camping sites for campers, motor homes and travel trailers.

34 (d) The counties may not use the moneys received under this subsection to supplant moneys
 35 otherwise made available to the counties for the acquisition, development, maintenance, care and
 36 use of county park and recreation sites.

37 (e) On or before January 15 of each odd-numbered year regular session of the Legislative As-
 38 sembly, the State Parks and Recreation Director and a representative of the directors of county
 39 park and recreation sites shall submit a report to the Joint Committee on Ways and Means created
 40 by ORS 171.555, or the Joint Interim Committee on Ways and Means, that describes the measurable
 41 biennial and cumulative results of county activities and programs financed by moneys transferred
 42 to the counties from the registration of travel trailers, campers and motor homes and from recre-
 43 ational vehicle trip permits. Notwithstanding ORS 192.230 to 192.250, the report shall be made in a
 44 manner as the committee may prescribe.

45 (6) The department shall create a separate City and County Subaccount within the fund to be

1 used to reimburse cities and counties as provided in ORS 390.290.

2 (7) The department shall create a separate rural Fire Protection District Subaccount to be used
3 to provide funds for the fire protection districts as provided in ORS 390.290.

4 (8) Twelve percent of the amount transferred to the State Parks and Recreation Department
5 Fund from the Parks Subaccount shall be used only to carry out the purposes and achievements
6 described in ORS 390.135 (2) and (3) through the awarding of grants to regional or local government
7 entities to acquire property for public parks, natural areas or outdoor recreation areas or to develop
8 or improve public parks, natural areas or outdoor recreation areas. Moneys described in this sub-
9 section may not be used to pay the cost of administering grants or the cost of any Secretary of State
10 audit required under section 4c, Article XV of the Oregon Constitution.

11 (9) If the amount transferred to the State Parks and Recreation Department Fund from the Parks
12 Subaccount during a biennium is more than 150 percent of the amount that was transferred during
13 the 2009-2011 biennium, the State Treasurer shall, during the next following biennium, deposit for
14 use as described in subsection (8) of this section the amount required under subsection (8) of this
15 section plus an amount equal to the difference between the amount deposited for use as described
16 in subsection (8) of this section during the preceding biennium and 25 percent of the moneys trans-
17 ferred to the State Parks and Recreation Department Fund from the Parks Subaccount during the
18 preceding biennium.

19 (10) Subsections (8) and (9) of this section apply only for biennia in which the Legislative As-
20 sembly does not require a greater percentage of the amount transferred to the State Parks and Re-
21 creation Department Fund from the Parks Subaccount to be used for the purposes described in
22 subsection (8) of this section. The Legislative Assembly may not authorize the percentage of the
23 amount transferred to the State Parks and Recreation Department Fund from the Parks Subaccount
24 that is deposited for use as described in subsection (8) of this section in a biennium to be less than
25 the percentage required to be deposited under subsections (8) and (9) of this section.

26 (11) On or before January 15 of each odd-numbered year, the director shall submit a report to
27 the Joint Committee on Ways and Means created by ORS 171.555, or the Joint Interim Committee
28 on Ways and Means, that describes the measurable biennial and cumulative results of activities and
29 programs financed by moneys transferred to the State Parks and Recreation Department Fund from
30 the Parks Subaccount. Notwithstanding ORS 192.230 to 192.250, the director shall make the report
31 in a form and manner as the committee may prescribe.

32 **SECTION 23.** ORS 390.848 is amended to read:

33 390.848. (1) The State Parks and Recreation Department shall establish, by rule, a system for
34 issuing passes necessary to comply with the requirements under ORS 390.851. The department shall
35 establish a reasonable fee for issuance of a pass under this section. The department may establish
36 any form of proof of payment of the user fees that it deems appropriate.

37 (2) The system for issuance of passes established by the department under this section may in-
38 clude issuance of the passes by governmental entities or private persons who have entered into ap-
39 propriate agreements with the department for issuance of the passes. Agreements under this
40 subsection may include, but are not limited to, terms providing for locations for the collection of
41 fees, methods the department determines appropriate to assure payment of moneys collected and
42 provisions for the distribution of river-user information.

43 (3) The department shall issue, without charge, annual passes to comply with the requirements
44 under ORS 390.851 to persons who own ranch, farm or residential property immediately abutting
45 those portions of the Deschutes River designated as scenic waterways under ORS 390.826 and to

1 members of the immediate family of such persons. This subsection does not authorize the issuance
2 without charge of passes to persons holding less than a majority interest in a firm, corporation or
3 cooperative organization which owns land immediately abutting the Deschutes River designated as
4 scenic waterways under ORS 390.826.

5 (4) Moneys collected under this section shall be deposited in the separate fund established for
6 the State Parks and Recreation Department under ORS 366.512 (3) and, subject to the limitations
7 under subsection (5) of this section, are continually appropriated to that department to be used:

8 (a) For operation of the pass system established under this section;

9 (b) For providing river-user oriented law enforcement services;

10 (c) For providing river recreation information and education;

11 (d) For developing and maintaining river oriented recreation facilities; and

12 (e) For any other purposes the department considers appropriate for the maintenance, enhance-
13 ment or protection of the natural and scenic beauty of the scenic waterway consistent with ORS
14 390.805 to 390.925.

15 (5) The use of moneys for purposes described under subsection (4) of this section is limited to
16 the performance of those purposes for areas of the Deschutes River designated as scenic waterways
17 under ORS 390.826.

18 **SECTION 24.** ORS 801.041, as amended by section 1, chapter 24, Oregon Laws 2018, and section
19 24, chapter 93, Oregon Laws 2018, is amended to read:

20 801.041. The following apply to the authority granted to counties by ORS 801.040 to establish
21 registration fees for vehicles:

22 (1) An ordinance establishing registration fees under this section must be enacted by the county
23 imposing the registration fee and filed with the Department of Transportation. Notwithstanding
24 ORS 203.055 or any provision of a county charter, the governing body of a county with a population
25 of 350,000 or more may enact an ordinance establishing registration fees. The governing body of a
26 county with a population of less than 350,000 may enact an ordinance establishing registration fees
27 after submitting the ordinance to the electors of the county for their approval. The governing body
28 of the county imposing the registration fee shall enter into an intergovernmental agreement under
29 ORS 190.010 with the department by which the department shall collect the registration fees, pay
30 them over to the county and, if necessary, allow the credit or credits described in ORS 803.445 (5).
31 The intergovernmental agreement must state the date on which the department shall begin collect-
32 ing registration fees for the county.

33 (2) The authority granted by this section allows the establishment of registration fees in addition
34 to those described in ORS 803.420 and 803.422 **and section 3 of this 2019 Act**. There is no authority
35 under this section to affect registration periods, qualifications, cards, plates, requirements or any
36 other provision relating to vehicle registration under the vehicle code.

37 (3) Except as otherwise provided for in this subsection, when registration fees are imposed under
38 this section, they must be imposed on all vehicle classes. Registration fees as provided under this
39 section may not be imposed on the following:

40 (a) Snowmobiles and Class I all-terrain vehicles.

41 (b) Fixed load vehicles.

42 (c) Vehicles registered under ORS 805.100 to disabled veterans.

43 (d) Vehicles registered as antique vehicles under ORS 805.010.

44 (e) Vehicles registered as vehicles of special interest under ORS 805.020.

45 (f) Government-owned or operated vehicles registered under ORS 805.040 or 805.045.

1 (g) School buses or school activity vehicles registered under ORS 805.050.

2 (h) Law enforcement undercover vehicles registered under ORS 805.060.

3 (i) Vehicles registered on a proportional basis for interstate operation.

4 (j) Vehicles with a registration weight of 26,001 pounds or more described in ORS 803.420 (14)(a)
5 or (b).

6 (k) Vehicles registered as farm vehicles under the provisions of ORS 805.300.

7 (L) Travel trailers, campers and motor homes.

8 (m) Vehicles registered to an employment address as provided in ORS 802.250 when the eligible
9 public employee or household member's residence address is not within the county of the employ-
10 ment address. The department may adopt rules it considers necessary for the administration of this
11 paragraph.

12 (n) Vehicles registered under ORS 805.110 to former prisoners of war.

13 (4) Any registration fee imposed by a county must be a fixed amount not to exceed, with respect
14 to any vehicle class, the sum of the registration fee established under ORS 803.420 (6)(a) and the fee
15 applicable to the registered vehicle under ORS 803.422. For vehicles on which a flat fee is imposed
16 under ORS 803.420, the fee must be a whole dollar amount.

17 (5) Moneys from registration fees established under this section must be paid to the county es-
18 tablishing the registration fees as provided in ORS 802.110.

19 (6) The county ordinance shall provide for payment of at least 40 percent of the moneys to cities
20 within the county unless a different distribution is agreed upon by the county and the cities within
21 the jurisdiction of the county.

22 (7) The moneys for the cities and the county shall be used for any purpose for which moneys
23 from registration fees may be used, including the payment of debt service and costs related to bonds
24 or other obligations issued for such purposes.

25 (8) Two or more counties may act jointly to impose a registration fee under this section. The
26 ordinance of each county acting jointly with another under this subsection must provide for the
27 distribution of moneys collected through a joint registration fee.

28 **SECTION 25.** ORS 801.042, as amended by section 25, chapter 93, Oregon Laws 2018, is
29 amended to read:

30 801.042. The following apply to the authority granted to a district by ORS 801.040 to establish
31 registration fees for vehicles:

32 (1) Before the governing body of a district can impose a registration fee under this section, it
33 must submit the proposal to the electors of the district for their approval and, if the proposal is
34 approved, enter into an intergovernmental agreement under ORS 190.010 with the governing bodies
35 of all counties, other districts and cities with populations of over 300,000 that overlap the district.
36 The intergovernmental agreement must state the registration fees and, if necessary, how the revenue
37 from the fees shall be apportioned among counties and the districts. Before the governing body of
38 a county can enter into such an intergovernmental agreement, the county shall consult with the
39 cities in its jurisdiction.

40 (2) If a district raises revenues from a registration fee for purposes related to highways, roads,
41 streets and roadside rest areas, the governing body of that district shall establish a Regional Ar-
42 terial Fund and shall deposit in the Regional Arterial Fund all such registration fees.

43 (3) Interest received on moneys credited to the Regional Arterial Fund shall accrue to and be-
44 come a part of the Regional Arterial Fund.

45 (4) The Regional Arterial Fund must be administered by the governing body of the district re-

1 referred to in subsection (2) of this section and such governing body by ordinance may disburse mon-
 2 eys in the Regional Arterial Fund. Moneys within the Regional Arterial Fund may be disbursed only
 3 for a program of projects recommended by a joint policy advisory committee on transportation
 4 consisting of local officials and state agency representatives designated by the district referred to
 5 in subsection (2) of this section. The projects for which the joint policy advisory committee on
 6 transportation can recommend funding must concern arterials, collectors or other improvements
 7 designated by the joint policy advisory committee on transportation.

8 (5) Ordinances establishing registration fees under this section must be filed with the Depart-
 9 ment of Transportation. The governing body of the district imposing the registration fee shall enter
 10 into an intergovernmental agreement under ORS 190.010 with the department by which the depart-
 11 ment shall collect the registration fees, pay them over to the district and, if necessary, allow the
 12 credit or credits described in ORS 803.445 (5). The intergovernmental agreement must state the date
 13 on which the department shall begin collecting registration fees for the district.

14 (6) The authority granted by this section allows the establishment of registration fees in addition
 15 to those described in ORS 803.420 and 803.422 **and section 3 of this 2019 Act**. There is no authority
 16 under this section to affect registration periods, qualifications, cards, plates, requirements or any
 17 other provision relating to vehicle registration under the vehicle code.

18 (7) Except as otherwise provided for in this subsection, when registration fees are imposed under
 19 this section, the fees must be imposed on all vehicle classes. Registration fees as provided under this
 20 section may not be imposed on the following:

21 (a) Snowmobiles and Class I all-terrain vehicles.

22 (b) Fixed load vehicles.

23 (c) Vehicles registered under ORS 805.100 to disabled veterans.

24 (d) Vehicles registered as antique vehicles under ORS 805.010.

25 (e) Vehicles registered as vehicles of special interest under ORS 805.020.

26 (f) Government-owned or operated vehicles registered under ORS 805.040 or 805.045.

27 (g) School buses or school activity vehicles registered under ORS 805.050.

28 (h) Law enforcement undercover vehicles registered under ORS 805.060.

29 (i) Vehicles registered on a proportional basis for interstate operation.

30 (j) Vehicles with a registration weight of 26,001 pounds or more described in ORS 803.420 (14)(a)
 31 or (b).

32 (k) Vehicles registered as farm vehicles under the provisions of ORS 805.300.

33 (L) Travel trailers, campers and motor homes.

34 (m) Vehicles registered to an employment address as provided in ORS 802.250 when the eligible
 35 public employee or household member's residence address is not within the county of the employ-
 36 ment address. The department may adopt rules it considers necessary for the administration of this
 37 paragraph.

38 (n) Vehicles registered under ORS 805.110 to former prisoners of war.

39 (8) Any registration fee imposed by the governing body of a district must be a fixed amount not
 40 to exceed, with respect to any vehicle class, the registration fee established under ORS 803.420 (6)(a)
 41 and the fee applicable to the registered vehicle under ORS 803.422. For vehicles on which a flat fee
 42 is imposed under ORS 803.420, the fee must be a whole dollar amount.

43 **SECTION 26.** ORS 803.315 is amended to read:

44 803.315. (1) A person commits the offense of failure to pay the appropriate registration fee if the
 45 person operates any vehicle or transports any camper that is registered in this state unless the

1 proper fee, as established under ORS 803.420 **and 803.422 and section 2 of this 2019 Act**, has been
 2 paid for registration of the vehicle.

3 (2) The offense described in this section, failure to pay appropriate registration fee, is a Class
 4 D traffic violation.

5 **SECTION 27.** ORS 803.350, as amended by section 11, chapter 114, Oregon Laws 2018, is
 6 amended to read:

7 803.350. This section establishes the requirements for qualification for registration. The De-
 8 partment of Transportation may not issue registration to a vehicle if the requirements under this
 9 section are not met. The department, in the absence of just cause for refusing to register a vehicle
 10 upon application, shall assign a distinctive number or other distinctive means of identification and
 11 shall issue registration for a vehicle if all of the following requirements are met:

12 (1) The applicant applies for and is granted title in the applicant's name at the same time the
 13 person makes application for registration, or presents satisfactory evidence that title covering the
 14 vehicle has been previously issued to the applicant.

15 (2) The applicant completes an application described under ORS 803.370. If the vehicle is a re-
 16 constructed or assembled vehicle or a replica, the person must indicate that fact in the application
 17 or be subject to ORS 803.225.

18 (3) The applicant pays the department the registration fee established under ORS 803.420 and
 19 803.422 **and section 3 of this 2019 Act** and any applicable fees for issuance of registration plates.

20 (4) For motor vehicles, proof of compliance with pollution control equipment requirements is
 21 provided to the department. Proof required to comply with this subsection is described under ORS
 22 815.310. This subsection does not apply if the vehicle is exempt from the requirements for proof of
 23 compliance under ORS 815.300.

24 (5) The applicant is domiciled in this state, as described in ORS 803.355, if required by ORS
 25 803.360 to be domiciled in the state in order to register a vehicle. If the department has reason to
 26 believe that the applicant is not domiciled in this state and is required to be in order to register a
 27 vehicle, the department may require the person to submit proof of domicile. The department shall
 28 determine by rule what constitutes proof of domicile.

29 (6) The applicant owns a vehicle that qualifies under ORS 803.360 (2) for registration in this
 30 state, if the owner is not domiciled in this state and is not required by ORS 803.200, or any other
 31 provision of law, to register the vehicle in this state.

32 (7) The applicant surrenders all evidence of any former registration or title as required by ORS
 33 803.380.

34 (8)(a) Beginning with 2009 model year new motor vehicles, the applicant provides proof of com-
 35 pliance with low emission motor vehicle standards adopted pursuant to ORS 468A.360. The depart-
 36 ment shall determine by rule what constitutes proof of compliance with low emission motor vehicle
 37 standards.

38 (b) The department shall determine by rule which new motor vehicles are exempt from the re-
 39 quirements of this subsection. Any rules adopted pursuant to this paragraph shall be consistent with
 40 the Environmental Quality Commission standards adopted pursuant to ORS 468A.360.

41 (c) For purposes of this subsection, "new motor vehicle" means a motor vehicle with 7,500 miles
 42 or less on the odometer when the vehicle is initially registered under ORS 803.420 (6)(a), 805.100,
 43 805.110 or 805.120.

44 (9) If required to do so by the department, the applicant provides the department with satisfac-
 45 tory proof that the vehicle was designed to be operated on highways and meets equipment require-

1 ments imposed by statute or rule for the lawful operation of a vehicle on highways. The department
 2 may adopt rules specifying the kinds of vehicles that are subject to this subsection and what con-
 3 stitutes satisfactory proof under this subsection.

4 **SECTION 28.** ORS 809.725 is amended to read:

5 809.725. (1) When a motor vehicle is impounded under authority of a city or county ordinance,
 6 the city or county shall give notice of the impoundment to the owners of the motor vehicle and to
 7 any lessors or security interest holders as shown on the records of the Department of Transporta-
 8 tion. The notice shall be given within [48 hours] **two business days** of impoundment.

9 (2) The notice required by subsection (1) of this section shall be given to the same parties, in
 10 the same manner and within the same time limits as provided in ORS 819.180 for notice after re-
 11 moval of a vehicle.

12 **SECTION 29.** ORS 98.830 is amended to read:

13 98.830. (1) A person who is the owner, or is in lawful possession, of private property on which
 14 a vehicle has been abandoned may have a tower tow the vehicle from the property if:

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

17 (b) The notice required by paragraph (a) of this subsection remains on the vehicle for at least
 18 72 hours before the vehicle is [removed] **towed**; and

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

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

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

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

23 (2) A tower who tows a vehicle pursuant to this section is immune from civil liability for towing
 24 the vehicle if the tower has a form described in subsection (1) of this section, filled out by a person
 25 purporting to be the owner or a person in lawful possession of the private property from which the
 26 vehicle is towed. This subsection does not grant immunity for any loss, damage or injury arising out
 27 of any negligent or willful damage to, or destruction of, the vehicle that occurs during the course
 28 of the towing.

29 (3) A tower is entitled to a lien on a vehicle towed under this section and its contents for the
 30 tower's just and reasonable charges. The tower may retain possession of the towed vehicle and its
 31 contents until the just and reasonable charges for the towage, care and storage have been paid if
 32 the tower complies with the requirements of ORS 98.812 (2).

33 (4) The lien created by subsection (3) of this section may be foreclosed only in the manner pro-
 34 vided by ORS 87.172 (3) and 87.176 to 87.206 for foreclosure of liens arising or claimed under ORS
 35 87.152.

36