

House Bill 3176

Sponsored by Representative LEIF, Senator HEARD

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**.

Requires vehicle dealer to submit notice of sale or transfer of vehicle to Department of Transportation if vehicle dealer sells vehicle to another vehicle dealer.

Provides that department may make notation on its records indicating that it has received notification that interest in vehicle has been transferred only if form submitted contains all information required by department.

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 authority requesting tow to provide certain information to person who tows vehicle.

Requires motor vehicle liability insurance policy to provide coverage for towing expenses related to motor vehicle accident.

A BILL FOR AN ACT

1
2 Relating to vehicles; amending ORS 742.450, 803.112, 803.113, 819.100, 819.110, 819.120, 819.150,
3 819.160, 819.170, 819.180, 819.190, 819.210 and 819.215.

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

5 **SECTION 1.** ORS 803.112 is amended to read:

6 803.112. (1) Except as otherwise provided in this section, the transferor of an interest in a ve-
7 hicle covered by an Oregon title shall notify the Department of Transportation of the transfer within
8 10 days of the date of transfer. The notice shall be in a form determined by the department by rule.

9 **(2) The form submitted under this section must include at least the following:**

10 **(a) The name, address, driver license number and signature of the transferor; and**

11 **(b) The name, address, driver license number and signature of the transferee.**

12 [(2)] **(3)** For purposes of giving notice under this section, if the transfer occurs by operation of
13 law, the personal representative, receiver, trustee, sheriff or other representative or successor in
14 interest of the person whose interest is transferred shall be considered the transferor.

15 [(3)] **(4)** The requirements of this section do not apply upon creation, termination or change in
16 a security interest or a leasehold interest or upon award of ownership of a motor vehicle made by
17 court order.

18 [(4) *A vehicle dealer is exempt from the notice requirement of this section if the dealer:]*

19 [(a) *Transfers the vehicle to another dealer; or*

20 [(b) *Submits an application for title to the vehicle on behalf of the buyer of the vehicle.*]

21 (5) Notification provided under this section is for informational purposes only and does not
22 constitute an assignment or release of any interest in the vehicle.

23 **SECTION 2.** ORS 803.113 is amended to read:

24 803.113. (1) Except as otherwise provided by rule of the Department of Transportation under
25 subsection (3) of this section, upon receipt of a notification of transfer described in ORS 803.112, the
26 department shall make a notation on its records indicating that it has received notification that an

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 interest in the vehicle has been transferred. The [*notation shall be made whether or not*] **department**
 2 **shall make the notation only if** the form submitted to the department contains all the information
 3 required by the department under ORS 803.112[, *so long as there is sufficient information to identify*
 4 *the vehicle*]. Thereafter, until a new title is issued, when the department is asked to provide the name
 5 of the owner of a vehicle as shown on its records, the department shall provide the name of the
 6 transferor and indicate that department records show a notification of transfer but do not show a
 7 title transfer. The department shall also provide the name of the transferee [*if it is shown on the*
 8 *form submitted by the transferor under ORS 803.112*].

9 (2) Whenever the Oregon Vehicle Code or other statute requires notice to the owner of a motor
 10 vehicle, the person required to provide notice shall provide the notice to the current owner as
 11 shown on the records of the department and to [*any*] **the** transferee shown as a result of notification
 12 to the department under ORS 803.112.

13 (3) The department may adopt rules for the implementation of ORS 803.112 and this section.
 14 Rules shall be designed to allow the department to implement ORS 803.112 and this section in a way
 15 that is efficient and convenient for the public and the department. Rules under this section may
 16 include, but need not be limited to, rules authorizing the department to remove information recorded
 17 under this section, specifying circumstances under which information submitted need not be re-
 18 corded and specifying circumstances under which the department provides a receipt of notification
 19 that an interest in a vehicle has been transferred.

20 **SECTION 3.** ORS 819.100 is amended to read:

21 819.100. (1) A person commits the offense of abandoning a vehicle if the person abandons a ve-
 22 hicle upon a highway or upon any public or private property. **A vehicle abandoned upon private**
 23 **property includes vehicles abandoned in storage with a towing business after the date the**
 24 **towing business provides written notice as described in ORS 819.160.**

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

30 (3) A vehicle abandoned in violation of this section [*is*] **may be** subject to the provisions for
 31 towing and sale **or disposal** of abandoned vehicles under ORS **98.810 to 98.818, 98.830, 98.853 to**
 32 **98.862 or** 819.110 to 819.215.

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

34 **SECTION 4.** ORS 819.110 is amended to read:

35 819.110. (1) After providing notice required under ORS 819.170 and, if requested, a hearing under
 36 ORS 819.190, an authority described under ORS 819.140 may take a vehicle into custody and [*tow*
 37 *the vehicle*] **request that the vehicle be towed** if:

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

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

42 (2) The power to take vehicles into custody under this section is in addition to any power to
 43 take vehicles into custody under ORS 819.120.

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

1 (4) The person that tows a vehicle under this section shall have the vehicle appraised within a
 2 reasonable time by a person authorized to perform such appraisals under ORS 819.480.

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

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

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

11 (2) As used in this section¹, *a*:

12 (a) “Hazard or obstruction” includes², *but is not necessarily limited to*:

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

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

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

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

21 *[(B)]* **(ii)** Of any freeway within the city limits of any city in this state during the hours of 7 a.m.
 22 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;

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

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

27 *[(3)]* **(b)** *[As used in this section,]* “Hazard or obstruction” does not include parking in a desig-
 28 nated parking area along any highway or, except as described in *[subsection (2) of this section]*
 29 **paragraph (a) of this subsection**, parking temporarily on the shoulder of the highway as indicated
 30 by a short passage of time and by the operation of the hazard lights of the vehicle, the raised hood
 31 of the vehicle³, or advance warning with emergency flares or emergency signs.

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

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

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

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

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

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

SECTION 6. ORS 819.150 is amended to read:

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

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

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

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

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

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

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

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

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

SECTION 7. ORS 819.160 is amended to read:

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

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

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

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

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

(b) If the person that tows the vehicle fails to comply with the notice requirements of subsection [(3)] (5) of this section, the amount of any lien claimed under this section is limited to an amount equal to the just and reasonable charges for the towing service performed and storage provided for a period not exceeding 20 days from the date the vehicle and its contents were placed in storage.

1 *[The lien is subject to the provisions for liens under ORS 98.812.]*

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

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

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

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

9 (4) **At the time of towing or as soon as practicable thereafter, an authority that requests
10 that a vehicle be towed under subsection (1) of this section shall provide to the person that
11 tows the vehicle a written statement that contains:**

12 (a) **The name and address of the registered owner of the vehicle and any person claiming
13 interest in the vehicle as shown by the records of the Department of Transportation or the
14 motor vehicle agency of the state in which the vehicle is registered; and**

15 (b) **Information about the vehicle's insurance coverage, if any.**

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 state:**

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;**

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

32 (g) **That failure to claim the vehicle in storage may subject the person to the penalties
33 described in ORS 819.100.**

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

37 **SECTION 8.** ORS 819.170 is amended to read:

38 819.170. (1) If an authority **described under ORS 819.140** proposes to take custody of a vehicle
39 under ORS 819.110, the authority shall *[provide notice and shall provide an explanation of procedures
40 available for obtaining a hearing under ORS 819.190. Except as otherwise provided under ORS
41 801.040, notice required under this section shall comply with all of the following:]*

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

45 (2) **The authority shall affix the notice to the vehicle at least 24 hours before taking the**

1 **vehicle into custody. The notice** period under this subsection includes holidays, Saturdays and
 2 Sundays.

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

4 (a) **The time and date by which the vehicle must be removed and** that the vehicle [*will be*
 5 *subject to being*] **may be** taken into custody **by the authority** and towed [*by the appropriate au-*
 6 *thority if*] **unless** the vehicle is [*not*] removed **or a hearing is requested under ORS 819.190** before
 7 [*the time set by the appropriate authority*] **that time.**

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

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

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

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

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

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

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

24 **SECTION 9.** ORS 819.180 is amended to read:

25 819.180. (1) [*If*] **Within two business days from the time** an authority **described under ORS**
 26 **819.140** takes custody of a vehicle under ORS 819.120, the authority shall provide, by **first class**
 27 **and** certified mail [*within 48 hours of the towing*], written notice [*with an explanation of procedures*
 28 *available for obtaining a hearing under ORS 819.190*] to the owners of the vehicle and any lessors
 29 or security interest holders as shown in the records of the Department of Transportation **or the**
 30 **motor vehicle agency of the state in which the vehicle is registered.** [*The notice shall state that*
 31 *the vehicle has been taken into custody and shall give the location of the vehicle and describe proce-*
 32 *dures for the release of the vehicle and for obtaining a hearing under ORS 819.190. The 48-hour period*
 33 *under this subsection does not include holidays, Saturdays or Sundays.*]

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

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

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

39 (c) The statute, ordinance or rule under which the vehicle has been taken into custody and
 40 towed.

41 [(b)] (d) **The name and address of the entity that towed the vehicle and** the location of the
 42 vehicle, or the telephone number and address of the [*appropriate*] authority that will provide the
 43 information.

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

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

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

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

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

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

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

18 **SECTION 10.** ORS 819.190 is amended to read:

19 819.190. (1) A person [provided notice under ORS 819.170 or 819.180 or any other person] who
 20 reasonably appears to have an interest in [the vehicle] **a vehicle for which notice was provided**
 21 **under ORS 819.170 or 819.180, or its contents**, may request a hearing under this section to contest
 22 the validity of the towing and custody under ORS 819.120 or proposed towing and custody of a ve-
 23 hicle under ORS 819.110 by submitting a request for hearing with the [appropriate] authority [not]
 24 **no** more than five **business** days [from the mailing date of the notice. The five-day period in this
 25 section does not include holidays, Saturdays or Sundays. Except as otherwise provided under ORS
 26 801.040, a hearing under this section shall comply with all of the following:] **after the date a notice**
 27 **was last affixed to the vehicle or mailed under ORS 819.170 or 819.180.**

28 [(1)] (2) If the authority proposing to tow a vehicle under ORS 819.110 receives a request for
 29 hearing before the vehicle is taken into custody and towed, the vehicle may not be towed unless the
 30 vehicle constitutes a hazard.

31 [(2)] (3) A request for hearing [shall] **must** be in writing and [shall] state grounds upon which
 32 the person requesting the hearing believes that the custody [and towing] of the vehicle is not justi-
 33 fied.

34 [(3)] (4) Upon receipt of a request for [a] hearing under this section, the [appropriate] authority
 35 shall set a time for the hearing within [72 hours] **three business days** of the receipt of the request
 36 and shall provide notice of the hearing to the person requesting the hearing and to the owners of
 37 the vehicle and any lessors or security interest holders shown in the records of the Department of
 38 Transportation[, if not the same as the person requesting the hearing. The 72-hour period in this sub-
 39 section does not include holidays, Saturdays or Sundays] **or the motor vehicle agency of the state**
 40 **in which the vehicle is registered.**

41 [(4)] (5) If the [appropriate authority] **hearings officer** finds, after hearing and by substantial
 42 evidence on the record, that the custody and towing of a vehicle was:

43 (a) Invalid, the [appropriate] authority shall order the immediate release of the vehicle to the
 44 owner or person with right of possession. If the vehicle is released under this paragraph, the person
 45 to whom the vehicle is released is not liable for any towing or storage charges. If [the] a person has

1 already paid the towing and storage charges on the vehicle, the authority responsible for taking the
 2 vehicle into custody [*and towing the vehicle*] shall reimburse the person for the charges. New storage
 3 costs on the vehicle will not start to accrue[, *however,*] until more than 24 hours after the time the
 4 vehicle is officially released to the person under this paragraph.

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

8 [(5)] (6) A person who fails to appear at a hearing under this section is not entitled to another
 9 hearing unless the person provides reasons satisfactory to the [*appropriate authority*] **hearings of-**
 10 **ficer** for the person's failure to appear.

11 [(6)] (7) An [*appropriate*] authority is only required to provide one hearing under this section for
 12 each time the [*appropriate*] authority takes a vehicle into custody and tows the vehicle or proposes
 13 to do so.

14 [(7)] (8) A hearing under this section may be used to determine the reasonableness of the
 15 [*charge*] **charges** for towing and storage of the vehicle. Towing and storage charges [*set by law,*
 16 *ordinance or rule or*] that comply with law, ordinance or rule are reasonable for purposes of this
 17 subsection. **A request for a hearing under this subsection must be in writing and state the**
 18 **grounds upon which the person requesting the hearing believes the towing and storage**
 19 **charges are not reasonable. The request must be filed no later than five business days after**
 20 **the vehicle is reclaimed under ORS 819.150 or sold under ORS 819.210. A hearing is not**
 21 **available under this subsection after a vehicle is disposed of under ORS 819.210 or 819.215.**

22 [(8)] (9) [*An authority*] **A hearings officer** shall provide a written statement of the results of a
 23 hearing held under this section to the person requesting the hearing.

24 [(9)] (10) Hearings held under this section may be informal in nature, but the presentation of
 25 evidence in a hearing shall be consistent with the presentation of evidence required for contested
 26 cases under ORS 183.450.

27 [(10)] (11) The hearings officer at a hearing under this section may be an officer, official or
 28 employee of the [*appropriate*] authority but shall not have participated in any determination or in-
 29 vestigation related to taking into custody and towing the vehicle that is the subject of the hearing.

30 [(11)] (12) The determination of a hearings officer at a hearing under this section is final and
 31 is not subject to appeal.

32 **SECTION 11.** ORS 819.210 is amended to read:

33 819.210. (1) [*If*] **No sooner than 30 days after** a vehicle **is** taken into custody, [*under ORS*
 34 *819.110 or 819.120 is not reclaimed within 30 days after it is taken into custody, the*] **a person de-**
 35 **scribed in ORS 819.160** that [*towed the*] **tows a** vehicle [*shall either*] **may:**

36 (a) Sell the vehicle and its contents at public auction in the manner provided in ORS 87.192 and
 37 87.196; or

38 (b) Dispose of the vehicle [*in a manner provided by local ordinance*].

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

41 **SECTION 12.** ORS 819.215 is amended to read:

42 819.215. (1) [*If an abandoned*] **A person described in ORS 819.160 that tows a vehicle that is**
 43 **appraised at a value of \$500 or less by a person who holds a certificate issued under ORS 819.480[,**
 44 **the person that towed the vehicle shall] may dispose of the vehicle as set forth in this section.**

45 **(2) No fewer than 15 days before disposing of a vehicle under this section, a person that**

1 **tows a vehicle must:**

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

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

4 (c) Notify the Department of Transportation that the vehicle will be disposed of **if not**
5 **claimed.**[; and]

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

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

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

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

25 [(5)] **(4) A person that tows a vehicle under this section shall dispose of the vehicle and**
26 **its contents to a person that holds a valid dismantler certificate issued under ORS 822.110.**
27 Disposal of a vehicle to a dismantler [as provided in this section] extinguishes all prior ownership
28 and possessory rights **and any liens against the vehicle, including liens of a person that tows**
29 **the vehicle.**

30 [(6)] **(5)** The department shall adopt rules specifying the form in which notification to the de-
31 partment required by subsection [(1)] **(2)** of this section shall be submitted and what information
32 shall be conveyed to the department.

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

36 **SECTION 13.** ORS 742.450 is amended to read:

37 742.450. (1) Every motor vehicle liability insurance policy issued for delivery in this state shall
38 state the name and address of the named insured, the coverage afforded by the policy, the premium
39 charged therefor, the policy period and the limits of liability.

40 (2) Every motor vehicle liability insurance policy issued for delivery in this state shall contain
41 an agreement or indorsement stating that, as respects bodily injury and death or property damage,
42 or both, the insurance provides either:

43 (a) The coverage described in ORS 806.070 and 806.080; or

44 (b) The coverage described in ORS 806.270.

45 (3) The agreement or indorsement required by subsection (2) of this section shall also state that

1 the insurance provided is subject to all the provisions of the Oregon Vehicle Code relating to fi-
2 nancial responsibility requirements as defined in ORS 801.280 or future responsibility filings as de-
3 fined in ORS 801.290, as appropriate.

4 (4) Every motor vehicle liability insurance policy issued for delivery in this state shall provide
5 liability coverage to at least the limits specified in ORS 806.070.

6 (5) Every motor vehicle liability insurance policy issued for delivery in this state shall provide
7 liability coverage, up to the limits of coverage under the policy for a vehicle owned by the named
8 insured, for the operation by the named insured of a motor vehicle provided to the named insured,
9 without regard to whether the named insured is charged for the use of the motor vehicle, if:

10 (a) The motor vehicle is provided to the named insured by a person engaged in the business of
11 repairing or servicing motor vehicles; and

12 (b) The motor vehicle is provided to the named insured as a temporary replacement vehicle
13 while the named insured's vehicle is being repaired or serviced.

14 (6) A motor vehicle liability insurance policy issued for delivery in this state may exclude by
15 name from coverage required by subsection (2)(a) of this section any person other than the named
16 insured, for any of the reasons stated in subsection (7) of this section. When an insurer excludes a
17 person as provided by this subsection, the insurer shall obtain a statement or indorsement, signed
18 by each of the named insureds, that the policy will not provide any coverage required by subsection
19 (2)(a) of this section when the motor vehicle is driven by any named excluded person.

20 (7) A person may be excluded from coverage under a motor vehicle liability insurance policy as
21 provided in subsection (6) of this section:

22 (a) Because of the driving record of the person. The Director of the Department of Consumer
23 and Business Services by rule may establish restrictions on the use of the driving record in addition
24 to other restrictions established by law.

25 (b) Because of any reason or set of criteria established by the director by rule.

26 (8) Every motor vehicle liability insurance policy issued for delivery in this state shall contain
27 a provision that provides liability coverage for each family member of the insured residing in the
28 same household as the insured in an amount equal to the amount of liability coverage purchased
29 by the insured.

30 **(9) Every motor vehicle liability insurance policy issued for delivery in this state shall**
31 **contain a provision that provides liability coverage for towing expenses related to a motor**
32 **vehicle accident.**

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