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

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

SECTION 1. ORS 803.112 is amended to read:

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

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

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

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

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

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

A vehicle dealer is exempt from the notice requirement of this section if the dealer:

(a) Transfers the vehicle to another dealer; or

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

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

SECTION 2. ORS 803.113 is amended to read:

803.113. (1) Except as otherwise provided by rule of the Department of Transportation under subsection (3) of this section, upon receipt of a notification of transfer described in ORS 803.112, the department shall make a notation on its records indicating that it has received notification that an
interest in the vehicle has been transferred. The [notation shall be made whether or not] department shall make the notation only if the form submitted to the department contains all the information required by the department under ORS 803.112, so long as there is sufficient information to identify the vehicle. Thereafter, until a new title is issued, when the department is asked to provide the name of the owner of a vehicle as shown on its records, the department shall provide the name of the transferee and indicate that department records show a notification of transfer but do not show a title transfer. The department shall also provide the name of the transferee [if it is shown on the form submitted by the transferee under ORS 803.112].

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

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

SECTION 3. ORS 819.100 is amended to read:

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

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

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

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

SECTION 4. ORS 819.110 is amended to read:

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

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

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

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

(3) [Subject to ORS 819.150,] Vehicles and the contents of vehicles taken into custody under this section are subject to a lien as provided under ORS 819.160.
(4) The person that tows a vehicle under this section shall have the vehicle appraised within a reasonable time by a person authorized to perform such appraisals under ORS 819.480.

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

SECTION 5. ORS 819.120 is amended to read:

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

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

(a) “Hazard or obstruction” includes[, but is not necessarily limited to]:

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

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

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

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

(ii) Of any freeway within the city limits of any city in this state during the hours of 7 a.m. 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;

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

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

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

(A) “Hazard or obstruction” does not include parking in a designated parking area along any highway or, except as described in [subsection (2) of this section paragraph (a) of this subsection], parking temporarily on the shoulder of the highway as indicated by a short passage of time and by the operation of the hazard lights of the vehicle, the raised hood of the vehicle[, or advance warning with emergency flares or emergency signs.

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

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

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

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

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

(9) The Oregon Transportation Commission, by rule, shall establish additional criteria for determining when vehicles on state highways, interstate highways and state property are subject to 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.
(c) The person holding the lien may retain possession of the vehicle and contents until the 
charges on which the lien is based are paid.

(3) A lien described under this section does not attach:
(a) To the contents of any vehicle taken from public property until 15 days after taking the ve-
    hicle into custody.
(b) To the contents of any vehicle that is taken into custody for violation of ORS 811.555 or 
    811.570.

(4) At the time of towing or as soon as practicable thereafter, an authority that requests 
that a vehicle be towed under subsection (1) of this section shall provide to the person that 
tows the vehicle a written statement that contains:
(a) The name and address of the registered owner of the vehicle and any person claiming 
    interest in the vehicle as shown by the records of the Department of Transportation or the 
    motor vehicle agency of the state in which the vehicle is registered; and
(b) Information about the vehicle's insurance coverage, if any.

(3) Within 20 days of placing the vehicle and its contents into storage, a person that 
tows any vehicle at the request of an authority [under ORS 819.110 or 819.120] that has not been 
claimed and returned shall transmit, by first class mail with a certificate of mailing, [within 20 
days after the vehicle and its contents are placed in storage,] written notice, approved by the author-
ity, [containing information on the procedures necessary to obtain a hearing under ORS 819.190. The 
notice shall be provided to the owner, a person entitled to possession or any person with an interest 
recorded on the title to the vehicle.] to each person listed on the written statement received 
under subsection (4) of this section. The notice must state:
(a) The name and address of the person that towed the vehicle;
(b) The current amount of the lien claim on the vehicle under this section;
(c) How the lien may be satisfied and the vehicle claimed;
(d) The rate of any accruing additional storage charges;
(e) That until the lien is satisfied or the vehicle is sold or disposed of, storage charges 
    may continue to accrue for up to 60 days from the date of the towing;
(f) That the reasonableness of the towing and storage charges may be challenged by 
    seeking a hearing from the authority under ORS 819.190; and
(g) That failure to claim the vehicle in storage may subject the person to the penalties 
described in ORS 819.100.

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

SECTION 8. ORS 819.170 is amended to read:
819.170. (1) If an authority described under ORS 819.140 proposes to take custody of a vehicle 
under ORS 819.110, the authority shall [provide notice and shall provide an explanation of procedures 
available for obtaining a hearing under ORS 819.190. Except as otherwise provided under ORS 
801.040, notice required under this section shall comply with all of the following:] 
[(1) Notice shall be given by affixing] first affix a notice to the vehicle with the [required] in-
formation required by subsection (3) of this section. [The notice shall be affixed to the vehicle at 
least 24 hours before taking the vehicle into custody. The 24-hour]
(2) The authority shall affix the notice to the vehicle at least 24 hours before taking the
vehicle into custody. The notice period under this subsection includes holidays, Saturdays and Sundays.

(3) The notice shall state all of the following:

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

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

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

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

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

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

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

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

SECTION 9. ORS 819.180 is amended to read:

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

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

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

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

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

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

([c] [e] That the vehicle is subject to towing and storage charges and, if known, the amount of charges that have accrued to the date of the notice and the daily storage charges.}
[(d)] (f) That the vehicle and its contents are subject to a lien for payment of the towing and storage charges.

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

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

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

[(f)] (j) The time within which a hearing under ORS 819.190 must be requested, [and] the method methods for requesting a hearing and the process under which a hearing will be conducted.

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

SECTION 10. ORS 819.190 is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 11. ORS 819.210 is amended to read:

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

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

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

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

SECTION 12. ORS 819.215 is amended to read:

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

(2) No fewer than 15 days before disposing of a vehicle under this section, a person that
tows a vehicle must:
(a) Notify the registered owner and secured parties as provided in subsection (3) of this section;
(b) Photograph the vehicle; and
(c) Notify the Department of Transportation that the vehicle will be disposed of if not claimed.

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

(2) The authority that requests towing of an abandoned vehicle shall provide to the person that tows the vehicle, at the time of the tow or as soon as possible thereafter, a written statement that contains the name and address of the registered owner of the vehicle, as shown by records of the department, and the names and addresses of any persons claiming interests in the vehicle, as shown by records of the department.

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

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

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

The department shall adopt rules specifying the form in which notification to the department required by subsection (2) of this section shall be submitted and what information shall be conveyed to the department.

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

SECTION 13. ORS 742.450 is amended to read:

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

(2) Every motor vehicle liability insurance policy issued for delivery in this state shall contain an agreement or indorsement stating that, as respects bodily injury and death or property damage, or both, the insurance provides either:
(a) The coverage described in ORS 806.070 and 806.080; or
(b) The coverage described in ORS 806.270.

(3) The agreement or indorsement required by subsection (2) of this section shall also state that
the insurance provided is subject to all the provisions of the Oregon Vehicle Code relating to financial responsibility requirements as defined in ORS 801.280 or future responsibility filings as defined in ORS 801.290, as appropriate.

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

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

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

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

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

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

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

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

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

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