

**B-Engrossed**  
**Senate Bill 372**

Ordered by the Senate June 11  
Including Senate Amendments dated April 15 and June 11

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Judiciary for Oregon Financial Services Association)

**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.

Reduces period in which towers must provide notice to owners and lienholders of vehicle after towing vehicle. Requires electronic notification of lienholders if Department of Transportation has established electronic portal.

Declares emergency, effective on passage.

**A BILL FOR AN ACT**

1  
2 Relating to notification of parties with interest in towed vehicles; amending ORS 98.812, 98.830,  
3 811.615 and 819.160; and declaring an emergency.

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

5 **SECTION 1.** ORS 98.812 is amended to read:

6 98.812. (1) If a vehicle has been left or parked in violation of ORS 98.810, the owner of the  
7 parking facility or the owner of the proscribed property may have a tower tow the vehicle from the  
8 parking facility or the proscribed property and place the vehicle in storage at a secure location  
9 under the control of the tower.

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

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

16 [(b) If the towed vehicle is registered in Oregon, the tower shall give notice, within 15 days after  
17 the towed vehicle is placed in storage, to the owner of the towed vehicle or any other person with an  
18 interest in the towed vehicle, as indicated by the certificate of title. If notice under this paragraph is  
19 given by mail, it must be transmitted within the 15-day period, but need not be received within that  
20 period, but within a reasonable time. If the tower fails to comply with the notice requirements of this  
21 paragraph, the amount of the lien is limited to a sum equal to the reasonable expenses incurred within  
22 the 15-day period for towage, care and storage of the towed vehicle; and]

23 [(c) If the towed vehicle is not registered in Oregon, the tower shall, within 15 days after the towed  
24 vehicle is placed in storage, notify and request the title information and the name and address of the  
25 owner of the towed vehicle from the records of the motor vehicle agency for the state in which the towed  
26 vehicle is registered. The tower shall have 15 days from the date of receipt of the information contained

**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 *in the records of the state motor vehicle agency to notify the owner of the towed vehicle or any other*  
2 *person with an interest in the towed vehicle, as indicated by the certificate of title. If notice under this*  
3 *paragraph is given by mail, it must be transmitted within 15 days from the receipt of the information*  
4 *contained in the records of the state motor vehicle agency, but need not be received within that period,*  
5 *but within a reasonable time. If the tower fails to comply with the notice requirements of this para-*  
6 *graph, the amount of the lien is limited to a sum equal to the reasonable expenses incurred within the*  
7 *period between storage of the towed vehicle and receipt of the information contained in the records of*  
8 *the state motor vehicle agency for towage, care and storage of the towed vehicle.]*

9 **(2) A tower is entitled to a lien on a towed vehicle and its contents for the tower's just**  
10 **and reasonable charges and may retain possession of the towed vehicle and its contents until**  
11 **the just and reasonable charges for the towage, care and storage, subject to subsection (3)**  
12 **of this section, of the towed vehicle have been paid if the tower notifies the local law**  
13 **enforcement agency of the location of the towed vehicle within one hour after the towed**  
14 **vehicle is placed in storage.**

15 **(3) A tower may not assess any storage charge against the towed vehicle under sub-**  
16 **section (2) of this section that is incurred after:**

17 **(a) If the towed vehicle is registered in Oregon, three business days after the vehicle is**  
18 **placed in storage unless, within that time, the tower delivers notice by mail or gives actual**  
19 **notice to the owner of the towed vehicle and to each person with an interest in the vehicle**  
20 **as indicated by the certificate of title.**

21 **(b) If the towed vehicle is not registered in Oregon:**

22 **(A) Three business days after the vehicle is placed in storage unless, within that time,**  
23 **the tower notifies and requests the title information from the records of the motor vehicle**  
24 **agency for the state in which the towed vehicle is registered.**

25 **(B) Three business days from the date of receipt of the records requested under subpar-**  
26 **agraph (A) of this paragraph unless, within that time, the tower delivers notice by mail or**  
27 **gives actual notice to the owner of the towed vehicle and to each person with an interest in**  
28 **the vehicle as indicated by the requested records.**

29 ~~[(3)]~~ **(4)** The lien created by subsection (2) of this section may be foreclosed only in the manner  
30 provided by ORS 87.172 (3) and 87.176 to 87.206 for foreclosure of liens arising or claimed under ORS  
31 87.152.

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

33 98.830. (1) A person who is the owner, or is in lawful possession, of private property on which  
34 a vehicle has been abandoned may have a tower tow the vehicle from the property if:

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

37 (b) The notice required by paragraph (a) of this subsection remains on the vehicle for at least  
38 72 hours before the vehicle is ~~removed~~ **towed**; and

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

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

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

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

43 (2) A tower who tows a vehicle pursuant to this section is immune from civil liability for towing  
44 the vehicle if the tower has a form described in subsection (1) of this section, filled out by a person  
45 purporting to be the owner or a person in lawful possession of the private property from which the

1 vehicle is towed. This subsection does not grant immunity for any loss, damage or injury arising out  
2 of any negligent or willful damage to, or destruction of, the vehicle that occurs during the course  
3 of the towing.

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

8 *[(4) The lien created by subsection (3) of this section may be foreclosed only in the manner provided*  
9 *by ORS 87.172 (3) and 87.176 to 87.206 for foreclosure of liens arising or claimed under ORS*  
10 *87.152.]*

11 **(3) A vehicle towed under this section is subject to liens, possession and foreclosure by**  
12 **a tower under ORS 98.812 (2) to (4).**

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

14 811.615. (1) A person commits the offense of unlawful parking in a space reserved for persons  
15 with disabilities if:

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

20 (b) The person parks a vehicle in the aisle required by ORS 447.233 regardless of whether or  
21 not the vehicle displays a disabled person parking permit; or

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

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

26 (a) Momentarily parking a vehicle in a parking space marked or signed for persons with disa-  
27 bilities for the purposes of allowing a person with a disability to enter or leave the vehicle.

28 (b) Any parking space that is marked or signed to provide parking for persons with disabilities  
29 and that is subject to different provisions or requirements under city or county ordinance if the  
30 different provisions or requirements are clearly posted.

31 (3) Unless the police officer or other authorized person issuing the citation witnesses the park-  
32 ing of the vehicle, a rebuttable presumption exists that a vehicle parked in violation of this section  
33 was parked by the registered owner of the vehicle and the citation issued for the violation may be  
34 placed upon the vehicle. If the parking of the vehicle is witnessed by the police officer or other  
35 person authorized to issue a citation for the offense, the operator of the vehicle is in violation of  
36 this section.

37 (4) The penalties provided by this section shall be imposed regardless of the text or symbol  
38 displayed on the marking or sign reserving the space or aisle for persons with disabilities. The  
39 penalties are in addition to the following:

40 (a) A vehicle parked on private property in violation of this section is subject to removal, **pos-**  
41 **session**, *[under ORS 98.810 and to]* lien and sale under ORS 98.812.

42 (b) A vehicle parked in violation of this section may be removed and sold as provided under ORS  
43 811.620.

44 (5)(a) Except as provided in paragraph (b) of this subsection, unlawful parking in a space re-  
45 served for persons with disabilities is a Class C traffic violation.

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

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

4 819.160. (1) Except as otherwise provided by this section, a person shall have a lien on the ve-  
5 hicle and its contents if the person, at the request of an authority described under ORS 819.140, tows  
6 any of the following vehicles:

7 (a) An abandoned vehicle appraised at a value of more than \$500 by a person who holds a cer-  
8 tificate issued under ORS 819.480.

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

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

12 (2) A lien established under this section shall be on the vehicle and its contents for the just and  
13 reasonable charges for the towing service performed and any storage provided. However, **the stor-**  
14 **age charge is limited subject to ORS 98.812 (3).** *[if the person that tows the vehicle fails to comply*  
15 *with the notice requirements of subsection (3) of this section, the amount of any lien claimed under this*  
16 *section is limited to an amount equal to the just and reasonable charges for the towing service per-*  
17 *formed and storage provided for a period not exceeding 20 days from the date the vehicle and its con-*  
18 *tents were placed in storage. The lien is subject to the provisions for liens under ORS 98.812. The*  
19 *person holding the lien may retain possession of the vehicle and contents until the charges on which*  
20 *the lien is based are paid.] A lien described under this section does not attach:*

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

23 (b) To the contents of any vehicle that is taken into custody for violation of ORS 811.555 or  
24 811.570.

25 (3) A person that tows any vehicle at the request of an authority under ORS 819.110 or 819.120  
26 shall transmit by first class mail with a certificate of mailing, *[within 20 days]* **no later than the**  
27 **third business day** after the vehicle and its contents are placed in storage, written notice, approved  
28 by the authority, containing information on the procedures necessary to obtain a hearing under ORS  
29 819.190. The notice shall be provided to the owner, a person entitled to possession or any person  
30 with an interest recorded on the title to the vehicle. This subsection does not apply to a person that  
31 tows an abandoned vehicle that is appraised at a value of \$500 or less by a person who holds a  
32 certificate issued under ORS 819.480.

33 **SECTION 5. This 2019 Act being necessary for the immediate preservation of the public**  
34 **peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect**  
35 **on its passage.**

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