

SB 785 A STAFF MEASURE SUMMARY

Carrier: Sen. Frederick

Senate Committee On Judiciary

Action Date: 03/01/23

Action: Do pass with amendments. (Printed A-Eng.)

Vote: 5-0-0-0

Yeas: 5 - Gelser Blouin, Linthicum, Manning Jr, Prozanski, Thatcher

Fiscal: No fiscal impact

Revenue: No revenue impact, statement issued (Indeterminate Impact)

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Meeting Dates: 2/20, 3/1

WHAT THE MEASURE DOES:

Provides that a person may park a vehicle in a parking space regulated by an out-of-service meter operated by any public body as defined by ORS 174.109, unless notice otherwise prohibiting parking is posted. States that a person may not be cited for a vehicle that is lawfully parked in a space when parking in the space becomes prohibited. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Examples of when measure would apply
- Amendment addresses when parking becomes prohibited subsequent to vehicle having parked in a parking space
- Minimize consumer uncertainty where out-of-service meters are common place

EFFECT OF AMENDMENT:

Provides that a person may park a vehicle in a parking space regulated by an out-of-service meter operated by any public body as defined by ORS 174.109. States that a person may not be cited for a vehicle that is lawfully parked in a space when parking in the space becomes prohibited.

BACKGROUND:

Every city organized as authorized by Oregon statute may pass any and all necessary ordinances for the purpose of carrying into force and effect any laws concerning city government. It is an offense to be the registered owner of a motor vehicle parked in violation of a city ordinance. Under ORS 221.277, it is an affirmative defense to a prosecution of the registered owner of a motor vehicle that the use of the vehicle was not authorized by the owner, either expressly or by implication.

Senate Bill 785 A provides that a person may park a vehicle in any parking space regulated by an out-of-service meter: (a) if the space is one in which the vehicle would otherwise be allowed to park; (b) for the maximum amount of time that would otherwise be allowed for the space; and (c) without payment of the parking fee that would otherwise be charged for the space for that amount of time. The exception to this is when there is a notice prohibiting parking in the space that is clearly posted at the space, and where payment of the fee would be required if the meter were in service. It further states that a person may not be cited for a vehicle that is lawfully parked in a space when parking in the space becomes prohibited.