

ABANDONED VEHICLE NOTIFICATION

This vehicle will be towed and impounded if it is not removed by \_\_\_\_\_ (DATE) \_\_\_\_\_ (TIME)

Oregon law, ORS 819.110, states, "After providing notice required under ORS 819.170 and, if required, a hearing under ORS 819.190, an authority described under ORS 819.140 may take a vehicle into custody and tow the vehicle 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 for a period in excess of 24 hours without authorization by statute or local ordinance."

If this vehicle is not removed by the date and time stated above, it will be subject to towing and storage charges. These charges must be paid before the vehicle can be reclaimed by the owner or lawful possessor. A lien will be attached to the vehicle and contents for all unpaid charges. If the vehicle is not claimed within 30 days by the owner or lawful possessor, the vehicle and contents will be sold to pay the charges.

The contact information for the company that towed your vehicle can be obtained by calling one of the Oregon Department of Transportation's Operation Centers checked below. When contacting ODOT, use reference number \_\_\_\_\_

YOU ARE ENTITLED TO AN ADMINISTRATIVE HEARING to contest vehicle custody and challenge the reasonableness of any towing and subsequent storage chargesAFTER the vehicle is towed. If the hearings officer finds the custody and towing of the vehicle was valid, you will be financially responsible for the cost of the administrative hearing, towing charges, and storage charges. A request for hearing must be in writing directed to the ODOT District

<input type="checkbox"/> District 1 350 West Marine Drive Astoria, OR 97103	<input type="checkbox"/> District 2B 9200 SE Lawnfield Rd. Clackamas, OR 97015	<input type="checkbox"/> District 2C 2225 NW Campus Drive Estacada, OR 97023	<input type="checkbox"/> District 3 885 Airport Rd. Bldg. P Salem, OR 97301	<input type="checkbox"/> District 4 3700 SW Philomath Blvd. Corvallis OR 97333
<input type="checkbox"/> District 5 2080 Laura St. Springfield, OR 97477	<input type="checkbox"/> District 7 3500 NW Stewart Pkwy Roseburg, OR 97470	<input type="checkbox"/> District 8 100 Antelope Road White City, OR 97503	<input type="checkbox"/> District 9 3313 Bret Clodfelter Way The Dalles, Oregon 97058	<input type="checkbox"/> District 10 63055 N Hwy 97, Bldg. K Bend, OR 97703
<input type="checkbox"/> District 11 2557 Altamont Drive Klamath Falls, OR 97603	<input type="checkbox"/> District 12 1327 SE Third St. Pendleton, OR 97801	<input type="checkbox"/> District 13 3014 Island Ave. LaGrande, OR 97850	<input type="checkbox"/> District 14 1390 SE First Ave. Ontario, OR 97914	

- ☐ ODOT TMOC Region 1  
123 NW Flanders St.  
Portland, OR 97209  
(503) 283-5859
- ☐ ODOT NWTOC Region 2  
3225 State St. NE  
Salem, OR 97301  
(503) 362-0457
- ☐ ODOT STOC Region 3 & 4  
4500 Rouge Valley Hwy Ste. A  
Central Point, OR 97502  
(541) 858-3101
- ☐ ODOT CTOC Region 4 & 5  
63055 N Hwy 97, Building K  
Bend, OR 97703  
(541) 383-0121

Date and time vehicle tagged: \_\_\_\_\_ ODOT employee: \_\_\_\_\_  
734-2583 8/2024 Statewide (DATE) (TIME)



## State Board of Towing Board discussions with partners

*This document does not represent formal Board decisions or policy; the document facilitates board discussion to better define and clarify ambiguity in Oregon law and to ensure ownership of vehicles is consistent in application amongst partner agencies.*

### **Law Enforcement, ODOT, DMV and other partners discussion**

- Overview of the non-preference and rotational tow programs of OSP, ODOT, and other partners.
  - Identifying vehicles to be towed.
  - Non-preference and rotational contracts.
  - Consumer complaints, contesting validity of the tow and tow fees.
  - Releasing vehicles to the owner, determination of ownership.
  - What happens when the vehicle owner is present (or shows up?)
- Ownership determination discussion; consistency amongst state and local agencies.

\*\*\*

#### **Statutes and considerations:**

*Defining for drafting OARs and general consensus for towing events:*

- Lawful owner of the vehicle: ORS 802.240 (1), ORS 803.010
- Operator of the vehicle: *a person with the means to successfully operate and move the vehicle.*
- Person in lawful possession: ORS 802.240 (1), ORS 803.010
- A person with right to possession of the vehicle: ORS 802.240 (1), ORS 803.010, or a person with an interest recorded on the title of a vehicle
- The owner: ORS 802.240 (1), ORS 803.010
- A person entitled to possession: ORS 802.240 (1), ORS 803.010, or a person with an interest recorded on the title of a vehicle.

#### **Statutes:**

##### **ORS 802.240 Driver and vehicle records as evidence**

(1) In all actions, suits or criminal proceedings when the title to, or right of possession of, any vehicle is involved, the record of title, as it appears in the files and records of the Department of Transportation, is prima facie evidence of ownership or right to possession of the vehicle. As used in this section, the record of title does not include records of salvage titles unless the record itself is the salvage title. Proof of the

ownership or right to possession of a vehicle shall be made by means of any of the following methods:

- (a) The original certificate of title as provided under ORS 803.010 (Proof of ownership).
- (b) A copy, certified by the department, of the title record of the vehicle as the record appears in the files and records of the department.

#### **ORS 803.010 Proof of ownership**

*A certificate of title is prima facie evidence of the ownership of a vehicle or of an interest therein. In all actions, suits or criminal proceedings, when the title to or right of possession of any vehicle is involved, proof of the ownership or right to possession shall be made by means of:*

- (1) The original certificate of title issued by the Department of Transportation;
- (2) A salvage title certificate issued by the department; or
- (3) The department records as provided under ORS 802.240 (Driver and vehicle records as evidence). [1983 c.338 §174; 1991 c.873 §29]

#### **ORS 803.205 Proof of ownership or security interest on transfer or application for title or registration**

- (1) The Department of Transportation may require proof under this section if the department determines the proof is necessary to resolve questions concerning vehicle ownership or undisclosed security interests in the transfer of any vehicle under ORS 803.092 (Application for title upon transfer of interest), in an application for issuance of title under ORS 803.045 (Issuance of title) or in an application for registration of a vehicle under ORS 803.350 (Qualifications for registration).
- (2) Under this section, the department may require any proof sufficient to satisfy the department concerning the questions about the ownership of the vehicle or security interests in the vehicle. The proof required by the department may include, but is not limited to, completion of an affidavit that:
  - (a) Is in a form required by the department by rule;
  - (b) Contains any information the department requires by rule as necessary to establish ownership of the vehicle or to determine any security interests in the vehicle; and
  - (c) Is verified by the person making the affidavit.
- (3) The department is not liable to any person for issuing title or registering a vehicle based on proof provided under this section.
- (4) Nothing in this section affects any power of the department to refuse to issue or to revoke title or registration. [1983 c.338 §199; 1989 c.148 §16; 1993 c.233 §38; 2001 c.675 §13; 2003 c.655 §106]

\*\*\*

### **ORS 98.853 Conditions allowing towing**

(1) A tower may tow a motor vehicle if the motor vehicle:

- (a) Blocks or prevents access by emergency vehicles;
- (b) Blocks or prevents entry to the premises;
- (c) Blocks a parked motor vehicle; or
- (d) Parks without permission in a parking facility used for residents of an apartment and:

- (A) There are more residential units than there are parking spaces;
- (B) The landlord has issued parking tags or other devices that identify vehicles that are authorized to be parked on the premises; and
- (C) There are signs posted that are clearly readable by an operator of a motor vehicle in each parking stall or at each entrance to the parking facility prohibiting or restricting public parking on the parking facility.

(2) Prior to towing a motor vehicle pursuant to ORS 98.812 (Towing of unlawfully parked vehicle), a tower shall take at least one photograph of the motor vehicle and record the time and date of the photograph. The photograph must show the motor vehicle as it was left or parked at the time the tower arrived to conduct the tow. The tower shall maintain for at least two years, in electronic or printed form, each photograph taken along with the date and time of the photograph. Upon request, the tower shall provide a copy of any photographs to the owner or operator of the motor vehicle at no additional charge.

(3) Intentionally left blank — Ed.

(a) If the owner or operator of the motor vehicle is present at the time of the tow, the tower shall release the motor vehicle at no charge unless the hookup is complete. If the hookup is complete, the tower shall release the motor vehicle and may charge the owner or operator of the motor vehicle a fee that does not exceed the charge to hook up for that type of tow as listed in a written statement described in ORS 98.856 (Tower responsibility of disclosure to owner or operator of vehicle).

(b) For purposes of this subsection, a hookup is complete if the motor vehicle to be towed has been loaded onto a tow vehicle, or if any part of the motor vehicle has been placed on or connected to an assembly that is part of a tow vehicle, such that the tow vehicle is capable of being in motion with the motor vehicle in tow.

(4) A tower who controls or has access to multiple storage facilities must tow a motor vehicle to the tower's storage facility with available space that is located in the same county as and is closest to where the motor vehicle was hooked up to the tow vehicle.  
[2017 c.480 §9]

### **ORS 98.854 Prohibitions placed on tower**

A tower may not:

(1) Intentionally left blank – Ed.

(a) Tow a motor vehicle from a parking facility unless there is a sign displayed in plain view at the parking facility that, using clear and conspicuous language, prohibits or restricts public parking at the parking facility.

(b) Notwithstanding paragraph (a) of this subsection, a tower may tow a motor vehicle from a parking facility with the prior consent of the owner or operator of the motor vehicle.

(2) Except as provided in ORS 98.853 (Conditions allowing towing), tow a motor vehicle from a parking facility without first contacting the owner of the parking facility or the owner's agent at the time of the tow and receiving signed authorization from the owner of the parking facility or the owner's agent that the tower should tow the motor vehicle. The tower shall maintain for at least two years, in electronic or printed form, each signed authorization received under this subsection. Upon request, the tower shall provide a copy of the signed authorization to the owner or operator of the motor vehicle at no additional charge.

(3) Serve as an agent of an owner of a parking facility for the purpose of signing an authorization required by subsection (2) of this section.

(4) Tow a motor vehicle from a parking facility if the owner of the parking facility or the owner's agent is an employee of a tower.

(5) Charge more than a price disclosed under ORS 98.856 (Tower responsibility of disclosure to owner or operator of vehicle) when towing a motor vehicle without the prior consent or authorization of the owner or operator of the motor vehicle.

(6) Charge more than an amount set under ORS 98.859 (Maximum rates for towing) when towing a motor vehicle without the prior consent or authorization of the owner or operator of the motor vehicle.

(7) Solicit towing business at, or within 1,000 feet of, the site of a motor vehicle accident, unless the tower tows the motor vehicle pursuant to a prenegotiated payment agreement between the tower and a motor vehicle road service company.

(8) Park a tow vehicle within 1,000 feet of a parking facility for the purpose of monitoring the parking facility for towing business.

(9) Provide consideration to obtain the privilege of towing motor vehicles from a parking facility. For the purposes of this paragraph, the provision of:

(a) Signs by a tower under ORS 98.862 (Exceptions to requirements of ORS 98.856) does not constitute consideration.

(b) Goods or services by a tower below fair market value constitutes consideration.

(10) Require, as a condition of towing a motor vehicle or releasing a motor vehicle or personal property in the motor vehicle, that the owner or operator of the motor vehicle agree not to dispute:

(a) The reason for the tow;

(b) The validity or amount of charges; or

- (c) The responsibility of the tower for the condition of the motor vehicle or personal property in the motor vehicle.
- (11) Hold a towed motor vehicle for more than 24 hours without:
- (a) Taking an inventory of all personal property in the motor vehicle that is visible from the exterior of the motor vehicle; and
  - (b) Holding the personal property in the motor vehicle in a secure manner.
- (12) Accept cash as a method of payment for towing services unless the tower provides exact change not later than the end of the business day following receipt of payment.
- (13) Operate in a city or county without a license issued by the city or county if required by ORS 98.861 (Licenses for towing).
- (14) Charge for the hookup and release of a motor vehicle except as provided in ORS 98.853 (Conditions allowing towing). [2007 c.538 §3; 2009 c.622 §2; 2013 c.135 §1; 2013 c.691 §1; 2017 c.480 §7]

#### **ORS 98.856 Tower responsibility of disclosure to owner or operator of vehicle**

- (1) A tower shall disclose to the owner or operator of a motor vehicle in a conspicuous written statement of at least 10-point boldfaced type:
- (a) The prices the tower charges for all the goods and services that the tower offers;
  - (b) The location where the tower will:
    - (A) Store the motor vehicle and personal property in the motor vehicle; or
    - (B) Tow the motor vehicle, if the tower is towing the motor vehicle to a location other than a location under the control of the tower;
  - (c) The telephone number and any other means of contacting the tower, and the hours of availability at that telephone number and at the other means of contacting the tower;
  - (d) The methods of payment that the tower accepts; and
  - (e) That, if the owner or operator of the motor vehicle pays for the tow with cash, the tower will provide, in person or by mail, exact change not later than the end of the business day following receipt of payment.
- (2) If the owner or operator is present at the time of the tow, the tower shall provide the information required under this section to the owner or operator of the motor vehicle before towing the motor vehicle.
- (3) If the owner or operator of the motor vehicle is not present at the time of the tow, the tower shall provide the information required under this section to the owner or person in lawful possession of the motor vehicle prior to the time the owner or person in lawful possession of the motor vehicle redeems the motor vehicle.
- (4) If the owner or operator of the motor vehicle is not present at the time of the tow:
- (a) Within five business days from the date of the tow, the tower shall request the name and address of the owner of the motor vehicle from the records of the state motor vehicle agency for the state in which the motor vehicle is registered.

(b) The tower shall provide the information required under this section to the owner of the motor vehicle by mail by the end of the first business day following receipt of the information contained in the records of the state motor vehicle agency.

(c) If the owner of the motor vehicle or a person in lawful possession of the motor vehicle redeems the motor vehicle or contacts the tower prior to five business days after the tow, the tower is not required to contact the state motor vehicle agency.

(5) If the owner or operator of the motor vehicle is not present at the time of the tow but the owner or operator of the motor vehicle requested the tow and arranged to pay the tower directly, the tower may obtain the name and address of the owner of the motor vehicle from the owner or operator of the motor vehicle and may provide the information required under this section:

(a) Within five business days after the tow; or

(b) With a copy of the invoice for the tow or upon receipt of payment, whichever first occurs. [2007 c.538 §4; 2009 c.622 §3; 2017 c.480 §10]

#### **ORS 98.858 Right of owner or person in lawful possession of vehicle to redeem or inspect vehicle, contact tower and obtain property of emergency nature**

(1) A tower in physical possession of a motor vehicle shall permit the owner or person in lawful possession of a motor vehicle the tower has towed to:

(a) Redeem or inspect the motor vehicle:

(A) Between 8 a.m. and 6 p.m. on business days;

(B) At all other hours, within 60 minutes after asking the tower to release or allow for the inspection of the motor vehicle; and

(C) Within 30 minutes of a time mutually agreed upon between the tower and the owner or person in lawful possession of the motor vehicle;

(b) Contact the tower at any time to receive information about the location of the motor vehicle and instructions for obtaining release of the motor vehicle; and

(c) Obtain all personal property of an emergency nature in the motor vehicle and the motor vehicle's registration plates within the time allowed under paragraph (a) of this subsection.

(2) A tower may not charge the owner or person in lawful possession of the motor vehicle a fee in any amount to obtain personal property of an emergency nature or registration plates except for a gate fee between the hours of 6 p.m. and 8 a.m. on business days, or on a Saturday, a Sunday or a legal holiday. [2007 c.538 §5; 2017 c.480 §11; 2017 c.523 §8; 2019 c.13 §25; 2019 c.17 §1]

#### **ORS 98.862 Exceptions to requirements of ORS 98.856**

A tower need not provide the written information required under ORS 98.856 (Tower responsibility of disclosure to owner or operator of vehicle) if:

- (1) The motor vehicle is towed from a parking facility where the tower has provided the information on signs that are clearly readable by an operator of a motor vehicle in each parking stall or at each entrance to the parking facility.
- (2) The tower is hired or otherwise engaged by an agency taking custody of a vehicle under ORS 819.140 (Agencies having authority to take vehicle into custody).
- (3) The tower tows the motor vehicle under a prenegotiated payment agreement between the tower and a motor vehicle road service company or an insurance company.
- (4) The tower is hired or otherwise engaged by a business entity at the request of the owner or operator of the motor vehicle to tow the motor vehicle. [2007 c.538 §7]

### **ORS 809.720 Impoundment for specified offenses**

- (1) A police officer who has probable cause to believe that a person, at or just prior to the time the police officer stops the person, has committed an offense described in this subsection may, without prior notice, order the vehicle impounded until a person with right to possession of the vehicle complies with the conditions for release or the vehicle is ordered released by a hearings officer. This subsection applies to the following offenses:
  - (a) Driving while suspended or revoked in violation of ORS 811.175 (Violation driving while suspended or revoked) or 811.182 (Criminal driving while suspended or revoked).
  - (b) Driving while under the influence of intoxicants in violation of ORS 813.010 (Driving under the influence of intoxicants).
  - (c) Operating without driving privileges or in violation of license restrictions in violation of ORS 807.010 (Operating vehicle without driving privileges or in violation of license restrictions).
  - (d) Driving uninsured in violation of ORS 806.010 (Driving uninsured prohibited).
- (2) Notice that the vehicle has been impounded shall be given to the same parties, in the same manner and within the same time limits as provided in ORS 819.180 (Notice after taking into custody and towing) for notice after removal of a vehicle.
- (3) A vehicle impounded under subsection (1) of this section shall be released to a person entitled to lawful possession upon compliance with the following:
  - (a) Submission of proof that a person with valid driving privileges will be operating the vehicle;
  - (b) Submission of proof of compliance with financial responsibility requirements for the vehicle; and
  - (c) Payment to the police agency of an administrative fee determined by the agency to be sufficient to recover its actual administrative costs for the impoundment.
- (4) Notwithstanding subsection (3) of this section, a person who holds a security interest in the impounded vehicle may obtain release of the vehicle by paying the administrative fee.

(5) When a person entitled to possession of the impounded vehicle has complied with the requirements of subsection (3) or (4) of this section, the impounding police agency shall authorize the person storing the vehicle to release it upon payment of any towing and storage costs.

(6) Notwithstanding subsection (3) of this section, the holder of a towing business certificate issued under ORS 822.205 (Certificate) may foreclose a lien created by ORS 87.152 (Possessory lien for labor or material expended on chattel) for the towing and storage charges incurred in the impoundment of the vehicle, without payment of the administrative fee under subsection (3)(c) of this section.

(7) Nothing in this section or ORS 809.716 (Hearing on impoundment) limits either the authority of a city or county to adopt ordinances dealing with impounding of uninsured vehicles or the contents of such ordinances except that cities and counties shall comply with the notice requirements of subsection (2) of this section and ORS 809.725 (Notice following impoundment under city or county ordinance).

(8) A police agency may not collect its fee under subsection (3)(c) of this section from a holder of a towing business certificate issued under ORS 822.205 (Certificate) unless the holder has first collected payment of any towing and storage charges associated with the impoundment. [1997 c.514 §2; 2001 c.748 §1]

#### **ORS 819.110 Custody, towing and sale or disposal of abandoned vehicle general provisions**

(1) After providing notice required under ORS 819.170 (Notice prior to taking vehicle into custody and towing) and, if requested, a hearing under ORS 819.190 (Hearing to contest validity of custody and towing), an authority described under ORS 819.140 (Agencies having authority to take vehicle into custody) may take a vehicle into custody and tow the vehicle 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 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 (Immediate custody and towing of vehicle constituting hazard or obstruction).

(3) Subject to ORS 819.150 (Rights and liabilities of owner), vehicles and the contents of vehicles taken into custody under this section are subject to a lien as provided under ORS 819.160 (Lien for towing).

(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 (Vehicle appraiser certificate).

(5) Vehicles taken into custody under this section are subject to sale or disposal under ORS 819.210 (Sale or disposal of vehicle not reclaimed) or 819.215 (Disposal of vehicle

appraised at \$500 or less) if the vehicles are not reclaimed as provided under ORS 819.150 (Rights and liabilities of owner) **or returned to the owner or person entitled to possession under ORS 819.190** (Hearing to contest validity of custody and towing). [1983 c.338 §417; 1995 c.758 §8; 2009 c.371 §6]

### **ORS 819.120 Immediate custody and towing of vehicle constituting hazard or obstruction**

- (1) An authority described under ORS 819.140 (Agencies having authority to take vehicle into custody) may immediately take custody of and tow 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 “hazard or obstruction” includes, but is not necessarily limited to:
  - (a) Any vehicle that is parked so that any part of the vehicle extends within the paved portion of the travel lane.
  - (b) Any vehicle that is parked so that any part of the vehicle extends within the highway shoulder or bicycle lane:
    - (A) 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;
    - (B) 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;
    - (C) Of any freeway within 1,000 feet of the area where a freeway exit or entrance ramp meets the freeway; or
    - (D) 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, “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, 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 (Notice after taking into custody and towing) and, if requested, a hearing described under ORS 819.190 (Hearing to contest validity of custody and towing).
- (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 (Custody, towing and sale or disposal of abandoned vehicle).

(6) Subject to ORS 819.150 (Rights and liabilities of owner), vehicles and the contents of vehicles taken into custody under this section are subject to a lien as provided under ORS 819.160 (Lien for towing).

(7) 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 (Vehicle appraiser certificate).

(8) Vehicles taken into custody under this section are subject to sale or disposal under ORS 819.210 (Sale or disposal of vehicle not reclaimed) or 819.215 (Disposal of vehicle appraised at \$500 or less) if the vehicles are not reclaimed under ORS 819.150 (Rights and liabilities of owner) or returned to the owner or person entitled thereto under ORS 819.190 (Hearing to contest validity of custody and towing).

(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. [1983 c.338 §418; 1985 c.77 §1; 1991 c.464 §1; 1995 c.758 §9; 2007 c.509 §1; 2009 c.371 §7]

#### **ORS 819.140 Agencies having authority to take vehicle into custody powers of agency taking custody**

(1) This section establishes which agency has the authority to take vehicles into custody under ORS 819.110 (Custody, towing and sale or disposal of abandoned vehicle) and 819.120 (Immediate custody and towing of vehicle constituting hazard or obstruction). The agency with authority to take a vehicle into custody is responsible for notice and hearings under ORS 819.110 (Custody, towing and sale or disposal of abandoned vehicle) to 819.215 (Disposal of vehicle appraised at \$500 or less). Authority to take a vehicle into custody depends on the location of the vehicle as described under the following:

(a) If a vehicle is upon the right of way of a state highway, on an interstate highway that is part of the National System of Interstate and Defense Highways established under section 103(e), title 23, United States Code or on state property, the Department of State Police or the Department of Transportation may take the vehicle into custody and exercise the powers relating to authority over the vehicle described in this section. Action taken by the Department of State Police or the Department of Transportation under this subsection is not subject to ORS chapter 183.

(b) If the vehicle is upon the right of way of a county road or any other highway or property within the boundaries of a county, the sheriff of the county or a county agency with appropriate authority may take the vehicle into custody and exercise the powers relating to authority over the vehicle described in this section.

(c) If the vehicle is on a city street or alley, on an interstate highway or other highway within the boundaries of the city or on any other property within the boundaries of a city, the city police or a city agency with appropriate authority may take the vehicle into

custody and exercise the powers relating to authority over the vehicle described in this section.

(2) Except as otherwise provided by this section, an agency taking custody of a vehicle under ORS 819.110 (Custody, towing and sale or disposal of abandoned vehicle) or 819.120 (Immediate custody and towing of vehicle constituting hazard or obstruction) may:

(a) Use its own personnel, equipment and facilities for the towing and preservation of such vehicles; or

(b) Hire or otherwise engage other personnel, equipment and facilities for that purpose.

[1983 c.338 §420; 1985 c.16 §222; 1995 c.758 §10; 2003 c.819 §1; 2009 c.371 §8]

### **ORS 819.150 Rights and liabilities of owner**

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 (Custody, towing and sale or disposal of abandoned vehicle) or 819.120 (Immediate custody and towing of vehicle constituting hazard or obstruction):

(1) Is liable for all costs and expenses incurred in the towing, preservation and custody 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 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 (Lien for towing). In no case shall a person be required to pay storage charges 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 (Sale or disposal of vehicle not reclaimed) or 819.215 (Disposal of vehicle appraised at \$500 or less) 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.

(3) If the vehicle is taken into custody under ORS 819.110 (Custody, towing and sale or disposal of abandoned vehicle) or 819.120 (Immediate custody and towing of vehicle constituting hazard or obstruction), has a right to request and have a hearing under ORS 819.190 (Hearing to contest validity of custody and towing) or under procedures established under ORS 801.040 (Authority to adopt special provisions), as appropriate.

(4) If the vehicle is sold or disposed of under ORS 819.210 (Sale or disposal of vehicle not reclaimed) or 819.215 (Disposal of vehicle appraised at \$500 or less), has no further right, title or claim to or interest in the vehicle or the contents of the vehicle.

- (5) If the vehicle is sold or disposed of under ORS 819.210 (Sale or disposal of vehicle not reclaimed), has a right to claim the balance of the proceeds from the sale or disposition as provided under ORS 87.206 (Disposition of proceeds of foreclosure sale).
- (6) Has no right to a hearing if the vehicle is disposed of under ORS 819.215 (Disposal of vehicle appraised at \$500 or less). [1983 c.338 §421; 1985 c.316 §2; 1993 c.233 §64; 1993 c.385 §5,5a; 1995 c.79 §378; 1995 c.758 §11; 2005 c.738 §4; 2009 c.371 §9]

### **ORS 819.160 Lien for towing**

- (1) Except as otherwise provided by this section, a person shall have a lien on the vehicle and its contents if the person, at the request of an authority described under ORS 819.140 (Agencies having authority to take vehicle into custody), 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 (Vehicle appraiser certificate).
  - (b) A vehicle taken into custody under ORS 819.110 (Custody, towing and sale or disposal of abandoned vehicle) or 819.120 (Immediate custody and towing of vehicle constituting hazard or obstruction), 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 (Vehicle appraiser certificate).
  - (c) A vehicle left parked or standing in violation of ORS 811.555 (Illegal stopping, standing or parking) or 811.570 (Improperly positioning parallel parked vehicle).
- (2) A lien established under this section shall be on the vehicle and its contents for the just and reasonable charges for the towing service performed and any storage provided. However, the storage charge is limited subject to ORS 98.812 (Towing of unlawfully parked vehicle) (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 vehicle into custody.
  - (b) To the contents of any vehicle that is taken into custody for violation of ORS 811.555 (Illegal stopping, standing or parking) or 811.570 (Improperly positioning parallel parked vehicle).
- (3) A person that tows any vehicle at the request of an authority under ORS 819.110 (Custody, towing and sale or disposal of abandoned vehicle) or 819.120 (Immediate custody and towing of vehicle constituting hazard or obstruction) shall transmit by first class mail with a certificate of mailing, no later than the third business day after the vehicle and its contents are placed in storage, written notice, approved by the authority, containing information on the procedures necessary to obtain a hearing under ORS 819.190 (Hearing to contest validity of custody and towing). 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. This subsection 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 (Vehicle appraiser certificate). [1983 c.338 §422; 1985 c.16 §223; 1993 c.326 §5; 1993 c.385 §6; 1995 c.79 §379; 1995 c.758 §12; 2007 c.538 §15; 2009 c.11 §99; 2009 c.371 §10; 2019 c.547 §4]

### **ORS 819.170 Notice prior to taking vehicle into custody and towing methods**

If an authority proposes to take custody of a vehicle under ORS 819.110 (Custody, towing and sale or disposal of abandoned vehicle), the authority shall provide notice and shall provide an explanation of procedures available for obtaining a hearing under ORS 819.190 (Hearing to contest validity of custody and towing). Except as otherwise provided under ORS 801.040 (Authority to adopt special provisions), notice required under this section shall comply with all of the following:

- (1) Notice shall be given by affixing a notice to the vehicle with the required information. The notice shall be affixed to the vehicle at least 24 hours before taking the vehicle into custody. The 24-hour period under this subsection includes holidays, Saturdays and Sundays.
- (2) Notice shall state all of the following:
  - (a) That the vehicle will be subject to being taken into custody and towed by the appropriate authority if the vehicle is not removed before the time set by the appropriate authority.
  - (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 and towed by the appropriate authority, will be subject to towing and storage charges and that a lien will attach to the vehicle and its contents.
  - (e) That the vehicle will be sold to satisfy the costs of towing and storage if the charges are not paid.
  - (f) That the owner, possessor or person having an interest in the vehicle is entitled to a hearing, before 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 the reasonableness of any towing and storage charges at the hearing.
  - (h) The time within which a hearing must be requested and the method for requesting a hearing. [1983 c.338 §423; 1985 c.316 §3; 1993 c.385 §§7,7a; 1995 c.758 §13; 2009 c.371 §11]

### **ORS 819.180 Notice after taking into custody and towing method**

- (1) If an authority takes custody of a vehicle under ORS 819.120 (Immediate custody and towing of vehicle constituting hazard or obstruction), the authority shall provide,

by certified mail within 48 hours of the towing, written notice with an explanation of procedures available for obtaining a hearing under ORS 819.190 (Hearing to contest validity of custody and towing) to the owners of the vehicle and any lessors or security interest holders as shown in the records of the Department of Transportation. 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 (Hearing to contest validity of custody and towing). 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, the identity of the appropriate authority that took the vehicle into custody and towed the vehicle and the statute, ordinance or rule under which the vehicle has been taken into custody and towed.
- (b) The location of the vehicle or the telephone number and address of the appropriate authority that will provide the information.
- (c) That the vehicle is subject to towing and storage charges, the amount of charges that have accrued to the date of the notice and the daily storage charges.
- (d) That the vehicle and its contents are subject to a lien for payment of the towing and storage charges and that the vehicle and its contents will be sold to cover the charges if the charges are not paid by a date specified by the appropriate authority.
- (e) That the owner, possessor or person having an interest in the vehicle and its contents is entitled to a prompt hearing to contest the validity of taking the vehicle into custody and towing it and to contest the reasonableness of the charges for towing and storage if a hearing is timely requested.
- (f) The time within which a hearing must be requested and the method for requesting a hearing.
- (g) 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. [1983 c.338 §424; 1985 c.316 §4; 1993 c.385 §8; 1995 c.758 §14; 2009 c.371 §12]

### **ORS 819.190 Hearing to contest validity of custody and towing**

*A person provided notice under ORS 819.170 (Notice prior to taking vehicle into custody and towing) or 819.180 (Notice after taking into custody and towing) or any other person who reasonably appears to have an interest in the vehicle may request a hearing under this section to contest the validity of the towing and custody under ORS 819.120 (Immediate custody and towing of vehicle constituting hazard or obstruction) or proposed towing and custody*

of a vehicle under ORS 819.110 (Custody, towing and sale or disposal of abandoned vehicle) by submitting a request for hearing with the appropriate authority not more than five 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 (Authority to adopt special provisions), a hearing under this section shall comply with all of the following:

(1) If the authority proposing to tow a vehicle under ORS 819.110 (Custody, towing and sale or disposal of abandoned vehicle) 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) A request for hearing shall 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) Upon receipt of a request for a hearing under this section, the appropriate authority shall set a time for the hearing within 72 hours 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.

(4) If the appropriate authority 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 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) 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 for the person's failure to appear.

(6) 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) A hearing under this section may be used to determine the reasonableness of the charge 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.*

(8) An authority shall provide a written statement of the results of a hearing held under this section to the person requesting the hearing.

(9) 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 (Evidence in contested cases).

(10) 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 investigation related to taking into custody and towing the vehicle that is the subject of the hearing.

(11) The determination of a hearings officer at a hearing under this section is final and is not subject to appeal. [1983 c.338 §425; 1985 c.16 §224; 1985 c.316 §5; 2009 c.371 §14]

#### **ORS 819.200 Exemption from notice and hearing requirements for vehicle held in criminal investigation**

A vehicle that is being held as part of any criminal investigation is not subject to any requirements under ORS 819.170 (Notice prior to taking vehicle into custody and towing) to 819.190 (Hearing to contest validity of custody and towing) unless the criminal investigation relates to the theft of the vehicle. [1983 c.338 §426; 1993 c.385 §9]

#### **ORS 819.210 Sale or disposal of vehicle not reclaimed**

(1) If a vehicle taken into custody under ORS 819.110 (Custody, towing and sale or disposal of abandoned vehicle) or 819.120 (Immediate custody and towing of vehicle constituting hazard or obstruction) is not reclaimed within 30 days after it is taken into custody, the person that towed the vehicle shall either:

(a) Sell the vehicle and its contents at public auction in the manner provided in ORS 87.192 (Notice of foreclosure sale to lien debtor) and 87.196 (Notice of foreclosure sale to secured parties); 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 are found. [1983 c.338 §427; 1995 c.758 §15; 2009 c.371 §15]

#### **ORS 819.215 Disposal of vehicle appraised at \$500 or less**

(1) If an abandoned vehicle is appraised at a value of \$500 or less by a person who holds a certificate issued under ORS 819.480 (Vehicle appraiser certificate), the person that towed the vehicle shall:

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

(b) Photograph the vehicle;

(c) Notify the Department of Transportation that the vehicle will be disposed of; and

(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 (Dismantler certificate).

(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 written notice to the persons whose names are furnished in the statement. The 48-hour period does not include Saturdays, Sundays or holidays. The notice shall state that a person that is entitled to possession of the vehicle has 15 days from the date the notice was mailed to claim the vehicle and that if the vehicle is not claimed, it 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 (Sale or disposal of vehicle not reclaimed).

(5) Disposal of a vehicle to a dismantler as provided in this section extinguishes all prior ownership and possessory rights.

(6) The department shall adopt rules specifying the form in which notification to the department required by subsection (1) of this section shall be submitted and what information shall be conveyed to the department. 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. [1993 c.326 §2; 1995 c.758 §16; 2005 c.654 §29; 2009 c.371 §16]

#### **ORS 819.280 Disposal of vehicle at request of person in lawful possession**

(1) A person may make a request to an authority described in ORS 819.140 (Agencies having authority to take vehicle into custody) (1)(b) or (c) to dispose of a vehicle that is on the private property of the person and that is appraised at a value of \$500 or less, as determined by a holder of a certificate issued under ORS 819.480 (Vehicle appraiser certificate), if the person is in lawful possession of the vehicle. For the purposes of this

subsection, a person need not have the certificate of title to be in lawful possession of the vehicle.

(2) If the authority requested to dispose of a vehicle under subsection (1) of this section chooses to dispose of the vehicle, the authority shall do all of the following:

(a) Photograph the vehicle.

(b) Verify that the person is in lawful possession of the vehicle.

(c) Provide notification to the person requesting the disposal and the Department of Transportation of all of the following:

(A) The name and address of the person requesting the disposal;

(B) The vehicle identification number;

(C) The appraised value of the vehicle;

(D) The appraiser's certificate number and signature; and

(E) The name and address of the authority disposing of the vehicle.

(d) Dispose of the vehicle and its contents to a person who holds a valid dismantler certificate issued under ORS 822.110 (Dismantler certificate).

(3) The authority disposing of the vehicle may charge the person requesting the disposal a fee to dispose of the vehicle.

(4) Disposal of a vehicle to a dismantler as provided in this section extinguishes all prior ownership and possessory rights.

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

(6) In lieu of submitting ownership or other title documents for the vehicle, the authority disposing of the vehicle may submit to the dismantler a copy of the notification provided to the department under subsection (2) of this section. [2005 c.738 §2; 2005 c.738 §2a]