

A CITIZEN'S GUIDE TO PRIVATE PROPERTY VEHICLE TOW PROCEDURES



CODE ENFORCEMENT DIVISION
CITY OF GRESHAM

**DISPOSITION OF UNLAWFULLY PARKED VEHICLES AS
IT PERTAINS TO PRIVATE PROPERTY ONLY**

98.805 Definitions for OR5 98.830 Requirements:

- (4) "Proscribed property" means any part of private property:
- (a) Where parking is not normally permitted at all; or
 - (b) That is used primarily for residences, including but not limited to houses and apartments, where there is designated parking for not more than 10 vehicles.
98.810 Unauthorized parking of vehicle at proscribed property prohibited. No person, without the permission or
- (2) The owner of proscribed property, shall leave or park any vehicle on the proscribed property whether or not there is a sign prohibiting or restricting parking on the proscribed property

ORS 98.830 Towing abandoned vehicle from private property conditions: A person who is the owner, or is in lawful possession, of private property on which a motor vehicle has been abandoned may have the motor vehicle towed from the property if:

- (1) The person affixes a notice to the vehicle stating that the vehicle will be towed if it is not removed. The notice required by this subsection must remain on the vehicle for 72 hours before the vehicle may be removed
- (2). The person fills out and signs a form that includes:
 - (a) A description of the vehicle to be towed;
 - (b) The location of the property from which the vehicle will be towed; and
 - (c) A statement that the person has complied with subsections (1) and (2) of this section.

ORS 98.835 Immunity from civil liability for towing abandoned vehicle, lien for towing, storage and care:

- (1) A person who tows a vehicle pursuant to ORS 98.830 is immune from civil liability for towing the vehicle if the person has a form described in ORS 98.830 (3), filled out by a person purporting to be the owner or a person in lawful possession of the private property from which the vehicle is towed. This subsection does not grant immunity for any logs, damage or injury arising out of any negligent or willful damage to, or destruction of, the vehicle that occurs during the course of the towing.
- (2) The person who tows a vehicle pursuant to ORS 98.830 is entitled to a lien on the vehicle and its contents for the person's just and reasonable charges and may retain possession thereof until the just and reasonable charges for the towage, care and storage of the vehicle have been paid if the person complies with the following requirements:
 - (a) A tow company representative shall notify the local law enforcement agency (Gresham Police Records (503) 618-2318) of the location of the vehicle within one hour after the vehicle has been placed in storage:

- (b) If the unclaimed vehicle is registered in Oregon, the person shall give notice by certified mail, within 15 days after the vehicle is placed in storage, to the vehicle owner and any other person with an interest in the vehicle, as indicated by the certificate of title. If notice under this paragraph is given by mail, it must be transmitted within the 15-day period, but need not be received within that period, but within a reasonable time, If the person who tows the vehicle fails to comply with the notice requirements of this paragraph, the amount of the lien is limited to a sum equal to the reasonable expenses incurred within the 15 day period for towage, care and storage of the vehicle; and
- (c) If the unclaimed vehicle is not registered in Oregon, the person shall, within 15 days after the vehicle is placed n storage, notify and request the title information and the name, address and telephone number of the vehicle owner from the motor vehicle agency for the state in which the vehicle is registered. The person shall have 15 days from the date of receipt of the information from the state motor vehicle agency to notify the vehicle owner or any other person with an interest in the vehicle, as indicated by the certificate of title, If notice under this paragraph is given by mail, it must be transmitted within 15 days from the receipt of information from the state motor vehicle agency, but need not be received within that period, but within a reasonable time. If the person fails to comply with the notice requirements of this paragraph, the amount of the lien is limited to a sum equal to the reasonable expenses incurred within the period between storage of the vehicle and receipt of information from the state motor vehicle agency for towage, care and storage of the vehicle.

(3) The lien created by subsection (2) of this section may be foreclosed only in the manner provided by ORS 87.172 (3) and 87.176 to 87,206 for foreclosure of liens arising or claimed under ORS 87.152. [1995 c.758 §2; 2001 c.424 §2]

PENALTIES

ORS 98.991 Penalties relating to unclaimed property:

- (1) Any person who willfully fails to render any report or perform other duties required under this Act is guilty of a misdemeanor.
- (2) Any person who willfully refuses to pay or deliver unclaimed property to the Division of State Lands as required under this Act is guilty of a misdemeanor. [1957 c.670 §36; 1993 c.694 §22]

ORS 98.992 Penalty for failure to report, pay or deliver property under ORS 98.302 to 98.436:

A person who willfully fails to render any report, to pay or deliver property or to perform other duties required by ORS 98.302 to 98.436, and 98.992 may be required to forfeit and pay to the State Treasurer to be deposited in the Common School Fund Account, an amount determined by the Division of State Lands pursuant to ORS 183.090 of not more than \$1,000 for individuals and \$50,000 for corporations. This penalty shall be assessed only after at least one reporting cycle, and only after the division has provided the person with written instructions, including copies of applicable laws and policies. The division may waive any penalty due under this section with appropriate justification. [1993 c.694 §25]

**PRIVATE PROPERTY VEHICLE TOW
AUTHORIZATION**

Oregon Law (ORS 98.930) states:

“A person who is the owner, or is in lawful possession of private property on which a motor vehicle has been abandoned, may have the motor vehicle towed from the property if:

- (1) The person affixes a notice to the vehicle stating that the vehicle will be towed if it is not removed. The notice required by this subsection must remain on the vehicle for 72 hours before the vehicle may be removed

- (2) The person fills out and signs a form that includes:
 - (a) A description of the vehicle to be towed;
 - (b) The location of the property from which the vehicle will be towed; and
 - (c) A statement that the person has complied with subsections (1) and (2) of this section (This form should be given to the company that tows the vehicle)

Vehicle to be towed:

Make:	Year:	Model:
Color:	VIN # (If known)	

Property where vehicle is located:

Street Address:	City:	State: OR
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To the best of my knowledge, I have complied or met all of the requirements listed in 1 and 2 above:

Signature of individual requesting tow: _____

Printed Name: _____

Date: _____

*This form should be given to the tow agency, which must retain it in their information as a record that all requirements under ORS 98.830 have been met.

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72 HOUR TOW NOTICE

In accordance with ORS 98.830, as a private property owner, I will have this motor vehicle towed and/or removed from this property in **72 hours** at the owner's expense.

Date: _____ Time: _____

Signature (Property owner): _____

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