Chapter 819

1999 EDITION

Destroyed, Totaled, Abandoned and Stolen Vehicles; Vehicle Identification Numbers

DESTROYED AND TOTALED VEHICLES

819.010 Failure to comply with requirements for destruction of vehicle; exception; penalty

819.012 Failure to follow procedures for a totaled vehicle; penalty

819.014 Insurer failure to follow procedures for totaled vehicle; penalty

819.016 When salvage title required

819.018 Failure to notify subsequent purchaser of condition of vehicle; penalty

819.030 Department procedure on receipt of title or notice

819.040 Illegal salvage procedures; penalty

ABANDONED VEHICLES

(Offense)

819.100 Abandoning a vehicle; penalty

(Custody and Removal)

819.110 Removal and sale of abandoned vehicle; general provisions

819.120 Immediate custody and removal of vehicle constituting hazard

819.140 Agencies having authority to remove vehicles; powers of agency taking custody

819.150 Rights and liabilities of owner

819.160 Lien for towing

819.170 Notice prior to removal; methods; contents

819.180 Notice after removal; method; contents

819.185 Procedure for vehicles that have no identification markings

819.190 Hearing to contest validity of removal and custody

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

(Disposal of Vehicle)

819.210 Sale of vehicle not reclaimed

819.215 Disposal of vehicle appraised at $500 or less

819.220 Disposal of vehicle without notice and public auction

819.230 Appraiser certificate; qualification; issuance; renewal; revocation; suspension

819.240 Certificate of sale; issuing title and registration card for vehicle

819.250 Return of sale; proceeds

819.260 Claim by former owner to proceeds of sale

(Related Offenses)

819.270 Illegal operation of junk vehicle sold by public body; penalty

STOLEN VEHICLES

819.300 Possession of a stolen vehicle; penalty

819.310 Trafficking in stolen vehicles; penalty

VEHICLE IDENTIFICATION NUMBERS

819.400 Assignment of numbers

819.410 Failure to obtain vehicle identification number for unnumbered vehicle; exception; penalty

819.420 Failure to obtain vehicle identification number for vehicle with altered or removed number; penalty

819.430 Trafficking in vehicles with destroyed or altered identification numbers; penalty

819.440 Police seizure of vehicle without identification number; inspection; disposition of vehicle; disposition of moneys from sale

CROSS-REFERENCES

819.010, 819.030, 819.040

Racketeering law, application, 166.715

Title requirements for destroyed or dismantled vehicles, 808.210

819.100 to 819.270

Application of provisions of ORS 819.100 to 819.270, 801.020

Application to bicycles, 814.400

Limits on local government authority in relation to Oregon Vehicle Code provisions, 801.040

Towing illegally parked vehicles from private property, 98.805 to 98.818

819.230

Appraisal of vehicles subject to lien foreclosure, 87.172, 87.192, 87.196

DESTROYED AND TOTALED VEHICLES

819.010 Failure to comply with requirements for destruction of vehicle; exception; penalty. (1) A person commits the offense of failure to comply with requirements for destruction of a vehicle if the person wrecks, dismantles, disassembles or substantially alters the form of any vehicle that is or is required to be registered or titled under the vehicle code or under ORS chapter 826 and the person does not comply with all of the following:

(a) The person must give notice to the Department of Transportation, in a form specified by the department, of the person's intention to dismantle, disassemble, wreck or substantially alter the form of the vehicle at least seven days prior to commencement thereof.

(b) If the vehicle is visible from a public right of way, the person must complete the wrecking, dismantling, disassembling or substantial alteration of form within 30 days from the commencement thereof.

(c) If the vehicle is registered by this state, the person must deliver or mail to the department the registration card, certificate of title, if one has been issued, and registration plates of the vehicle within 30 days after the person wrecks, dismantles, disassembles or substantially alters the form of the vehicle.

(d) If no certificate of title has been issued for the vehicle, the person must notify the department in a manner determined by the department by rule within 30 days after the person wrecks, dismantles, disassembles or substantially alters the form of the vehicle.

(e) If required to do so under ORS 819.016, the person shall apply for a salvage title for the vehicle.

(2) Subsection (1)(a) and (b) of this section do not apply to persons who are acting within the scope of a wrecker certificate issued under ORS 822.110.

(3) The offense described in this section, failure to comply with requirements for destruction of vehicle, is a Class A misdemeanor. [1983 c.338 s.193; 1985 c.16 s.68; 1985 c.401 s.2; 1991 c.407 s.33; 1991 c.873 s.36; 1993 c.233 s.57; 1993 c.751 s.75]

819.012 Failure to follow procedures for a totaled vehicle; penalty. (1) A person other than an insurer commits the offense of failure to follow procedures for a totaled vehicle if the person:

(a) Is the registered owner of a vehicle that is a totaled vehicle as defined in ORS 801.527 (1) and does not surrender the certificate of title for the vehicle either to the Department of Transportation or to the insurer within 30 days of the declaration or other relevant act by the insurer.

(b) Is the registered owner of a vehicle that is a totaled vehicle as defined in ORS 801.527 (2) and does not notify the department of the status of the vehicle within 30 days of the day that the vehicle became a totaled vehicle.

(c) Is the registered owner of a vehicle that is a totaled vehicle as defined in ORS 801.527 (3) and does not surrender the certificate of title for the vehicle to the department within 30 days of the date the vehicle became a totaled vehicle.

(d) Receives or purchases a totaled vehicle and does not surrender the certificate of title for the vehicle to the department within 30 days of purchase or receipt of the vehicle.

(2) A person is not required to surrender the certificate of title if the person is unable to obtain the certificate for the vehicle. If the person is unable to obtain the certificate, the person shall notify the department that the vehicle is a totaled vehicle and shall notify the department of the reason that the person is unable to surrender the certificate.

(3) If the vehicle is one for which title was issued in a form other than a certificate, the person shall notify the department that the vehicle is a totaled vehicle and shall follow procedures adopted by the department by rule.

(4) The offense described in this section, failure to follow procedures for a totaled vehicle, is a Class A misdemeanor. [1991 c.820 s.4; 1993 c.233 s.58]

819.014 Insurer failure to follow procedures for totaled vehicle; penalty. (1) An insurer commits the offense of insurer failure to follow procedures for a totaled vehicle if the insurer declares that the vehicle is a totaled vehicle and does not:

(a) Obtain the certificate of title from the owner of the vehicle as a condition of settlement of the claim and surrender it to the Department of Transportation within 30 days of its receipt; or

(b) If the insurer does not obtain the certificate from the registered owner, notify the department that the vehicle is a totaled vehicle within 30 days of declaring it to be so, or taking title to or possession of it, and notify the registered owner of the vehicle that the registered owner must surrender the certificate to the department and must notify any subsequent purchaser that the vehicle is a totaled vehicle.

(2) If the vehicle is one for which title was issued in a form other than a certificate, the insurer shall notify the department that the vehicle is a totaled vehicle and shall follow procedures adopted by the department by rule.

(3) The offense described in this section, insurer failure to follow procedures for a totaled vehicle, is a violation of the Insurance Code, as provided in ORS 746.308. [1991 c.820 s.4a; 1993 c.233 s.59]

819.016 When salvage title required. (1) Except as provided in subsection (2) of this section, when the provisions of ORS 819.010, 819.012 or 819.014 require a person to surrender to the Department of Transportation a certificate of title for a vehicle, or when a person buys a vehicle under the provisions of ORS 819.220, the person shall apply to the department for a salvage title for the vehicle. The application shall comply with the requirements of ORS 803.140.

(2) When the person is not required to surrender a certificate of title because title for the vehicle was issued in some other form, the person shall follow procedures adopted by the department by rule.

(3) Subsections (1) and (2) of this section do not apply if the person does not intend to rebuild or repair the vehicle, to transfer the vehicle or to use the frame or unibody of the vehicle for repairing or constructing another vehicle. [1991 c.820 s.23; 1991 c.873 s.26; 1993 c.233 s.60]

819.018 Failure to notify subsequent purchaser of condition of vehicle; penalty. (1) A person commits the offense of failure to notify a subsequent purchaser of the condition of a vehicle if the person sells a totaled vehicle and does not provide the purchaser with a salvage title certificate or, if no certificate is required as evidence of salvage title, does not comply with rules adopted by the Department of Transportation for notification of salvage title without a certificate.

(2) The offense described in this section, failure to notify a subsequent purchaser of the condition of a vehicle, is a Class A misdemeanor when committed by someone other than an insurer. [1991 c.820 ss.5,22; 1993 c.233 s.61]

819.020 [1983 c.338 s.195; 1985 c.16 s.69; 1985 c.176 s.1; 1987 c.119 s.5; repealed by 1991 c.820 s.20]

819.030 Department procedure on receipt of title or notice. The Department of Transportation shall comply with the following procedures upon receiving a certificate of title or other notice in accordance with the provisions of ORS 819.010, 819.012 or 819.014:

(1) If the department is satisfied that the vehicle is totaled, wrecked, dismantled, disassembled or substantially altered, the department shall cancel and retire the registration and title of the vehicle. Except for issuance of a salvage title, the department shall not register or title the vehicle again unless:

(a) The department is satisfied that the original title certificate, if any, was surrendered in error or that notice was submitted in error and the record canceled in error;

(b) The vehicle is registered or titled as an assembled vehicle, a reconstructed vehicle or a replica; or

(c) The vehicle is recovered after a theft if the theft is the reason that the vehicle was considered a totaled vehicle.

(2) If the department is satisfied that the vehicle is totaled, wrecked, dismantled or disassembled, the department may issue a proof of compliance form if no salvage title is issued for the vehicle. [1983 c.338 s.196; 1985 c.176 s.2; 1985 c.401 s.3; 1987 c.119 s.6; 1991 c.820 s.8; 1991 c.873 s.38; 1993 c.233 s.62]

819.040 Illegal salvage procedures; penalty. (1) A person commits the offense of illegal salvage procedures if the person engages in crushing, compacting or shredding of vehicles and the person violates any requirements under the following:

(a) The person may accept vehicles as salvage material from other persons who hold a certificate as a wrecker issued under ORS 822.110.

(b) Except as otherwise provided in this subsection, the person may not accept vehicles from another person who does not hold a certificate as a wrecker issued under ORS 822.110, unless the other person:

(A) Complies with the requirements of ORS 819.010, or is in possession of a certificate of sale issued under ORS 819.240 or of a salvage title certificate; and

(B) Displays a salvage title certificate, a compliance form issued under ORS 819.030, or a certificate of sale to the person engaged in salvage.

(c) The person engaged in salvage may accept a copy of the Department of Transportation form issued under ORS 819.030 as proof of compliance under ORS 819.010 or may accept a certificate of sale or a salvage title certificate, as applicable, and surrender such copy or certificate to the department.

(d) The person may accept vehicles as salvage material from authorities or tow businesses disposing of vehicles as authorized under ORS 819.215 if the authority or tow business gives the person a copy of notification made to the department under ORS 819.215.

(2) If a salvage title has been issued in a form other than a certificate, the person engaged in salvage may accept documents or information in a manner or form determined by the department by rule.

(3) The offense described in this section, illegal salvage procedures, is a Class A misdemeanor. [1983 c.338 s.197; 1985 c.16 s.70; 1991 c.873 s.39; 1993 c.233 s.63; 1993 c.326 s.3]

ABANDONED VEHICLES

(Offense)

819.100 Abandoning a vehicle; penalty. (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.

(2) The owner of the vehicle as shown by the records of the Department of Transportation shall be considered responsible for the abandonment of a vehicle in the manner prohibited by this section and shall be liable for the cost of removal and disposition of the abandoned vehicle.

(3) A vehicle abandoned in violation of this section is subject to the provisions for removal of abandoned vehicles under ORS 819.110 and 819.120 and to being sold as provided under ORS 819.210 or 819.220.

(4) The offense described in this section, abandoning a vehicle, is a Class B traffic violation. [1983 c.338 s.677; 1995 c.758 s.7]

(Custody and Removal)

819.110 Removal and sale of abandoned vehicle; general provisions. (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 remove 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 authority in this section to remove and take vehicles into custody is in addition to any authority to remove and take vehicles into custody under ORS 819.120.

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

(4) An authority removing a vehicle under this section shall cause the vehicle to be appraised within a reasonable time by a person authorized to perform such appraisals under ORS 819.230.

(5) Vehicles removed and taken into custody under this section are subject to sale under ORS 819.210 or 819.220 if the vehicles are not reclaimed as provided under ORS 819.150 or returned to the owner or person entitled to possession under ORS 819.190. [1983 c.338 s.417; 1995 c.758 s.8]

819.120 Immediate custody and removal of vehicle constituting hazard. (1) An authority described under ORS 819.140 may immediately take custody of 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 during the hours of 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m.;

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

(C) 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) After taking a vehicle into custody under this section an authority taking custody of a vehicle is required to give the notice described under ORS 819.180 and, if requested, a hearing described under ORS 819.190.

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

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

(7) An authority removing a vehicle under this section shall cause the vehicle to be appraised within a reasonable time by a person authorized to perform such appraisals under ORS 819.230.

(8) Vehicles removed and taken into custody under this section are subject to sale or disposition under ORS 819.210 or 819.220 if the vehicles are not reclaimed under ORS 819.150 or returned to the owner or person entitled thereto 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. [1983 c.338 s.418; 1985 c.77 s.1; 1991 c.464 s.1; 1995 c.758 s.9]

819.130 [1983 c.338 s.419; 1985 c.16 s.221; 1993 c.385 s.4; repealed by 1995 c.758 s.23]

819.140 Agencies having authority to remove vehicles; powers of agency taking custody. (1) This section establishes which agency has the authority to remove and take vehicles into custody under ORS 819.110 and 819.120. The agency with authority for removal is responsible for notice and hearings under ORS 819.170 to 819.190 and for the sale or disposal of the vehicle under ORS 819.210 or 819.220. Authority for removal of a vehicle 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 may provide for a vehicle to be taken into custody. When the Department of State Police exercises powers described in this section, the department shall notify either the sheriff or an appropriate authority of the county in which the vehicle is located. The agency notified by the Department of State Police shall exercise the powers described in this section in lieu of the Department of State Police and shall exercise authority over the vehicle. Action taken by the Department of State Police under this subsection is not subject to ORS 183.310 to 183.550. The authority actually providing for the removal of the vehicle is subject to the appropriate procedures upon removal and sale or disposal of the vehicle.

(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 or 819.120 may:

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

(b) Hire or otherwise engage other personnel, equipment and facilities for that purpose. [1983 c.338 s.420; 1985 c.16 s.222; 1995 c.758 s.10]

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 or 819.120:

(1) Is liable for all costs and expenses incurred in the removal, 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. 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 or 819.220 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 or 819.120, has a right to request and have a hearing under ORS 819.190 or under procedures established under ORS 801.040, as appropriate.

(4) If the vehicle is sold or disposed of under ORS 819.210, 819.215 or 819.220, 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, has a right to claim the balance of the proceeds from the sale or disposition as provided under ORS 819.260.

(6) Has no right to a hearing if the vehicle is disposed of under ORS 819.215. [1983 c.338 s.421; 1985 c.316 s.2; 1993 c.233 s.64; 1993 c.385 ss.5,5a; 1995 c.79 s.378; 1995 c.758 s.11]

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, 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 819.230.

(b) 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 819.230.

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

(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, if the person who tows the vehicle fails to comply with the notice requirements of subsection (3) of this section, the amount of any lien claimed under this paragraph shall be 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. The lien shall be subject to the provisions for liens under ORS 98.812 (3). The person holding the lien may retain possession of the vehicle and contents until the charges on which the lien is based are paid. 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 or 811.570.

(3) A person who tows any vehicle at the request of an authority under ORS 819.110 or 819.120 shall transmit by certified mail, within 20 days 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. 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 who tows an abandoned vehicle that is appraised at a value of $500 or less by a person who holds a certificate issued under ORS 819.230. [1983 c.338 s.422; 1985 c.16 s.223; 1993 c.326 s.5; 1993 c.385 s.6; 1995 c.79 s.379; 1995 c.758 s.12]

819.170 Notice prior to removal; methods; contents. If an authority 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 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 removed 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 removed.

(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 removed 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 removal 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 s.423; 1985 c.316 s.3; 1993 c.385 ss.7,7a; 1995 c.758 s.13]

819.180 Notice after removal; method; contents. (1) If an authority takes custody of a vehicle under ORS 819.120, the authority shall provide, by certified mail within 48 hours of the removal, 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. 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 removed shall state all of the following:

(a) That the vehicle has been taken into custody and removed, the identity of the appropriate authority that took the vehicle into custody and removed the vehicle and the statute, ordinance or rule under which the vehicle has been taken into custody and removed.

(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 removing 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 s.424; 1985 c.316 s.4; 1993 c.385 s.8; 1995 c.758 s.14]

819.185 Procedure for vehicles that have no identification markings. If there is no vehicle identification number on a vehicle and there are no registration plates and no other markings through which the Department of Transportation could identify the owner of the vehicle, then an authority otherwise required to provide notice under ORS 819.170 or 819.180 is not required to provide such notice and the vehicle may be removed and disposed of as though notice and an opportunity for a hearing had been given. [1995 c.758 s.22]

819.190 Hearing to contest validity of removal and custody. 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 may request a hearing under this section to contest the validity of the removal and custody under ORS 819.120 or proposed removal and custody of a vehicle under ORS 819.110 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, a hearing under this section shall comply with all of the

following:

(1) If the authority proposing to remove a vehicle under ORS 819.110 receives a request for hearing before the vehicle is taken into custody and removed, the vehicle shall not be removed 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 removal 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 removal 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 removing 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 removed, the appropriate authority shall order its removal.

(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 removes 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.

(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 removing 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 s.425; 1985 c.16 s.224; 1985 c.316 s.5]

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 to 819.190 unless the criminal investigation relates to the theft of the vehicle. [1983 c.338 s.426; 1993 c.385 s.9]

(Disposal of Vehicle)

819.210 Sale of vehicle not reclaimed. (1) If a vehicle taken into custody under ORS 819.110 or 819.120 is not reclaimed within 30 days after it is taken into custody, the authority with custody of the vehicle shall either:

(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 are found.

(3) The authority to dispose of a vehicle under this section is in addition to any authority under ORS 819.220.

(4) Funds received from the sale of a vehicle or its contents under this section shall be disposed of as provided in ORS 819.250.

(5) Upon sale of a vehicle under this section, an authority shall issue a certificate of sale as described in ORS

819.240. [1983 c.338 s.427; 1995 c.758 s.15]

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 819.230, the person who towed the vehicle or the authority that requested the tow, if the authority chooses to dispose of 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 wrecker certificate issued under ORS 822.110.

(2) The authority that requests towing of an abandoned vehicle shall provide the tow company, at the time of the tow, 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) The person who tows the vehicle, or the authority that requested the tow if the authority chooses to dispose of the vehicle, shall give written notice, within 48 hours of the day the vehicle was towed, to the persons whose names are furnished under subsection (2) of this section. The 48 hours shall not include Saturdays, Sundays or holidays. The notice shall state that a person 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) Disposal of a vehicle to a wrecker as provided in this section extinguishes all prior ownership and possessory rights.

(5) 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 disposing of the vehicle may submit to the wrecker a copy of any notification submitted to the department under this section instead of submitting to the wrecker ownership or other title documents for the vehicle. [1993 c.326 s.2; 1995 c.758 s.16]

Note: 819.215 was added to and made a part of ORS chapter 819 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

819.220 Disposal of vehicle without notice and public auction. (1) If a vehicle taken into custody under ORS 819.110 or 819.120 is appraised at a value of $1,000 or less, or if it is an abandoned vehicle appraised at a value of $1,000 or less but more than $500, the authority with custody of the vehicle may dispose of the vehicle without notice and public auction if any of the following occur:

(a) The owner of the vehicle and any lessor or security interest holder shown in the records of the Department of Transportation sign a release, under oath, disclaiming any future interest in the vehicle.

(b) The owner and any lessor or security interest holder shown in the records of the department have been sent notification of the location of the vehicle and, within 15 days after the date the notification is mailed, the persons notified have not signed releases or the vehicle has not been reclaimed. Failure to sign a release or to reclaim the vehicle shall constitute a waiver of interest in the vehicle.

(2) Upon completion of the requirements under this section, the authority may sell the vehicle without notice and public auction to any of the persons described in this subsection. The authority shall issue to the person purchasing the vehicle a certificate of sale described under ORS 819.240 and shall notify the person that the person might be required by the provisions of ORS 819.016 to apply for a salvage title. The authority may sell a vehicle under this subsection to any of the following:

(a) A wrecker with a certificate issued under ORS 822.110.

(b) Any other person who complies with the provisions of ORS 819.010.

(3) Upon disposition of a vehicle under this section the vehicle shall cease to be a vehicle for purposes of the vehicle code, except as provided in the following:

(a) The person purchasing the vehicle is subject to the provisions of ORS 819.010 and 819.040 relating to salvage procedures and requirements for destruction of vehicles.

(b) The provisions of ORS 819.030 apply to the procedures of the department relating to the vehicle, as appropriate.

(4) The authority to sell or dispose of a vehicle under this section is in addition to any authority under ORS

819.210. [1983 c.338 s.428; 1985 c.16 s.225; 1985 c.316 s.6; 1991 c.873 s.40; 1993 c.326 s.7; 1993 c.751 s.76; 1995 c.758 s.17]

819.230 Appraiser certificate; qualification; issuance; renewal; revocation; suspension. (1) A person who is issued an appraiser certificate by the Department of Transportation under this section is qualified to appraise vehicles for sale under ORS 819.210 and 819.220.

(2) The department shall establish rules to provide for issuance of appraiser certificates under this section. Rules adopted by the department under this section shall provide for all of the following:

(a) A method of ascertaining the qualifications and competence of individuals to conduct vehicle appraisals in accordance with the rules of the department and generally accepted methods of appraisal.

(b) A system for issuance of appraiser certificates to persons who qualify under the rules of the department.

(c) Procedures and grounds for revocation or suspension of appraiser certificates issued under this section if the department determines the person holding the certificate has violated the rules adopted by the department.

(d) A procedure for renewal of appraiser certificates issued under this section.

(3) Appraiser certificates issued under this section are subject to the following:

(a) A certificate shall expire two years from the date of issuance unless renewed according to the rules of the department.

(b) The department shall not issue an appraiser certificate to a person until the person has paid the fee for issuance of an appraiser certificate under ORS 822.700.

(c) The department shall not renew an appraiser certificate issued under this section until the holder has paid the fee for renewal of an appraiser certificate under ORS 822.700. [1983 c.338 s.810]

819.240 Certificate of sale; issuing title and registration card for vehicle. (1) When any vehicle is sold under ORS 819.210 or 819.220, the authority selling the vehicle under that section, at the time of the payment of the purchase price, shall execute a certificate of sale in duplicate. The original certificate of sale shall be delivered to the purchaser and the copy shall be retained by the authority. The certificate of sale shall contain the name and address of the purchaser, the date of sale, the consideration paid, a description of the vehicle and a stipulation that no warranty is made as to the condition or title of the vehicle.

(2) The purchaser, upon presentation of the certificate of sale to the Department of Transportation and payment of the fees required by law, is entitled to be issued title and a registration card for the vehicle or to be issued a salvage title, as appropriate. [1983 c.338 s.429; 1991 c.873 s.41; 1993 c.233 s.65]

819.250 Return of sale; proceeds. (1) When any vehicle is sold under ORS 819.210 or 819.220, the authority selling the vehicle shall transmit to the Department of Transportation, and to the treasurer of that authority, a return of sale setting forth:

(a) A description of the vehicle;

(b) The purchase price;

(c) The name and address of the purchaser;

(d) The costs incurred in the sale; and

(e) The costs and expenses incurred in the removal, preservation and custody of the vehicle.

(2) The authority selling the vehicle under ORS 819.210 or 819.220 shall transmit to the treasurer of that authority, with the return of sale, the balance of the proceeds of the sale. The authority may deduct from the proceeds the costs incurred in the sale and the costs and expenses incurred in the removal, preservation and custody of the vehicle. Upon receipt of the return of sale and such proceeds, the treasurer of the authority shall deposit such proceeds in the general fund of the authority and file in the treasurer's office the return of sale. [1983 c.338 s.430; 1985 c.16 s.226; 1985 c.94 s.1]

819.260 Claim by former owner to proceeds of sale. At any time within two years after the sale of a vehicle under ORS 819.210, the former owner or former interest holder of the vehicle may recover the proceeds from the general fund of the selling authority under ORS 819.250 by filing a claim with the authority. The claim shall be audited and paid as are other claims against the authority. [1983 c.338 s.431; 1985 c.316 s.7]

(Related Offenses)

819.270 Illegal operation of junk vehicle sold by public body; penalty. (1) A person commits the offense of illegal operation of a junk vehicle sold by a public body if the person operates a vehicle previously sold under ORS 819.220 and the vehicle is not registered as a reconstructed vehicle, an assembled vehicle or a replica.

(2) The offense described in this section, illegal operation of a junk vehicle sold by a public body, is a Class C misdemeanor. [1983 c.338 s.432; 1987 c.119 s.7]

STOLEN VEHICLES

819.300 Possession of a stolen vehicle; penalty. (1) A person commits the offense of possession of a stolen vehicle if the person possesses any vehicle which the person knows or has reason to believe has been stolen.

(2) The offense described in this section, possession of a stolen vehicle, is a Class C felony. [1983 c.338 s.297]

819.310 Trafficking in stolen vehicles; penalty. (1) A person commits the offense of trafficking in stolen vehicles if the person receives or transfers possession of a vehicle which the person knows or has reason to believe has been stolen with intent to obtain, transfer or sell title to the vehicle.

(2) The offense described in this section, trafficking in stolen vehicles, is a Class C felony. [1983 c.338 s.298; 1985 c.16 s.121]

VEHICLE IDENTIFICATION NUMBERS

819.400 Assignment of numbers. The Department of Transportation shall provide vehicle identification numbers for vehicles required to be registered in this state and components of such vehicles as the department determines necessary if the vehicles or components do not have vehicle identification numbers. The authority granted by this section is subject to the following:

(1) A vehicle identification number provided under this section shall be assigned by the department and permanently attached to the vehicle or component as prescribed by the department.

(2) A vehicle identification number provided under this section shall be furnished by the department.

(3) The vehicle identification number shall be affixed on an appropriate place on the vehicle or component by the department or, at the discretion of the department, by a police agency that has custody of the vehicle or component.

(4) The department shall not assign a vehicle identification number to a vehicle or component from which the identification number assigned to the vehicle or component has been removed, defaced, covered, altered or destroyed unless the vehicle or component has been:

(a) Held and inspected by a police agency under ORS 819.440; or

(b) Inspected by a specially qualified inspector or police officer for the purpose of locating the identification number and if the number is found it shall be checked with the list of stolen vehicles maintained by the National Crime Information Center. [1983 c.338 s.293; 1985 c.253 s.9]

819.410 Failure to obtain vehicle identification number for unnumbered vehicle; exception; penalty. (1) A person commits the offense of failure to obtain a vehicle identification number for an unnumbered vehicle if the person is the owner of a vehicle that has never carried a vehicle identification number and the person does not obtain a vehicle identification number for the vehicle in the manner provided under ORS 819.400.

(2) This section does not apply to vehicles that are exempt from registration under ORS 803.305 or from titling under ORS 803.030.

(3) The offense described in this section, failure to obtain a vehicle identification number for an unnumbered vehicle, is a Class D traffic violation. [1983 c.338 s.294; 1985 c.253 s.10; 1995 c.383 s.97]

819.420 Failure to obtain vehicle identification number for vehicle with altered or removed number; penalty. (1) A person commits the offense of failure to obtain a vehicle identification number for a vehicle with an altered or removed number if the person has a vehicle or vehicle component returned under ORS 819.440 and the person does not obtain a vehicle identification number for the vehicle or component in the manner provided under ORS 819.400.

(2) The offense described in this section, failure to obtain a vehicle identification number for a vehicle with an altered or removed number, is a Class C misdemeanor. [1983 c.338 s.295; 1985 c.393 s.7]

819.430 Trafficking in vehicles with destroyed or altered identification numbers; penalty. (1) A person

commits the offense of trafficking in vehicles with destroyed or altered identification numbers if the person knowingly buys, sells, receives, disposes of, conceals or has in the person's possession any vehicle or component from which the vehicle identification number has been removed, defaced, covered, altered or destroyed for the purpose of concealing or misrepresenting the identity of the vehicle or component.

(2) The offense described in this section, trafficking in vehicles with destroyed or altered identification numbers, is a Class A misdemeanor. [1983 c.338 s.296]

819.440 Police seizure of vehicle without identification number; inspection; disposition of vehicle; disposition of moneys from sale. When a police officer discovers a vehicle or component, including a transmission, engine or other severable portion of a vehicle which possesses or did possess an identification number, from which the vehicle identification number assigned to the vehicle or component has been removed, defaced, covered, altered or destroyed the police officer may seize and hold it for identification and disposal as provided under the following:

(1) The police agency having custody of the property shall have a specially qualified inspector or police officer inspect the property for the purpose of locating the identification number.

(2) If the identification number is found it shall be checked with the list of stolen vehicles maintained by the National Crime Information Center.

(3) If the identification number is not found the police agency shall apply to the Department of Transportation for renumbering under ORS 819.400.

(4) When the property is not listed as stolen and the identification number is established, the property shall be returned to the person from whom it was seized if:

(a) The person can establish that the person is the owner of the property;

(b) The person executes a good and valid surety bond in an amount at least equal to the market value of the property and conditioned upon return of the property to the owner, if one can be established; or

(c) The person has a certificate as a vehicle dealer issued under ORS 822.020 or a certificate as a wrecker issued under ORS 822.110.

(5) If the person to whom the property was returned does not establish the person's ownership of the property, the police agency shall make reasonable efforts to determine the names and addresses of the owner and all persons of record having an interest in the property. If the police agency is able to determine the names and addresses of the owner and such other interested persons it shall immediately notify the owner by registered or certified mail of the disposition of the property.

(6) If the identification number of property seized is not established or if the property is reported as stolen the police agency having custody of the property shall do all of the following:

(a) After making reasonable efforts to ascertain the names and addresses of the owner and all persons of record having an interest in the property, notify the person from whom the property was seized, and the owner and such other persons if they can be ascertained, of their right to respond within 60 days from the issuance of the notice through court action for the return of the seized property.

(b) Advertise, as required by this subsection, the taking of the property, the description thereof and a statement of the rights of an owner or other persons of record having an interest in the property to respond through court action for the return of the seized property.

(c) Place the advertisement in a daily newspaper published in the city or county where the property was taken, or if a daily newspaper is not published in such city or county, in a newspaper having weekly circulation in the city or county, once a week for two consecutive weeks and by handbills posted in three public places near the place of seizure.

(7) If court action is not initiated within 60 days from the issuance of notice the property shall be sold at public auction by the sheriff or other local police agency having custody of the property.

(8) Property seized and held by or at the direction of the Department of State Police shall be delivered to the sheriff of the county in which the vehicle was located at the time it was taken into custody for sale under this subsection.

(9) The sheriff or other local police agency, after deducting the expense of keeping the property and the cost of sale, shall do the following:

(a) Pay all the security interests, according to their priorities which are established by intervention or otherwise at such hearing or in other proceeding brought for that purpose.

(b) Pay the balance of the proceeds into the general fund of the unit of government employing the officers of the selling police agency. [1983 c.338 s.413; 1993 c.751 s.77; 1995 c.79 s.380]