

RESOLUTION NO. 24 FOR 1997

A RESOLUTION TO SET ADMINISTRATIVE FEE FOR VEHICLE IMPOUNDMENT

Whereas, the State of Oregon in Chapter 514 Oregon Laws 1997 has set forth a procedure that has been adopted in the Oregon Vehicle Code for impounding vehicles and setting an administrative fee for a Police Agency to recover its administrative costs for said impoundment.

Whereas, the City of Sweet Home has adopted the Oregon Vehicle Code.

Whereas, in order to administer said impoundments under City Ordinance or State Law the City of Sweet Home needs to establish an administrative fee for said process.


NOW THEREFORE, the City of Sweet Home does hereby resolve as follows:

That the administrative fee for the Sweet Home Police Department to administer the impoundment of vehicles under City Ordinance or State Law shall be \$75.00 per impoundment.

The impoundment fee shall be placed in the Police Budget to recover the costs of the impoundment process.

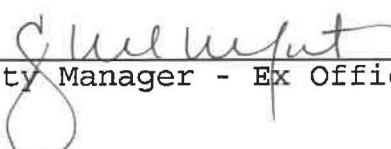
It has been determined that this fee is classified as not being subject to Oregon Constitution, Article XI Section 11b limitations.

PASSED by the City Council and approved by the Mayor this 14th day of October, 1997.



Mayor

ATTEST:



City Manager - Ex Officio City Recorder

Approved by the Governor July 10, 1997
 Filed in the office of Secretary of State July 14, 1997
 Effective date October 4, 1997

CHAPTER 514

AN ACT

SB 780

Relating to vehicle impoundment; creating new provisions; and amending ORS 809.715 and 809.716.
 Be It Enacted by the People of the State of Oregon:

SECTION 1. Sections 2 and 3 of this Act are added to and made a part of the Oregon Vehicle Code.

SECTION 2. (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 or 811.182.
- (b) Driving while under the influence of intoxicants in violation of ORS 813.010.
- (c) Operating without driving privileges or in violation of license restrictions in violation of ORS 807.010.

(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 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) Nothing in this section limits either the authority of a city or county to adopt ordinances dealing with impounding of uninsured vehicles or the contents of such ordinances.

SECTION 3. (1) When a motor vehicle is impounded under authority of a city or county ordinance, the city or county shall give notice of the impoundment to the owners of the motor vehicle and to any lessors or security interest holders as shown on the records of the Department of Transportation. The notice shall be given within 48 hours of impoundment.

(2) The notice required by subsection (1) of this section shall be given to the same parties, in the same manner and within the same time limits as provided in ORS 819.180 for notice after removal of a vehicle.

SECTION 4. ORS 809.716 is amended to read:

809.716. (1) A person entitled to lawful possession of a vehicle impounded under ORS 809.715 [(1) to (3)] or section 2 of this 1997 Act may request a hearing to contest the validity of the impoundment. A request must be made within five calendar days of the impoundment. The request shall be made to a person designated by the impounding police agency to receive such requests.

(2) When a timely request for a hearing is made, a hearing shall be held before a hearings officer designated by the impounding police agency. The hearing shall be set for four calendar days after the request is received, excluding Saturdays, Sundays and holidays, but may be postponed at the request of the person asking for the hearing.

(3) The impounding police agency shall have the burden of proving by a preponderance of the evidence that there were reasonable grounds to believe that the vehicle was being operated in violation of ORS 806.010, 807.010, 811.175, 811.182 or 813.010. The police officer who ordered the vehicle impounded may submit an affidavit to the hearings officer in lieu of making a personal appearance at the hearing.

(4) If the hearings officer finds that the impoundment of the vehicle was proper, the hearings officer shall enter an order supporting the removal and shall find that the owner or person entitled to possession of the vehicle is liable for usual and customary towing and storage costs. The hearings officer may also find the owner or person entitled to possession of the vehicle liable for costs of the hearing.

(5) If the hearings officer finds that impoundment of the vehicle was improper, the hearings officer shall order the vehicle released to the person entitled to possession and shall enter a finding that the owner or person entitled to possession of the vehicle is not liable for any towing or storage costs resulting from the impoundment. If there is a lien on the vehicle for towing and storage charges, the

hearings officer shall order it paid by the impounding police agency.

(6) A police agency may contract with another agency or entity to conduct hearings under this section.

SECTION 5. ORS 809.715 is amended to read:

809.715. (1) A police officer who [reasonably believes] has probable cause to believe that a person, [is] at or just prior to the time the police officer stops the person, was driving an uninsured vehicle in violation of ORS 806.010 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. [A vehicle may be impounded under subsections (1) to (3) of this section only if the vehicle is within an urban growth boundary that has a population of at least 40,000.]

(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 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 proof of compliance with financial responsibility requirements for the vehicle, payment to the police agency of [a fee of \$15] an administrative fee determined by the agency to be sufficient to recover its actual administrative costs for the impoundment, and payment of any towing and storage charges. Proof shall be presented to the impounding police agency, which shall authorize the person storing the vehicle to release it upon payment of the charges.

(4) Nothing in this section or ORS 809.716 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 section 3 of this 1997 Act.

Approved by the Governor July 10, 1997
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CHAPTER 515

AN ACT

SB 836

Relating to children of deceased public safety officers; amending ORS 348.270 and 348.280.

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

SECTION 1. ORS 348.270 is amended to read:

348.270. (1) In addition to any other scholarships provided by law, the State Scholarship Commission shall award scholarships in any state institution under the State Board of Higher Education, in the Oregon Health Sciences University [or], in any community college operated under ORS chapter 341,

or in any Oregon-based regionally accredited independent institution, to any student applying for enrollment or who is enrolled therein, who is the natural, adopted or stepchild of any [peace officer in this state, as defined in ORS 161.015 (4),] public safety officer who, in line of duty, was killed or so disabled, as determined by the State Scholarship Commission, that the income of the disabled [peace] public safety officer is less than that earned by [peace] public safety officers performing duties comparable to those performed at the highest rank or grade attained by the disabled parent.

(2) Scholarships awarded under this section to students who are dependents of public safety officers shall equal the amount of tuition and all fees levied by the institution against the recipient of the scholarship. However, scholarships awarded to students who attend independent institutions shall not exceed the amount of tuition and all fees levied by the University of Oregon.

(3) If the student who is the dependent of a deceased public safety officer continues to remain enrolled in a state institution of higher education or a community college or an independent institution within the State of Oregon, the student shall be entitled to renewal of the scholarship until the student has received the equivalent of four years of undergraduate education and four years of postgraduate education.

(4) If the student who is the dependent of a disabled public safety officer continues to remain enrolled in a state institution of higher education or a community college or an independent institution within the State of Oregon, the student shall be entitled to renewal of the scholarship until the student has received the equivalent of four years of undergraduate education.

[3] (5) The State Scholarship Commission may require proof of the student's relationship to a deceased or disabled [peace] public safety officer described in subsection (1) of this section.

(6) As used in this section, "public safety officer" means:

- (a) A firefighter or police officer as those terms are defined in ORS 237.610.
- (b) A member of the Oregon State Police.

SECTION 2. ORS 348.280 is amended to read:

348.280. The State Scholarship Commission shall:

- (1) Determine which students are eligible beneficiaries.
- (2) Grant the appropriate scholarships under ORS 348.270.
- (3) Make necessary rules for application and distribution of the benefits available under ORS 348.270 and this section.
- (4) Establish rules and procedures necessary to carry out the provisions of ORS 348.270 and this section, including but not limited to the usual and customary rules for analyzing financial need.
- (5) In awarding scholarships pursuant to its authority under ORS 348.520, the State Scholarship