

14. SEIZURE AND FORFEITURE OF CERTAIN VEHICLES

14.1 PURPOSE

14.1.1 This ordinance is intended to enhance the effectiveness of law enforcement in Clatsop County. 1991 Oregon law set forth procedures for vehicle forfeiture. This ordinance adopts that procedure for persons driving under the influence for the second time in ten years, and certain other criminal driving offenses. It also provides for vehicle impoundment for certain other offenses. (Ordinance 96-1, Sec. 2)

14.2 SEIZURE AND FORFEITURE OF VEHICLES

The following vehicles are declared to be nuisances and are subject to seizure and forfeiture:

14.2.1.1 A motor vehicle operated by a person who is criminally driving while suspended or revoked or in violation of a permit, in violation of ORS 811.182;

14.2.1.2 A motor vehicle operated by a person under the influence of intoxicants in violation of ORS 813.010, where the person has:

- (1) Participated in a driving while under the influence of intoxicants diversion program as provided for by the Oregon Revised Statutes, or its statutory counterparts in any jurisdiction within the previous ten years, or
- (2) Been convicted of or has forfeited bail or security for any of the following violations within the previous ten years:
 - a. Driving under the influence of intoxicants under ORS 813.010 or its statutory counterpart in any jurisdiction, or
 - b. Any degree of murder, manslaughter, criminally negligent homicide or assault resulting from the operation of a motor vehicle, or statutory counterparts in any jurisdiction, or

- c. Any crime punishable as a felony with proof of a material element involving the operation of a motor vehicle, or statutory counterparts in any jurisdiction, or
- d. Failure to perform the duties of a driver under ORS 811.705 or its statutory counterparts in any jurisdiction or
- e. Reckless driving under ORS 811.140 or its statutory counterparts in any jurisdiction; or
- f. Fleeing or attempting to elude a police officer under ORS 811.540 or its statutory counterparts in any jurisdiction, or
- g. Any degree of recklessly endangering another person, menacing or criminal mischief resulting from the operation of a motor vehicle or its statutory counterparts in any jurisdiction, or
- h. Failure to perform the duties of a driver under ORS 811.700 while driving a commercial motor vehicle or its statutory counterparts in any jurisdiction or
- i. Has habitual offender status under ORS 809.640 or its statutory counterpart in any jurisdiction. (Ordinance 96-1, Sec. 3.1)

14.3 SEIZURE AND IMPOUNDMENT

The following motor vehicles are declared nuisances and are subject to seizure and impoundment:

14.3.1 Motor vehicles operated by a person who is in violation of ORS 813.010, driving while under the influence of intoxicants; or

14.3.2 Motor vehicles operated by a person who is without driving privileges in violation of ORS 807.010 (Driving without a drivers license), or his/her driving privileges have been

canceled, suspended or revoked under provisions of Chapter 809 of the Oregon Vehicle code or ORS 811.175; or

14.3.3 Motor vehicles operated by a person in violation of the Oregon financial Responsibility Laws, as described in ORS 806.010 and 806.012 (Ordinance 96-1, Sec. 3.2)

14.4 FORFEITURE PROCEEDINGS

All forfeiture proceedings pursuant to this chapter shall be conducted in accordance with Sections 1 to 14 and 22, Chapter 791, Oregon laws, 1989, as amended by Chapter 218, 2337, 276, 291, 791, 800 and 924, Oregon Laws, 1991, or as such laws may be hereafter amended. (Ordinance 96-1, Sec. 3.3)

14.5 IMPOUNDMENT

14.5.1 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.

14.5.2 An impounded vehicle shall be released to a person entitled to lawful possession upon proof of compliance with financial responsibility requirements, proper vehicle registration, 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 charges.

14.5.3 A person entitled to lawful possession of an impounded vehicle may request a hearing to contest the validity of the impoundment. The request must be made within the time limits provided in ORS 806.016, and the hearing shall be conducted in the manner set forth in that statute.

14.5.4 If the vehicle is not reclaimed within thirty (30) days after impoundment, it may be disposed of as set forth in ORS Chapter 819.

14.5.5 A "person having a right to lawful possession of a vehicle" is defined as a person who is listed on the vehicle title or registration as a "registered owner" or a "security interest

holder". (Ordinance 96-1, Section 3.4)

14.6 AUTHORITY

The office of the Clatsop County District Attorney shall be responsible for enforcing this ordinance for Clatsop County. (Ordinance 96-1, Sec. 3.5)