

# Senate Bill 116

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## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits and requires certain business practices by towers of motor vehicles.  
Authorizes Attorney General to adopt rules to implement prohibitions and requirements.  
Authorizes enforcement of violation as unlawful trade practice.  
Makes violation grounds for loss or suspension of towing business certificate.

## A BILL FOR AN ACT

1  
2 Relating to towers of motor vehicles; creating new provisions; and amending ORS 98.805, 98.810,  
3 98.812, 98.830, 98.835, 646.608, 811.620, 819.160 and 822.215.

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

### **SECTION 1. As used in sections 1 to 5 of this 2007 Act:**

5  
6 (1) "Consideration" has the meaning given that term in ORS 171.725.

7 (2) "Motor vehicle" has the meaning given that term in ORS 801.360.

8 (3) "Parking facility" has the meaning given that term in ORS 98.805.

9 (4) "Tower" means a person that:

10 (a) Owns or operates a tow vehicle for profit; or

11 (b) Is employed by a person that owns or operates a tow vehicle for profit.

12 (5) "Tow vehicle" has the meaning given that term in ORS 801.530.

### **SECTION 2. A tower may not:**

13  
14 (1) Tow a motor vehicle without providing to the owner or operator of the motor vehicle  
15 the information required under section 3 of this 2007 Act in the manner required under sec-  
16 tion 3 of this 2007 Act.

17 (2) Charge more than:

18 (a) The estimated cost of the tow; or

19 (b) A price disclosed under section 3 of this 2007 Act.

20 (3) Solicit towing business at, or within 1,000 feet of, the site of a motor vehicle accident.

21 (4)(a) Except as provided in paragraph (b) of this subsection, park a tow vehicle within  
22 1,000 feet of a parking facility for the purpose of monitoring the parking facility for towing  
23 business.

24 (b) A tower may park a tow vehicle within 1,000 feet of a parking facility for the purpose  
25 of monitoring the parking facility for towing business if the tower provides notice of the  
26 hours during which monitoring occurs on signs that are clearly readable by an operator of  
27 a motor vehicle in a parking stall or at the entrances to the parking facility.

28 (5) Provide consideration to obtain the privilege of towing motor vehicles from a parking  
29 facility. Provision of signs by a tower under section 5 of this 2007 Act does not constitute

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.  
New sections are in **boldfaced** type.

1 consideration.

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

5 (a) The reason for the tow;

6 (b) The validity or amount of charges; or

7 (c) The responsibility of the tower for the condition of the motor vehicle or personal  
 8 property in the motor vehicle.

9 (7) Hold a towed motor vehicle for more than 24 hours without:

10 (a) Taking an inventory of all personal property in the motor vehicle; and

11 (b) Holding the personal property in the motor vehicle in a secure manner.

12 **SECTION 3.** (1) A tower shall disclose to the owner or operator of a motor vehicle in a  
 13 conspicuous written statement of at least 10-point boldfaced type:

14 (a) The estimated cost of the tow;

15 (b) The prices the tower charges for goods and services;

16 (c) The location where the tower will store the motor vehicle and personal property in  
 17 the motor vehicle;

18 (d) The telephone number and any other means of contacting the tower, and the hours  
 19 of availability at that telephone number and at the other means of contacting the tower; and

20 (e) The methods of payment that the tower accepts.

21 (2) If the owner or operator is present at the time of the tow, the tower shall provide the  
 22 information required under subsection (1) of this section to the owner or operator of the  
 23 motor vehicle before towing the motor vehicle.

24 (3)(a) If the owner or operator of the motor vehicle is not present at the time of the tow,  
 25 the tower shall, within 24 hours after towing the motor vehicle, request the title information  
 26 and the name, address and telephone number of the owner of the motor vehicle from the  
 27 motor vehicle agency for the state in which the motor vehicle is registered.

28 (b) The tower shall provide the information required under subsection (1) of this section  
 29 to the owner of the motor vehicle by mail or facsimile transmission within 24 hours from the  
 30 receipt of the information from the state motor vehicle agency. The tower shall retain the  
 31 record of the mailing or facsimile transmission for three years after the tow.

32 **SECTION 4.** A tower shall permit the owner or operator of a motor vehicle that the  
 33 tower has towed to:

34 (1) Redeem the motor vehicle:

35 (a) Between 8 a.m. and 6 p.m. Monday through Friday, except legal holidays; and

36 (b) At all other hours, within 30 minutes after asking the tower to release the motor  
 37 vehicle;

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

40 (3) Obtain all personal property in the motor vehicle within 24 hours after asking the  
 41 tower to release the personal property.

42 **SECTION 5.** A tower need not provide the written information required under section 3  
 43 of this 2007 Act if:

44 (1) The motor vehicle is towed from a parking facility where the tower has provided the  
 45 information on signs that are clearly readable by an operator of a motor vehicle in a parking

1 **stall or at the entrances to the parking facility.**

2 **(2) The tower is hired or otherwise engaged by an agency taking custody of a vehicle**  
 3 **under ORS 819.140.**

4 **SECTION 6. The Attorney General may adopt rules to implement sections 1 to 5 of this**  
 5 **2007 Act.**

6 **SECTION 7. ORS 98.805 is amended to read:**

7 98.805. As used in **this section and** ORS 98.810 to 98.818:

8 **(1) “Motor vehicle” has the meaning given that term in ORS 801.360.**

9 [(1)] **(2) “Owner of a parking facility” means:**

10 (a) The owner, lessee or person in lawful possession of a private parking facility; or

11 (b) Any officer or agency of this state with authority to control or operate a parking facility.

12 [(2)] **(3) “Owner of proscribed property” means the owner, lessee or person in lawful possession**  
 13 **of proscribed property.**

14 [(3)] **(4) “Parking facility” means any property used for motor vehicle parking.**

15 [(4)] **(5) “Proscribed property” means any part of private property:**

16 (a) Where parking is not normally permitted at all; or

17 (b) That is used primarily for residences, including but not limited to houses and apartments,  
 18 where there is designated parking for not more than 10 **motor** vehicles.

19 **(6) “Tower” has the meaning given that term in section 1 of this 2007 Act.**

20 **(7) “Unclaimed motor vehicle” means a motor vehicle that has:**

21 **(a) Been towed and placed in storage; and**

22 **(b) Remained in storage for at least seven consecutive days from the date the motor**  
 23 **vehicle was towed.**

24 **SECTION 8. ORS 98.810 is amended to read:**

25 98.810. [No] A person **may not**, without the permission of:

26 (1) The owner of a parking facility, [shall] leave or park any **motor** vehicle on the parking fa-  
 27 cility if there is a sign displayed in plain view at the parking facility prohibiting **or restricting**  
 28 public parking [thereon or restricting parking thereon] **on the parking facility.**

29 (2) The owner of proscribed property, [shall] leave or park any **motor** vehicle on the proscribed  
 30 property whether or not there is a sign prohibiting or restricting parking on the proscribed prop-  
 31 erty.

32 **SECTION 9. ORS 98.812 is amended to read:**

33 98.812. (1) If a motor vehicle has been left or parked in violation of ORS 98.810, the owner of  
 34 the parking facility or the owner of the proscribed property, after notice to the local law enforce-  
 35 ment agency, may have [the motor vehicle towed] **a tower tow the motor vehicle** from the parking  
 36 facility or the proscribed property and placed in storage at a public garage or public parking lot.

37 **(2) A tower who tows a motor vehicle at the request of an owner of a parking facility or**  
 38 **the owner of proscribed property under this section shall provide to the owner or operator**  
 39 **of the motor vehicle the information required in section 3 of this 2007 Act in the manner**  
 40 **provided in section 3 of this 2007 Act.**

41 [(2)] **(3) [The] A garagekeeper or public parking operator is entitled to a lien on [the] an un-**  
 42 **claimed motor** vehicle and its contents for the garagekeeper’s or operator’s just and reasonable  
 43 charges and may retain possession thereof until the just and reasonable charges for the towage, care  
 44 and storage of the **unclaimed motor** vehicle have been paid if the garagekeeper or public parking  
 45 operator complies with the following requirements:

1 (a) The garagekeeper or public parking operator shall notify the local law enforcement agency  
2 of the location of the **motor** vehicle within one hour after the **motor** vehicle is placed in storage;

3 (b) If the unclaimed **motor** vehicle is registered in Oregon, the garagekeeper or public parking  
4 operator shall give notice, within 15 days after the **motor** vehicle is placed in storage, to the **motor**  
5 vehicle owner or any other person with an interest in the **motor** vehicle, as indicated by the cer-  
6 tificate of title. If notice under this paragraph is given by mail, it must be transmitted within the  
7 15-day period, but need not be received within that period, but within a reasonable time. If the  
8 garagekeeper or public parking operator fails to comply with the notice requirements of this para-  
9 graph, the amount of the lien is limited to a sum equal to the reasonable expenses incurred within  
10 the 15-day period for towage, care and storage of the **motor** vehicle; and

11 (c) If the unclaimed **motor** vehicle is not registered in Oregon, the garagekeeper or public  
12 parking operator shall, within 15 days after the **motor** vehicle is placed in storage, notify and re-  
13 quest the title information and the name, address and telephone number of the **motor** vehicle owner  
14 from the motor vehicle agency for the state in which the **motor** vehicle is registered. The  
15 garagekeeper or public parking operator shall have 15 days from the date of receipt of the infor-  
16 mation from the state motor vehicle agency to notify the **motor** vehicle owner or any other person  
17 with an interest in the **motor** vehicle, as indicated by the certificate of title. If notice under this  
18 paragraph is given by mail, it must be transmitted within 15 days from the receipt of information  
19 from the state motor vehicle agency, but need not be received within that period, but within a rea-  
20 sonable time. If the garagekeeper or public parking operator fails to comply with the notice re-  
21 quirements of this paragraph, the amount of the lien is limited to a sum equal to the reasonable  
22 expenses incurred within the period between storage of the **motor** vehicle and receipt of information  
23 from the state motor vehicle agency for towage, care and storage of the **motor** vehicle.

24 [(3)] (4) The lien created by subsection [(2)] (3) of this section may be foreclosed only in the  
25 manner provided by ORS 87.172 (3) and 87.176 to 87.206 for foreclosure of liens arising or claimed  
26 under ORS 87.152.

27 **SECTION 10.** ORS 98.830 is amended to read:

28 98.830. A person who is the owner, or is in lawful possession, of private property on which a  
29 motor vehicle has been abandoned may have [*the motor vehicle towed*] **a tower tow the motor ve-**  
30 **hicle** from the property if:

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

34 (2) The person notifies the local law enforcement agency of the intent to have the **motor** vehicle  
35 towed.

36 (3) The person fills out and signs a form that includes:

37 (a) A description of the **motor** vehicle to be towed;

38 (b) The location of the property from which the **motor** vehicle will be towed; and

39 (c) A statement that the person has complied with subsections (1) and (2) of this section.

40 **SECTION 11.** ORS 98.835 is amended to read:

41 98.835. (1) **As used in this section:**

42 (a) **“Motor vehicle” has the meaning given that term in ORS 801.360.**

43 (b) **“Tower” has the meaning given that term in section 1 of this 2007 Act.**

44 (c) **“Unclaimed motor vehicle” has the meaning given that term in ORS 98.805.**

45 [(1)] (2) A [*person*] **tower** who tows a **motor** vehicle pursuant to ORS 98.830 is immune from

1 civil liability for towing the **motor** vehicle if the *[person]* **tower** has a form described in ORS 98.830  
 2 (3), filled out by a person purporting to be the owner or a person in lawful possession of the private  
 3 property from which the **motor** vehicle is towed. This subsection does not grant immunity for any  
 4 loss, damage or injury arising out of any negligent or willful damage to, or destruction of, the **motor**  
 5 vehicle that occurs during the course of the towing.

6 [(2)] (3) The *[person]* **tower** who tows a **motor** vehicle pursuant to ORS 98.830 is entitled to a  
 7 lien on *[the]* **an unclaimed motor** vehicle and its contents for the *[person's]* **tower's** just and rea-  
 8 sonable charges. *[and]* **The tower** may retain possession *[thereof]* **of the unclaimed motor vehicle**  
 9 until the just and reasonable charges for the towage, care and storage of the **unclaimed motor**  
 10 vehicle have been paid if the *[person]* **tower** complies with the following requirements:

11 (a) The *[person]* **tower** shall notify the local law enforcement agency of the location of the  
 12 **motor** vehicle within one hour after the **motor** vehicle is placed in storage;

13 (b) If the unclaimed **motor** vehicle is registered in Oregon, the *[person]* **tower** shall give notice  
 14 by certified mail, within 15 days after the **motor** vehicle is placed in storage, to the **motor** vehicle  
 15 owner and any other person with an interest in the **motor** vehicle, as indicated by the certificate  
 16 of title. If notice under this paragraph is given by mail, it must be transmitted within the 15-day  
 17 period, but need not be received within that period, but within a reasonable time. If the *[person who*  
 18 *tows the vehicle]* **tower** fails to comply with the notice requirements of this paragraph, the amount  
 19 of the lien is limited to a sum equal to the reasonable expenses incurred within the 15-day period  
 20 for towage, care and storage of the **motor** vehicle; and

21 (c) If the unclaimed **motor** vehicle is not registered in Oregon, the *[person]* **tower** shall, within  
 22 15 days after the **motor** vehicle is placed in storage, notify and request the title information and  
 23 the name, address and telephone number of the **motor** vehicle owner from the motor vehicle agency  
 24 for the state in which the **motor** vehicle is registered. The *[person]* **tower** shall have 15 days from  
 25 the date of receipt of the information from the state motor vehicle agency to notify the **motor** ve-  
 26 hicle owner or any other person with an interest in the **motor** vehicle, as indicated by the certif-  
 27 icate of title. If notice under this paragraph is given by mail, it must be transmitted within 15 days  
 28 from the receipt of information from the state motor vehicle agency, but need not be received within  
 29 that period, but within a reasonable time. If the *[person]* **tower** fails to comply with the notice re-  
 30 quirements of this paragraph, the amount of the lien is limited to a sum equal to the reasonable  
 31 expenses incurred within the period between storage of the **motor** vehicle and receipt of information  
 32 from the state motor vehicle agency for towage, care and storage of the **motor** vehicle.

33 [(3)] (4) The lien created by subsection [(2)] (3) of this section may be foreclosed only in the  
 34 manner provided by ORS 87.172 (3) and 87.176 to 87.206 for foreclosure of liens arising or claimed  
 35 under ORS 87.152.

36 **SECTION 12.** ORS 811.620 is amended to read:

37 811.620. If a vehicle is illegally parked in violation of ORS 811.615, the vehicle may be removed  
 38 and, if notice required under subsection (3) of this section is given, is subject to costs for the re-  
 39 moval and storage of the vehicle as provided under the following:

40 (1) The owner of private property may have the vehicle removed from the property in the man-  
 41 ner provided for removal of vehicles under ORS 98.812.

42 (2) Subject to subsection (3) of this section, any state agency or political subdivision of this state  
 43 may provide for the removal and storage of the vehicle and the vehicle shall be subject to the fol-  
 44 lowing:

45 (a) The state agency or political subdivision may require payment of reasonable costs for re-

1 removal and storage of the vehicle before the vehicle is released.

2 (b) If the vehicle is not claimed and any fees required under this subsection are not paid within  
3 30 days of the removal, a lien described under ORS 98.812 [(3)] attaches to the vehicle and its con-  
4 tents for the reasonable costs for removal and storage of the vehicle and contents.

5 (3) If a vehicle is removed under subsection (2) of this section, the garagekeeper or public  
6 parking operator removing the vehicle shall:

7 (a) Notify the local law enforcement agency of the location of the vehicle within one hour after  
8 the vehicle is placed in storage; and

9 (b) Unless the vehicle is claimed, give notice, within 10 days after the vehicle is placed in  
10 storage, to the vehicle owner or any other person with an interest in the vehicle, as indicated by  
11 the title records. If notice under this paragraph is given by mail, it must be mailed within the 10-day  
12 period, but need not be received within that period.

13 **SECTION 13.** ORS 819.160 is amended to read:

14 819.160. (1) Except as otherwise provided by this section, a person shall have a lien on the ve-  
15 hicle and its contents if the person, at the request of an authority described under ORS 819.140, tows  
16 any of the following vehicles:

17 (a) An abandoned vehicle appraised at a value of more than \$500 by a person who holds a cer-  
18 tificate issued under ORS 819.230.

19 (b) A vehicle taken into custody under ORS 819.110 or 819.120, unless it is an abandoned vehicle  
20 appraised at a value of \$500 or less by a person who holds a certificate issued under ORS 819.230.

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

22 (2) A lien established under this section shall be on the vehicle and its contents for the just and  
23 reasonable charges for the towing service performed and any storage provided. However, if the  
24 person who tows the vehicle fails to comply with the notice requirements of subsection (3) of this  
25 section, the amount of any lien claimed under this paragraph shall be limited to an amount equal  
26 to the just and reasonable charges for the towing service performed and storage provided for a pe-  
27 riod not exceeding 20 days from the date the vehicle and its contents were placed in storage. The  
28 lien shall be subject to the provisions for liens under ORS 98.812 [(3)]. The person holding the lien  
29 may retain possession of the vehicle and contents until the charges on which the lien is based are  
30 paid. A lien described under this section does not attach:

31 (a) To the contents of any vehicle taken from public property until 15 days after taking the ve-  
32 hicle into custody.

33 (b) To the contents of any vehicle that is taken into custody for violation of ORS 811.555 or  
34 811.570.

35 (3) A person who tows any vehicle at the request of an authority under ORS 819.110 or 819.120  
36 shall transmit by certified mail, within 20 days after the vehicle and its contents are placed in  
37 storage, written notice, approved by the authority, containing information on the procedures neces-  
38 sary to obtain a hearing under ORS 819.190. The notice shall be provided to the owner, a person  
39 entitled to possession or any person with an interest recorded on the title to the vehicle. This sub-  
40 section does not apply to a person who tows an abandoned vehicle that is appraised at a value of  
41 \$500 or less by a person who holds a certificate issued under ORS 819.230.

42 **SECTION 14.** ORS 822.215 is amended to read:

43 822.215. The Department of Transportation may deny or refuse to issue any towing business  
44 certificate under ORS 822.205 or may suspend, revoke or refuse to renew any towing business cer-  
45 tificate issued upon proof that the applicant for or holder of the certificate has done any of the

1 following:

2 (1) Used fraud or deception in securing the certificate.

3 (2) Received in any manner or by any device any rebate or other additional fee for towing or  
4 recovery from a person who performs repairs on a vehicle who does not also own the vehicle. This  
5 subsection does not prohibit the payment of the towing fee by a person who performs repairs on a  
6 vehicle if the fee is included in the charges by that person for repairs on the vehicle.

7 (3) [*Uses*] **Used** vehicles for the purposes of towing or recovering services that [*do*] **did** not meet  
8 the minimum safety standards established by the department.

9 (4) [*Fails*] **Failed** to display special towing business registration plates, stickers or indicia or  
10 identification devices for proportionally registered tow vehicles authorized under ORS 805.200 on  
11 each vehicle used to tow or recover vehicles.

12 (5) [*Fails*] **Failed** to maintain the amounts and types of insurance required to qualify for issu-  
13 ance of a towing business certificate under ORS 822.205.

14 (6) [*Fails*] **Failed** to obtain any permits or authority required under any provision of ORS  
15 chapter 825 or rules adopted thereunder.

16 (7) **Violated any provision of section 2 or 4 of this 2007 Act or a rule adopted under sec-**  
17 **tion 6 of this 2007 Act.**

18 **SECTION 15.** ORS 646.608 is amended to read:

19 646.608. (1) A person engages in an unlawful practice when in the course of the person's busi-  
20 ness, vocation or occupation the person does any of the following:

21 (a) Passes off real estate, goods or services as those of another.

22 (b) Causes likelihood of confusion or of misunderstanding as to the source, sponsorship, ap-  
23 proval, or certification of real estate, goods or services.

24 (c) Causes likelihood of confusion or of misunderstanding as to affiliation, connection, or asso-  
25 ciation with, or certification by, another.

26 (d) Uses deceptive representations or designations of geographic origin in connection with real  
27 estate, goods or services.

28 (e) Represents that real estate, goods or services have sponsorship, approval, characteristics,  
29 ingredients, uses, benefits, quantities or qualities that they do not have or that a person has a  
30 sponsorship, approval, status, qualification, affiliation, or connection that the person does not have.

31 (f) Represents that real estate or goods are original or new if they are deteriorated, altered,  
32 reconditioned, reclaimed, used or secondhand.

33 (g) Represents that real estate, goods or services are of a particular standard, quality, or grade,  
34 or that real estate or goods are of a particular style or model, if they are of another.

35 (h) Disparages the real estate, goods, services, property or business of a customer or another  
36 by false or misleading representations of fact.

37 (i) Advertises real estate, goods or services with intent not to provide them as advertised, or  
38 with intent not to supply reasonably expectable public demand, unless the advertisement discloses  
39 a limitation of quantity.

40 (j) Makes false or misleading representations of fact concerning the reasons for, existence of,  
41 or amounts of price reductions.

42 (k) Makes false or misleading representations concerning credit availability or the nature of the  
43 transaction or obligation incurred.

44 (L) Makes false or misleading representations relating to commissions or other compensation to  
45 be paid in exchange for permitting real estate, goods or services to be used for model or demon-

1 stration purposes or in exchange for submitting names of potential customers.

2 (m) Performs service on or dismantles any goods or real estate when not authorized by the  
3 owner or apparent owner thereof.

4 (n) Solicits potential customers by telephone or door to door as a seller unless the person pro-  
5 vides the information required under ORS 646.611.

6 (o) In a sale, rental or other disposition of real estate, goods or services, gives or offers to give  
7 a rebate or discount or otherwise pays or offers to pay value to the customer in consideration of  
8 the customer giving to the person the names of prospective purchasers, lessees, or borrowers, or  
9 otherwise aiding the person in making a sale, lease, or loan to another person, if earning the rebate,  
10 discount or other value is contingent upon occurrence of an event subsequent to the time the cus-  
11 tomer enters into the transaction.

12 (p) Makes any false or misleading statement about a prize, contest or promotion used to publi-  
13 cize a product, business or service.

14 (q) Promises to deliver real estate, goods or services within a certain period of time with intent  
15 not to deliver them as promised.

16 (r) Organizes or induces or attempts to induce membership in a pyramid club.

17 (s) Makes false or misleading representations of fact concerning the offering price of, or the  
18 person's cost for real estate, goods or services.

19 (t) Concurrent with tender or delivery of any real estate, goods or services fails to disclose any  
20 known material defect or material nonconformity.

21 (u) Engages in any other unfair or deceptive conduct in trade or commerce.

22 (v) Violates any of the provisions relating to auction sales, auctioneers or auction marts under  
23 ORS 698.640, whether in a commercial or noncommercial situation.

24 (w) Manufactures mercury fever thermometers.

25 (x) Sells or supplies mercury fever thermometers unless the thermometer is required by federal  
26 law, or is:

27 (A) Prescribed by a person licensed under ORS chapter 677; and

28 (B) Supplied with instructions on the careful handling of the thermometer to avoid breakage and  
29 on the proper cleanup of mercury should breakage occur.

30 (y) Sells a thermostat that contains mercury unless the thermostat is labeled in a manner to  
31 inform the purchaser that mercury is present in the thermostat and that the thermostat may not be  
32 disposed of until the mercury is removed, reused, recycled or otherwise managed to ensure that the  
33 mercury does not become part of the solid waste stream or wastewater. For purposes of this para-  
34 graph, "thermostat" means a device commonly used to sense and, through electrical communication  
35 with heating, cooling or ventilation equipment, control room temperature.

36 (z) Sells or offers for sale a motor vehicle manufactured after January 1, 2006, that contains  
37 mercury light switches.

38 (aa) Violates the provisions of ORS 803.375, 803.385 or 815.410 to 815.430.

39 (bb) Violates ORS 646.850 (1).

40 (cc) Violates any requirement of ORS 646.661 to 646.686.

41 (dd) Violates the provisions of ORS 128.801 to 128.898.

42 (ee) Violates ORS 646.883 or 646.885.

43 (ff) Violates any provision of ORS 646.195.

44 (gg) Violates ORS 646.569.

45 (hh) Violates the provisions of ORS 646.859.



- 1 (ii) Violates ORS 759.290.
- 2 (jj) Violates ORS 646.872.
- 3 (kk) Violates ORS 646.553 or 646.557 or any rule adopted pursuant thereto.
- 4 (LL) Violates ORS 646.563.
- 5 (mm) Violates ORS 759.690 or any rule adopted pursuant thereto.
- 6 (nn) Violates the provisions of ORS 759.705, 759.710 and 759.720 or any rule adopted pursuant
- 7 thereto.
- 8 (oo) Violates ORS 646.892 or 646.894.
- 9 (pp) Violates any provision of ORS 646.249 to 646.259.
- 10 (qq) Violates ORS 646.384.
- 11 (rr) Violates ORS 646.871.
- 12 (ss) Violates ORS 822.046.
- 13 (tt) Violates ORS 128.001.
- 14 (uu) Violates ORS 646.649 (2) to (4).
- 15 (vv) Violates ORS 646.877 (2) to (4).
- 16 (ww) Violates ORS 87.686.
- 17 (xx) Violates ORS 646.651.
- 18 (yy) Violates ORS 646.879.
- 19 (zz) Violates ORS 646.402 or any rule adopted under ORS 646.402 or 646.404.
- 20 (aaa) Violates ORS 180.440 (1).
- 21 (bbb) Commits the offense of acting as a vehicle dealer without a certificate under ORS 822.005.
- 22 (ccc) Violates ORS 87.007 (2) or (3).
- 23 (ddd) Violates ORS 92.405 (1), (2) or (3).
- 24 (eee) Engages in an unlawful practice under ORS 646.648.
- 25 **(fff) Violates section 2 or 4 of this 2007 Act or a rule adopted under section 6 of this 2007**

26 **Act.**

- 27 (2) A representation under subsection (1) of this section or ORS 646.607 may be any manifesta-
- 28 tion of any assertion by words or conduct, including, but not limited to, a failure to disclose a fact.
- 29 (3) In order to prevail in an action or suit under ORS 646.605 to 646.652, a prosecuting attorney
- 30 need not prove competition between the parties or actual confusion or misunderstanding.
- 31 (4) An action or suit may not be brought under subsection (1)(u) of this section unless the At-
- 32 torney General has first established a rule in accordance with the provisions of ORS chapter 183
- 33 declaring the conduct to be unfair or deceptive in trade or commerce.
- 34 (5) Notwithstanding any other provision of ORS 646.605 to 646.652, if an action or suit is brought
- 35 under subsection (1)(aaa) of this section by a person other than a prosecuting attorney, relief is
- 36 limited to an injunction and the prevailing party may be awarded reasonable attorney fees.

37 **SECTION 16. Sections 2, 3, 4 and 5 of this 2007 Act and the amendments to ORS 98.805,**  
 38 **98.810, 98.812, 98.830, 98.835, 646.608, 811.620, 819.160 and 822.215 by sections 7 to 15 of this 2007**  
 39 **Act apply to persons who tow motor vehicles on or after the effective date of this 2007 Act.**

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