

House Bill 3241

Sponsored by Representative BEYER (at the request of Oregon Tow Truck Association)

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**.

Removes authority of city or county to levy tax on person who holds towing business certificate and who conducts business within city or county.

A BILL FOR AN ACT

1
2 Relating to license fees; amending ORS 801.040.

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

4 **SECTION 1.** ORS 801.040 is amended to read:

5 801.040. This section describes circumstances where special provisions are made concerning the
6 authority of cities, counties or other political subdivisions in relation to some portion of the vehicle
7 code. This section is not the only section of the vehicle code that applies to such authority and shall
8 not be interpreted to affect the vehicle code except as specifically provided in this section. The
9 following limits are partial or complete as described:

10 (1) No county, municipal or other local body with authority to adopt and administer local police
11 regulations under the Constitution and laws of this state shall enact or enforce any rule or regu-
12 lation in conflict with the provisions of the vehicle code described in this subsection except as spe-
13 cifically authorized in the vehicle code. This subsection applies to the provisions of the vehicle code
14 relating to abandoned vehicles, vehicle equipment, regulation of vehicle size, weight and load, the
15 manner of operation of vehicles and use of roads by persons, animals and vehicles.

16 (2) Except as provided in ORS 822.230 and this subsection, no city, county or other political
17 subdivisions shall regulate or require or issue any registration, licenses, permits or surety bonds or
18 charge any fee for the regulatory or surety registration of any person required to obtain a certifi-
19 cate from the Department of Transportation under ORS 822.205. This subsection does not:

20 (a) Limit any authority of a city or county to license and collect a [*general and*
21 *nondiscriminatory*] license fee **from a person whose office or storage lot is located within the**
22 **city or county, if the fee is a general and nondiscriminatory license fee** levied upon all busi-
23 nesses **within the city or county** [*or to levy a tax based upon business conducted by any person*
24 *within the city or county*].

25 (b) Limit the authority of any city or county to impose any requirements or conditions as part
26 of any contract to perform towing or recovering services for the city or county.

27 (c) Limit the authority of any city or county to impose requirements and conditions that govern
28 the towing of a vehicle by a towing business under ORS 98.812 so long as those requirements and
29 conditions are consistent with the provisions of ORS 822.230.

30 (3) No city, county or other political subdivision of this state, nor any state agency, may adopt
31 a regulation or ordinance that imposes a special fee for the use of public lands or waters by

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 snowmobiles or Class I all-terrain vehicles, or for the use of any access thereto that is owned by
 2 or under the jurisdiction of either the United States, this state or any such city, county or other
 3 political subdivision. The registration fees provided by ORS 821.320 are in lieu of any personal
 4 property or excise tax imposed on snowmobiles by this state or any political subdivision. No city,
 5 county or other municipality, and no state agency shall impose any other registration or license fee
 6 on any snowmobile in this state. This subsection does not prohibit any city, county or other political
 7 subdivision, or any state agency from regulating the operation of snowmobiles or Class I all-terrain
 8 vehicles on public lands, waters and other properties under its jurisdiction and on streets or high-
 9 ways within its boundaries by adopting regulations or ordinances of its governing body if such reg-
 10 ulations are not inconsistent with ORS 821.150 to 821.292.

11 (4) The provisions of ORS 819.100, 819.120, 819.150, 819.160, 819.210 to 819.260 and 819.480 re-
 12 lating to removal of vehicles that are abandoned establish minimum requirements subject to the
 13 following:

14 (a) Notwithstanding paragraph (b) of this subsection, a county or incorporated city may super-
 15 sede such provisions by ordinance or charter provision.

16 (b) Any road authority described under ORS 810.010 may adopt rules or procedures that do not
 17 conflict with such provisions to provide for additional protection for the owner or person with an
 18 interest in a vehicle subject to such provisions or that more quickly accomplish the procedures es-
 19 tablished under such provisions.

20 (5) Any incorporated city may by ordinance require that the driver of a vehicle involved in an
 21 accident file with a designated city department a copy of any report required to be filed under ORS
 22 811.725. All such reports shall be for the confidential use of the city department but subject to the
 23 same requirements for release of such reports as provided for the release of such reports by the
 24 department under ORS 802.220 and 802.240.

25 (6) Except as otherwise specifically provided in this section, in accordance with the provisions
 26 of ORS 801.041, the governing body of a county may establish by ordinance registration fees for
 27 vehicles registered at a residence or business address within the county.

28 (7) Except as otherwise specifically provided in this section, in accordance with the provisions
 29 of ORS 801.042, the governing body of a district may establish by ordinance registration fees for
 30 vehicles registered at a residence or business address within the district.

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