

D R A F T

SUMMARY

Directs Oregon Transportation Commission to set maximum rates for towing and related services when tower tows motor vehicle without consent or authorization of owner or operator.

A BILL FOR AN ACT

Relating to charges for towing motor vehicle; creating new provisions; and amending ORS 98.854.

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

SECTION 1. ORS 98.854 is amended to read:

98.854. (1) A tower may not:

(a) Except as provided in subsection (3) of this section, tow a motor vehicle from a parking facility without first contacting the owner of the facility or the owner's agent at the time of the tow.

(b) Tow a motor vehicle from a parking facility if the parking facility owner or owner's agent is an employee of a tower.

(c) Tow a motor vehicle without providing to the owner or operator of the motor vehicle the information required under ORS 98.856 in the manner required under ORS 98.856.

(d) Charge more than a price disclosed under ORS 98.856 **when towing a motor vehicle with the prior consent or authorization of the owner or operator of the motor vehicle.**

(e) **Charge more than an amount set by the Oregon Transportation Commission under section 3 of this 2013 Act when towing a motor vehicle without the prior consent or authorization of the owner or op-**

1 **erator of the motor vehicle.**

2 [(e)] (f) Solicit towing business at, or within 1,000 feet of, the site of a
3 motor vehicle accident, unless the tower tows the motor vehicle pursuant to
4 a prenegotiated payment agreement between the tower and a motor vehicle
5 road service company.

6 [(f)] (g) Except as provided in subsection (2) of this section, park a tow
7 vehicle within 1,000 feet of a parking facility for the purpose of monitoring
8 the parking facility for towing business.

9 [(g)] (h) Provide consideration to obtain the privilege of towing motor
10 vehicles from a parking facility. For the purposes of this paragraph, the
11 provision of:

12 (A) Signs by a tower under ORS 98.862 does not constitute consideration.

13 (B) Goods or services by a tower below fair market value constitutes
14 consideration.

15 [(h)] (i) Require, as a condition of towing a motor vehicle or releasing a
16 motor vehicle or personal property in the motor vehicle, that the owner or
17 operator of the motor vehicle agree not to dispute:

18 (A) The reason for the tow;

19 (B) The validity or amount of charges; or

20 (C) The responsibility of the tower for the condition of the motor vehicle
21 or personal property in the motor vehicle.

22 [(i)] (j) Hold a towed motor vehicle for more than 24 hours without:

23 (A) Taking an inventory of all personal property in the motor vehicle that
24 is visible from the exterior of the motor vehicle; and

25 (B) Holding the personal property in the motor vehicle in a secure man-
26 ner.

27 [(j)] (k) Accept cash as a method of payment for towing services unless
28 the tower provides exact change not later than the end of the business day
29 following receipt of payment.

30 (2) A tower may park a tow vehicle within 1,000 feet of a parking facility
31 for the purpose of monitoring the parking facility for towing business if the

1 tower provides notice of the hours during which monitoring occurs on signs
2 that are clearly readable by an operator of a motor vehicle in each parking
3 stall or at each entrance to the parking facility.

4 (3) A tower may tow a motor vehicle if the motor vehicle:

5 (a) Blocks or prevents access by emergency vehicles;

6 (b) Blocks or prevents entry to the premises;

7 (c) Blocks a parked motor vehicle;

8 (d) Violates a prominently posted parking prohibition; or

9 (e) Parks without permission in a parking facility used for residents of
10 an apartment and:

11 (A) There are more residential units than there are parking spaces;

12 (B) The landlord has issued parking tags or other devices that identify
13 vehicles that are authorized to be parked on the premises; and

14 (C) There are signs posted that are clearly readable by an operator of a
15 motor vehicle in each parking stall or at each entrance to the parking fa-
16 cility prohibiting or restricting public parking on the parking facility.

17 **SECTION 2. Section 3 of this 2013 Act is added to and made a part**
18 **of ORS 98.854 to 98.862.**

19 **SECTION 3. (1) The Oregon Transportation Commission shall es-**
20 **tablish the maximum rates that a tower may charge for towing a**
21 **motor vehicle, and all related services for towing a motor vehicle, in**
22 **response to a request made by a person other than the owner or op-**
23 **erator of the motor vehicle. Charges for related services included in**
24 **the rate include hook up, storage, gas mileage, pictures, unlocking the**
25 **motor vehicle and any other services reasonably related to towing as**
26 **determined by the commission.**

27 **(2) When establishing the rates under subsection (1) of this section**
28 **the commission shall take into consideration the size of the motor**
29 **vehicle towed and the distance traveled by the tower from the motor**
30 **vehicle to a storage facility.**

31 **(3) The maximum rate established by the commission under this**

1 **section:**

2 (a) May not exceed \$200 for the first 24 hours beginning from the
3 time of the initial hook up of the motor vehicle.

4 (b) After the first 24 hours described in paragraph (a) of this sub-
5 section, may not exceed \$30 per day.

6 (4) The maximum rates described in subsection (3) of this section
7 do not apply to a tower that travels more than 20 miles from the lo-
8 cation of the motor vehicle to a storage facility.

9 **SECTION 4.** Section 3 of this 2013 Act and the amendments to ORS
10 98.854 by section 1 of this 2013 Act apply to motor vehicles towed on
11 or after the effective date of this 2013 Act.

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