



CITY OF PORTLAND
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Rep. Paul Holvey, Chair
House Consumer Protection and Government Efficiency Committee
900 Court St. NE, Hearing Room D
Salem, OR 97301

Dear Chair Holvey and Members of the Committee,

Thank you for the opportunity to comment on HB 3159. The City of Portland supports appropriate regulation of involuntary towing of vehicles, and has an established and tested comprehensive local policy to that end. HB 3159 offers additional consumer protections in areas of the state where local towing regulations do not exist, but we also respectfully request that the bill be amended to include clarifying language that it would not preempt or limit local authority to regulate involuntary towing of vehicles.

The City of Portland regulates two types of towing activity: 1) The municipal tow contract and; 2) Private Property Impound (PPI) towing. Both involve impoundment of vehicles without the consent of the vehicle owner.

The City's municipal tow contract establishes the contract terms and conditions for providing vehicle towing and storage services on behalf of municipal agencies such as police and parking enforcement. The contract includes minimum standards for equipment and staff, notifications, rates and disposition of unclaimed vehicles. The content of the contract and the selection of contractors is the responsibility of the Towing Board of Review and subject to approval by Portland City Council.

The City of Portland began regulating Private Property Impound (PPI) towing in 1988. In 2003, City Council passed a comprehensive upgrade of the Code section to include regulation of rates, proof of authorization, documentation of the reason for the tow, standards for notice of parking restriction and providing citizens with complaint and City contact information. These City regulations ensure the local protection of the public interest in matters of towing safety and cost.

The local regulation of towing rates is an important component of the City of Portland's comprehensive approach, and we respectfully request that HB 3159 be amended to clarify that the bill does not preempt or limit local authority to regulate towing prices. We specifically suggest that the bill be clarified by amending the non-preemption clause already articulated in ORS 98.850(2)(b) as follows:

An Equal Opportunity Employer

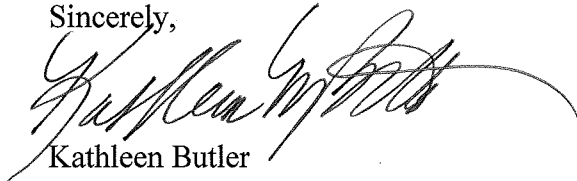
To help ensure equal access to programs, services and activities, the Office of Management & Finance will reasonably modify policies/procedures and provide auxiliary aids/services to persons with disabilities upon request.

suggest that the bill be clarified by amending the non-preemption clause already articulated in ORS 98.850(2)(b) as follows:

“ORS 98.810 to ~~98.818~~ [98.864] do not preempt **or limit** any authority that a local government, as defined in ORS 174.116, may have to regulate the price of for-hire motor vehicle transportation by a tow vehicle if the transportation is performed without the prior consent or authorization of the owner or operator of the motor vehicle.”

Thank you for your consideration of towing regulation and this clarification of HB 3159.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kathleen Butler', with a long, sweeping flourish extending to the right.

Kathleen Butler
Regulatory Division Manager
City of Portland Revenue Bureau