

B-Engrossed
House Bill 3159

Ordered by the Senate June 7
Including House Amendments dated April 19 and Senate Amendments
dated June 7

Sponsored by COMMITTEE ON CONSUMER PROTECTION AND GOVERNMENT EFFICIENCY

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.

[Directs] **Permits** each county and **directs** each city with population of 15,000 or more to set maximum rates for towing and related services when tower tows motor vehicle without consent or authorization of owner or operator.

Requires tower to obtain license from city or county in which tower is operating before towing vehicle without consent or authorization of owner or operator **if city or county has established maximum rates for tows without consent or authorization and related services.**

A BILL FOR AN ACT

1
2 Relating to charges for towing motor vehicle; creating new provisions; amending ORS 98.854; and
3 declaring an emergency.

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

5 **SECTION 1.** ORS 98.854 is amended to read:

6 98.854. (1) A tower may not:

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

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

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

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

15 (e) **Charge more than an amount set under section 3 of this 2013 Act when towing a**
16 **motor vehicle without the prior consent or authorization of the owner or operator of the**
17 **motor vehicle.**

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

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

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

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

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

2 [(h)] (i) Require, as a condition of towing a motor vehicle or releasing a motor vehicle or per-
3 sonal property in the motor vehicle, that the owner or operator of the motor vehicle agree not to
4 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 property
8 in the motor vehicle.

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

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

12 (B) Holding the personal property in the motor vehicle in a secure manner.

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

15 **(L) Operate in a city or county without a license issued by the city or county if required**
16 **by section 4 of this 2013 Act.**

17 **(m) Charge for the hookup and release of a motor vehicle except as provided in ORS**
18 **98.856.**

19 (2) A tower may park a tow vehicle within 1,000 feet of a parking facility for the purpose of
20 monitoring the parking facility for towing business if the tower provides notice of the hours during
21 which monitoring occurs on signs that are clearly readable by an operator of a motor vehicle in
22 each parking stall or at each entrance to the parking facility.

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

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

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

26 (c) Blocks a parked motor vehicle;

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

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

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

30 (B) The landlord has issued parking tags or other devices that identify vehicles that are au-
31 thorized to be parked on the premises; and

32 (C) There are signs posted that are clearly readable by an operator of a motor vehicle in each
33 parking stall or at each entrance to the parking facility prohibiting or restricting public parking on
34 the parking facility.

35 **SECTION 2. Sections 3 and 4 of this 2013 Act are added to and made a part of ORS 98.854**
36 **to 98.862.**

37 **SECTION 3. (1) Each county may establish the maximum rates that a tower may charge**
38 **for towing a motor vehicle, and for all related services for towing a motor vehicle, in re-**
39 **sponse to a request for towing of a vehicle parked within the county that is made by a person**
40 **other than the owner or operator of the motor vehicle. The rates for related services include**
41 **charges for hookup, storage, gas mileage, pictures, unlocking the motor vehicle and any**
42 **other services reasonably related to towing as determined by the county. Rates established**
43 **by a county under this subsection apply in all portions of the county except within the**
44 **boundaries of cities with a population of 15,000 or more located within the county.**

45 **(2) If a county does not establish the maximum rates that a tower may charge for towing**

1 a motor vehicle under subsection (1) of this section, a city that is within the county and that
2 has a population of less than 15,000 may establish the maximum rates that a tower may
3 charge for towing a motor vehicle, and for all related services for towing a motor vehicle,
4 in response to a request for towing of a vehicle parked within the boundaries of the city that
5 is made by a person other than the owner or operator of the motor vehicle. The rates for
6 related services include charges for hookup, storage, gas mileage, pictures, unlocking the
7 motor vehicle and any other services reasonably related to towing as determined by the city.

8 (3) Each city with a population of 15,000 or more shall establish the maximum rates that
9 a tower may charge for towing a motor vehicle, and for all related services for towing a
10 motor vehicle, in response to a request for towing of a vehicle parked within the boundaries
11 of the city that is made by a person other than the owner or operator of the motor vehicle.
12 The rates for related services include charges for hookup, storage, gas mileage, pictures,
13 unlocking the motor vehicle and any other services reasonably related to towing as deter-
14 mined by the city.

15 (4) When establishing the maximum rates under this section, the city or county shall
16 take into consideration the size of the motor vehicle towed and the distance traveled by the
17 tower from the location of the motor vehicle to a storage facility.

18 (5) Each city or county that establishes maximum rates under this section shall also es-
19 tablish a process by which the city or county will receive and respond to complaints relating
20 to violations of this section.

21 **SECTION 4.** (1) Subject to subsection (5) of this section:

22 (a) A tower may not tow vehicles parked within the boundaries of a city without a license
23 issued by the city, if the city has established the maximum rates that a tower may charge
24 under section 3 of this 2013 Act.

25 (b) A tower may not tow vehicles parked within the boundaries of a county, outside of a
26 city with a population of 15,000 or more, without a license issued by the county, if the county
27 has established the maximum rates that a tower may charge under section 3 of this 2013 Act.

28 (2) Application for a license under this section must be made in writing in the form
29 prescribed by the city or county, and must contain the name and address of the applicant
30 and any other information that the city or county may require.

31 (3) The fee for issuing a license under this section shall be established by the city or
32 county, but may not exceed the cost of administering the licensing program and adminis-
33 tering section 3 of this 2013 Act.

34 (4) A license issued under this section expires annually on December 31 or on a date that
35 may be specified by the city or county by ordinance.

36 (5) The requirement to get a license under this section applies only to towers that tow
37 a motor vehicle without the prior consent or authorization of the owner or operator of the
38 motor vehicle.

39 (6) A city or county may suspend or revoke a license issued under this section for vio-
40 lation of section 3 of this 2013 Act or ORS 98.854.

41 **SECTION 5.** (1) Sections 3 and 4 of this 2013 Act and the amendments to ORS 98.854 by
42 section 1 of this 2013 Act become operative on January 1, 2014.

43 (2) A city or county may take any action before January 1, 2014, that is necessary to
44 enable the city or county to implement sections 3 and 4 of this 2013 Act and the amendments
45 to ORS 98.854 by section 1 of this 2013 Act on January 1, 2014.

1 **SECTION 6. This 2013 Act being necessary for the immediate preservation of the public**
2 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
3 **on its passage.**

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