

## HOUSE AMENDMENTS TO HOUSE BILL 3159

By COMMITTEE ON CONSUMER PROTECTION AND GOVERNMENT EFFICIENCY

April 19

1 On page 1 of the printed bill, line 2, delete “and amending ORS 98.854.” and insert “amending  
2 ORS 98.854; and declaring an emergency.”.

3 Delete lines 4 through 31 and delete page 2 and insert:

4 “**SECTION 1.** ORS 98.854 is amended to read:

5 “98.854. (1) A tower may not:

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

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

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

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

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

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

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

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

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

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

26 “[*h*] (i) Require, as a condition of towing a motor vehicle or releasing a motor vehicle or per-  
27 sonal property in the motor vehicle, that the owner or operator of the motor vehicle agree not to  
28 dispute:

29 “(A) The reason for the tow;

30 “(B) The validity or amount of charges; or

31 “(C) The responsibility of the tower for the condition of the motor vehicle or personal property  
32 in the motor vehicle.

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

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

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

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

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

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

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

11 “(a) Blocks or prevents access by emergency vehicles;

12 “(b) Blocks or prevents entry to the premises;

13 “(c) Blocks a parked motor vehicle;

14 “(d) Violates a prominently posted parking prohibition; or

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

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

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

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

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

24 “**SECTION 3.** (1) Each county shall establish the maximum rates that a tower may  
25 charge for towing a motor vehicle, and all related services for towing a motor vehicle, in  
26 response to a request for towing of a vehicle parked within the county that is made by a  
27 person other than the owner or operator of the motor vehicle. The rates for related services  
28 include charges for hookup, storage, gas mileage, pictures, unlocking the motor vehicle and  
29 any other services reasonably related to towing as determined by the county. Rates estab-  
30 lished by a county under this subsection apply in all portions of the county except within the  
31 boundaries of cities with a population of 15,000 or more located within the county.

32 “(2) Each city with a population of 15,000 or more shall establish the maximum rates that  
33 a tower may charge for towing a motor vehicle, and all related services for towing a motor  
34 vehicle, in response to a request for towing of a vehicle parked within the boundaries of the  
35 city that is made by a person other than the owner or operator of the motor vehicle. The  
36 rates for related services include charges for hookup, storage, gas mileage, pictures, un-  
37 locking the motor vehicle and any other services reasonably related to towing as determined  
38 by the city.

39 “(3) When establishing the maximum rates under this section, the city or county shall  
40 take into consideration the size of the motor vehicle towed and the distance traveled by the  
41 tower from the location of the motor vehicle to a storage facility.

42 “(4) Each city or county shall establish a process by which the city or county will receive  
43 and respond to complaints relating to violations of this section.

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

45 “(a) A tower may not tow vehicles parked within the boundaries of a city with a popu-

1 lation of 15,000 or more without a license issued by the city.

2 “(b) A tower may not tow vehicles parked within the boundaries of a county, outside of  
3 a city with a population of 15,000 or more, without a license issued by the county.

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

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

10 “(4) A license issued under this section expires annually on December 31 or on such date  
11 as may be specified by the city or county by ordinance.

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

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

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

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

22 “SECTION 6. This 2013 Act being necessary for the immediate preservation of the public  
23 peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect  
24 on its passage.”  
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