

House Bill 3159

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 **as introduced**.

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

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

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

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 fa-
7 cility 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 with**
13 **the prior consent or authorization of the owner or operator of the motor vehicle.**

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

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 in the motor vehicle.

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

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

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

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

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

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

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

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

15 (c) Blocks a parked motor vehicle;

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

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

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

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

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

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

25 **SECTION 3. (1) The Oregon Transportation Commission shall establish the maximum**
26 **rates that a tower may charge for towing a motor vehicle, and all related services for towing**
27 **a motor vehicle, in response to a request made by a person other than the owner or operator**
28 **of the motor vehicle. The rates for related services include charges for hookup, storage, gas**
29 **mileage, pictures, unlocking the motor vehicle and any other services reasonably related to**
30 **towing as determined by the commission.**

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

34 **(3) The maximum rate established by the commission under this section:**

35 **(a) May not exceed \$200 for the first 24 hours beginning from the time of the initial**
36 **hookup of the motor vehicle.**

37 **(b) After the first 24 hours described in paragraph (a) of this subsection, may not exceed**
38 **\$30 per day.**

39 **(4) The maximum rates described in subsection (3) of this section do not apply to a tower**
40 **that travels more than 20 miles from the location of the motor vehicle to a storage facility.**

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

43