

**PROPOSED AMENDMENTS TO
HOUSE BILL 3159**

1 On page 1 of the printed bill, line 2, delete “and amending ORS 98.854.”
2 and insert “amending 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 ve-
7 hicle from a parking facility without first contacting the owner of the facil-
8 ity 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
10 owner or owner’s agent is an employee of a tower.

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

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

17 **“(e) Charge more than an amount set under section 3 of this 2013**
18 **Act when towing a motor vehicle without the prior consent or au-**
19 **thorization of the owner or operator of the motor vehicle.**

20 “[~~e~~] (f) Solicit towing business at, or within 1,000 feet of, the site of a
21 motor vehicle accident, unless the tower tows the motor vehicle pursuant to
22 a prenegotiated payment agreement between the tower and a motor vehicle

1 road service company.

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

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

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

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

11 “[*h*] (i) Require, as a condition of towing a motor vehicle or releasing
12 a motor vehicle or personal property in the motor vehicle, that the owner
13 or operator of the motor vehicle agree not to dispute:

14 “(A) The reason for the tow;

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

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

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

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

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

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

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

28 “(2) A tower may park a tow vehicle within 1,000 feet of a parking facility
29 for the purpose of monitoring the parking facility for towing business if the
30 tower provides notice of the hours during which monitoring occurs on signs

1 that are clearly readable by an operator of a motor vehicle in each parking
2 stall or at each entrance to the parking facility.

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

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

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

6 “(c) Blocks a parked motor vehicle;

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

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

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

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

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

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

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

29 **“(2) Each city with a population of 15,000 or more shall establish the
30 maximum rates that a tower may charge for towing a motor vehicle,**

1 and all related services for towing a motor vehicle, in response to a
2 request for towing of a vehicle parked within the boundaries of the
3 city that is made by a person other than the owner or operator of the
4 motor vehicle. The rates for related services include charges for
5 hookup, storage, gas mileage, pictures, unlocking the motor vehicle
6 and any other services reasonably related to towing as determined by
7 the city.

8 “(3) When establishing the maximum rates under this section, the
9 city or county shall take into consideration the size of the motor ve-
10 hicle towed and the distance traveled by the tower from the location
11 of the motor vehicle to a storage facility.

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

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

16 “(a) A tower may not tow vehicles parked within the boundaries of
17 a city with a population of 15,000 or more without a license issued by
18 the city.

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

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

26 “(3) The fee for issuing a license under this section shall be estab-
27 lished by the city or county, but may not exceed the cost of adminis-
28 tering the licensing program and administering section 3 of this 2013
29 Act.

30 “(4) A license issued under this section expires annually on De-

1 cember 31 or on such date as may be specified by the city or county
2 by ordinance.

3 “(5) The requirement to get a license under this section applies only
4 to towers that tow a motor vehicle without the prior consent or au-
5 thorization of the owner or operator of the motor vehicle.

6 “(6) A city or county may suspend or revoke a license issued under
7 this section for violation of section 3 of this 2013 Act or ORS 98.854.

8 **“SECTION 5.** (1) Sections 3 and 4 of this 2013 Act and the amend-
9 ments to ORS 98.854 by section 1 of this 2013 Act become operative on
10 January 1, 2014.

11 “(2) A city or county may take any action before January 1, 2014,
12 that is necessary to enable the city or county to implement sections
13 3 and 4 of this 2013 Act and the amendments to ORS 98.854 by section
14 1 of this 2013 Act on January 1, 2014.

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

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