

**PROPOSED AMENDMENTS TO  
A-ENGROSSED HOUSE BILL 3159**

1 On page 1 of the printed A-engrossed bill, delete lines 5 through 26 and  
2 delete pages 2 and 3 and insert:

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

4 “98.854. (1) A tower may not:

5 “(a) Except as provided in subsection (3) of this section, tow a motor ve-  
6 hicle from a parking facility without first contacting the owner of the facil-  
7 ity 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  
9 owner or owner’s agent is an employee of a tower.

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

13 “(d) Charge more than a price disclosed under ORS 98.856.

14 **“(e) Charge more than the maximum rate established by a city or**  
15 **county under section 3 of this 2013 Act if towing a motor vehicle under**  
16 **circumstances described in section 3 of this 2013 Act.**

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

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

1 the parking facility for towing business.

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

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

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

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

11 “(A) The reason for the tow;

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

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

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

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

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

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

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

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

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

1       “(a) Blocks or prevents access by emergency vehicles;  
2       “(b) Blocks or prevents entry to the premises;  
3       “(c) Blocks a parked motor vehicle;  
4       “(d) Violates a prominently posted parking prohibition; or  
5       “(e) Parks without permission in a parking facility used for residents of  
6 an apartment and:

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

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

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

13       **“SECTION 2. Sections 3 to 5 of this 2013 Act are added to and made  
14 a part of ORS 98.854 to 98.862.**

15       **“SECTION 3. (1) Subject to section 5 of this 2013 Act:**

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

27       **“(b) Each city with a population of 15,000 or more shall establish the  
28 maximum rates that a tower may charge for towing a motor vehicle,  
29 and all services related to towing a motor vehicle, in response to a  
30 request for towing of a vehicle parked within the boundaries of the**

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

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

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

13 **“SECTION 4. (1) Subject to subsection (7) of this section and section  
14 5 of this 2013 Act:**

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

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

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

25 “(3) A city or county may not impose a fee for issuing a license  
26 under this section.

27 “(4) A license issued under this section expires annually on De-  
28 cember 31 or on such date as may be specified by the city or county  
29 by ordinance.

30 “(5) A city or county may suspend or revoke a license issued under

1 **this section for violation of section 3 of this 2013 Act or ORS 98.854.**

2 **“(6) Each city or county shall establish a process by which a towing**  
3 **company can appeal a suspension or revocation of a license issued**  
4 **under this section.**

5 **“(7) The requirement to obtain a license under this section applies**  
6 **only to towers that tow 10 or more motor vehicles a month in response**  
7 **to a request for towing of a motor vehicle that is made by a person**  
8 **other than the owner or operator of the motor vehicle.**

9 **“(8) If a tower tows 10 or more motor vehicles from a parking fa-**  
10 **cility at the request of the owner of the parking facility, the owner**  
11 **of the parking facility shall notify the appropriate city or county with**  
12 **jurisdiction to issue licenses under this section in the manner provided**  
13 **by the city or county. Tows made at the request of the owner or op-**  
14 **erator of a motor vehicle do not count toward the total number of**  
15 **tows an owner of a parking facility is required to report under this**  
16 **subsection.**

17 **“SECTION 5. The maximum rates established under section 3 of**  
18 **this 2013 Act and the requirement to obtain a license under section 4**  
19 **of this 2013 Act do not apply to a tower if:**

20 **“(1) The tower is hired or otherwise engaged by an agency taking**  
21 **custody of a vehicle under ORS 819.140.**

22 **“(2) The tower tows the motor vehicle under a prenegotiated pay-**  
23 **ment agreement between the tower and a motor vehicle road service**  
24 **company or an insurance company.**

25 **“(3) The tower tows an abandoned vehicle pursuant to ORS 98.830.**

26 **“(4) The tower is hired or otherwise engaged by a business entity**  
27 **at the request of the owner or operator of the motor vehicle to tow**  
28 **the motor vehicle.**

29 **“SECTION 6. (1) Sections 3 to 5 of this 2013 Act and the amend-**  
30 **ments to ORS 98.854 by section 1 of this 2013 Act become operative on**

1 **January 1, 2014.**

2 **“(2) A city or county may take any action before January 1, 2014,**  
3 **that is necessary to enable the city or county to implement sections**  
4 **3 to 5 of this 2013 Act and the amendments to ORS 98.854 by section 1**  
5 **of this 2013 Act on January 1, 2014.**

6 **“SECTION 7. This 2013 Act being necessary for the immediate**  
7 **preservation of the public peace, health and safety, an emergency is**  
8 **declared to exist, and this 2013 Act takes effect on its passage.”.**

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