

House Bill 2253

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim 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 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. Prohibits city with population of less than 15,000 from setting maximum rates unless county in which city is located does not set maximum rates.

Requires tower to obtain license from city or county, as appropriate, that has set maximum rates for towing and related services in city or county in which tower is operating, before towing vehicle without consent or authorization of owner or operator.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to charges for towing motor vehicles; creating new provisions; amending ORS 98.859 and
3 98.861; and declaring an emergency.

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

5 **SECTION 1.** ORS 98.859 is amended to read:

6 98.859. (1) Each [*city or*] county may establish the maximum rates that a tower may charge for
7 towing a motor vehicle, and for all related services for towing a motor vehicle, in response to a
8 request for towing of a vehicle parked within the [*city or*] county that is made by a person other
9 than the owner or operator of the motor vehicle. The rates for related services include charges for
10 hookup, storage, gas mileage, pictures, unlocking the motor vehicle and any other services reason-
11 ably related to towing as determined by the [*city or*] county. Rates established by a [*city or*] county
12 under this subsection apply in all portions of the [*city or*] county **except within the boundaries**
13 **of cities with a population of 15,000 or more located within the county.**

14 **(2) If a county does not establish the maximum rates that a tower may charge for towing**
15 **a motor vehicle under subsection (1) of this section, a city that is within the county and that**
16 **has a population of less than 15,000 may establish the maximum rates that a tower may**
17 **charge for towing a motor vehicle, and for all related services for towing a motor vehicle,**
18 **in response to a request for towing of a vehicle parked within the boundaries of the city that**
19 **is made by a person other than the owner or operator of the motor vehicle. The rates for**
20 **related services include charges for hookup, storage, gas mileage, pictures, unlocking the**
21 **motor vehicle and any other services reasonably related to towing as determined by the city.**

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

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 **mined by the city.**

2 [(2)] (4) When establishing the maximum rates under this section, the city or county shall take
 3 into consideration the size of the motor vehicle towed and the distance traveled by the tower from
 4 the location of the motor vehicle to a storage facility.

5 [(3)] (5) Each city or county that establishes maximum rates under this section shall also es-
 6 tablish a process by which the city or county will receive and respond to complaints relating to
 7 violations of this section.

8 [(4) *If a city establishes the maximum rates under this section, the county rates do not apply to*
 9 *towing a vehicle that is parked within the boundaries of that city and the tower is required to comply*
 10 *with only the city's established maximum rates.*]

11 **SECTION 2.** ORS 98.861 is amended to read:

12 98.861. (1) Subject to subsection (5) of this section:

13 (a) A tower may not tow vehicles parked within the boundaries of a city without a license issued
 14 by the city, if the city has established the maximum rates that a tower may charge under ORS
 15 98.859.

16 (b) A tower may not tow vehicles parked within the boundaries of a county, **outside of a city**
 17 **with a population of 15,000 or more**, without a license issued by the county, if the county has
 18 established the maximum rates that a tower may charge under ORS 98.859. [*The tower is not re-*
 19 *quired to obtain a license from a county when the tower tows a vehicle that is parked within the*
 20 *boundaries of a city located within the county and the tower is licensed by that city.*]

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

24 (3) The fee for issuing a license under this section shall be established by the city or county,
 25 but may not exceed the cost of administering the licensing program and administering ORS 98.859.

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

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

30 (6) A city or county may suspend or revoke a license issued under this section for violation of
 31 ORS 98.854 or 98.859.

32 **SECTION 3. (1) The amendments to ORS 98.859 and 98.861 by sections 1 and 2 of this 2015**
 33 **Act become operative on January 1, 2016.**

34 (2) **A city or county may take any action before January 1, 2016, that is necessary to**
 35 **enable the city or county to implement the amendments to ORS 98.859 and 98.861 by sections**
 36 **1 and 2 of this 2015 Act on January 1, 2016.**

37 **SECTION 4. This 2015 Act being necessary for the immediate preservation of the public**
 38 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**
 39 **on its passage.**

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