

Senate Bill 1546

Sponsored by Senator RILEY; Senator ROBLAN, Representative HOLVEY (Pre-session filed.)

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**.

Prohibits tower from towing motor vehicle from parking facility without first being contacted by owner of facility or owner's agent.

Removes exception from prohibition on parking tow vehicle near parking facility in order to monitor facility.

Removes notice exception for towing of motor vehicles violating certain no parking signs.

Punishes specified violations by maximum fine of \$250.

A BILL FOR AN ACT

1
2 Relating to towing; 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)] (2) of this section, tow a motor vehicle from a parking
7 facility without first [*contacting*] **being contacted** by the owner of the facility or the owner's agent
8 [*at*] **prior to** the time of the tow.

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

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

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

15 (e) Charge more than an amount set under ORS 98.859 when towing a motor vehicle without the
16 prior consent or authorization of the owner or operator of the motor vehicle.

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

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

22 (h) Provide consideration to obtain the privilege of towing motor vehicles from a parking facil-
23 ity. 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 (i) Require, as a condition of towing a motor vehicle or releasing a motor vehicle or personal
27 property in the motor vehicle, that the owner or operator of the motor vehicle agree not to dispute:

28 (A) The reason for the tow;

29 (B) The validity or amount of charges; or

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

3 (j) Hold a towed motor vehicle for more than 24 hours without:

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

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

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

9 (L) Operate in a city or county without a license issued by the city or county if required by
10 ORS 98.861.

11 (m) Charge for the hookup and release of a motor vehicle except as provided in ORS 98.856.

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

16 *[(3)] (2) A tower may tow a motor vehicle if the motor vehicle:*

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

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

19 (c) Blocks a parked motor vehicle; **or**

20 *[(d) Violates a prominently posted no parking sign that warns that parking is prohibited 24 hours*
21 *a day; or]*

22 *[(e)] (d) Parks without permission in a parking facility used for residents of an apartment and:*

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

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

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

29 **SECTION 2. Violation of any provision of ORS 98.854 or 98.858 or a rule adopted under**
30 **ORS 98.864 is a Class D violation.**

31 **SECTION 3. Section 2 of this 2016 Act and the amendments to ORS 98.854 by section 1**
32 **of this 2016 Act apply to persons who tow a motor vehicle on or after the effective date of**
33 **this 2016 Act.**

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