

**Enrolled**  
**House Bill 3159**

Sponsored by COMMITTEE ON CONSUMER PROTECTION AND GOVERNMENT EFFICIENCY

CHAPTER .....

AN ACT

Relating to charges for towing motor vehicle; creating new provisions; amending ORS 98.854; and declaring an emergency.

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

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

98.854. (1) A tower may not:

(a) Except as provided in subsection (3) of this section, tow a motor vehicle from a parking facility without first contacting the owner of the facility or the owner’s agent at the time of the tow.

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

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

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

(e) **Charge more than an amount set under section 3 of this 2013 Act when towing a motor vehicle without the prior consent or authorization of the owner or operator of the motor vehicle.**

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

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

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

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

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

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

(A) The reason for the tow;

(B) The validity or amount of charges; or

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

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

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

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

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

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

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

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

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

(a) Blocks or prevents access by emergency vehicles;

(b) Blocks or prevents entry to the premises;

(c) Blocks a parked motor vehicle;

(d) Violates a prominently posted parking prohibition; or

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

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

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

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

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

**SECTION 3. (1) Each city or county may establish the maximum rates that a tower may charge for towing a motor vehicle, and for all related services for towing a motor vehicle, in response to a request for towing of a vehicle parked within the city or county that is made by a person other than the owner or operator of the motor vehicle. The rates for related services include charges for hookup, storage, gas mileage, pictures, unlocking the motor vehicle and any other services reasonably related to towing as determined by the city or county. Rates established by a city or county under this subsection apply in all portions of the city or county.**

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

**(3) Each city or county that establishes maximum rates under this section shall also establish a process by which the city or county will receive and respond to complaints relating to violations of this section.**

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

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

**(a) A tower may not tow vehicles parked within the boundaries of a city without a license issued by the city, if the city has established the maximum rates that a tower may charge under section 3 of this 2013 Act.**

**(b) A tower may not tow vehicles parked within the boundaries of a county without a license issued by the county, if the county has established the maximum rates that a tower may charge under section 3 of this 2013 Act. The tower is not required to obtain a license**

from a county when the tower tows a vehicle that is parked within the boundaries of a city located within the county and the tower is licensed by that city.

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

(3) The fee for issuing a license under this section shall be established by the city or county, but may not exceed the cost of administering the licensing program and administering section 3 of this 2013 Act.

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

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

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

**SECTION 5.** (1) Sections 3 and 4 of this 2013 Act and the amendments to ORS 98.854 by section 1 of this 2013 Act become operative on January 1, 2014.

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

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

Passed by House April 25, 2013

Received by Governor:

Repassed by House July 1, 2013

.....M.,....., 2013

Approved:

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Ramona J. Line, Chief Clerk of House

.....M.,....., 2013

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Tina Kotek, Speaker of House

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John Kitzhaber, Governor

Passed by Senate June 27, 2013

Filed in Office of Secretary of State:

.....M.,....., 2013

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Peter Courtney, President of Senate

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Kate Brown, Secretary of State