



DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

MEMORANDUM

DATE: May 16, 2017

TO: Honorable Jeff Barker, Chair
House Judiciary Committee

FROM: Cheryl Hiemstra, Deputy Legislative Director

SUBJECT: Senate Bill 117 – Towing

This testimony is presented in support of Senate Bill 117.

BACKGROUND

Vehicle towing often happens in tense situations – either the tow happens when a vehicle is disabled due to a crash or mechanical failure, or a vehicle is in a prohibited location and needs to be removed. The Department of Justice Consumer Hotline receives consumer complaints regarding many subject areas, and towing complaints are fairly common. Already this year, the Department of Justice has received 60 written complaints, 131 written complaints were received in 2016. Often there is confusion regarding when a tower may tow, how the tower may tow, and what information should be communicated before the tow.

The Department of Justice discussed providing more clarification in the statutes with representatives of the towing community, and SB133 was the result. The elements of SB133 have been folded into SB117.

CONCEPT

The bill limits patrol towing by requiring the permission of the also that a consumer may request a copy of the photograph of the vehicle showing the vehicle parked in violation – current law did not require that specifically. Also, some towers have been towing vehicles to facilities that are quite far away, and raise costs for consumers in the process. The bill requires a tower to tow to the nearest available facility as allowed by statute to avoid these unnecessary extra charges to a consumer. Another point of clarification is when a “hookup” is complete – when a tow truck is hooked to a vehicle triggers certain obligations by both the tower and the consumer. A brighter line of when a hookup is complete will aid in preventing and solving disputes between towers and consumers. These simple fixes will help clarify the rules in tense situations for both towers and Oregonians being towed.

The bill also requires signed authorization from the owner of a parking facility or owner’s agent, and gives the towed vehicle owner the right to request a copy of the authorization.

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