

D R A F T

SUMMARY

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
7 vehicle from a parking facility without first [*contacting*] **being contacted**
8 **by** the owner of the facility or the owner's agent [*at*] **prior to** the time of
9 the tow.

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

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

15 (d) Charge more than a price disclosed under ORS 98.856 when towing a
16 motor vehicle with the prior consent or authorization of the owner or oper-
17 ator of the motor vehicle.

18 (e) Charge more than an amount set under ORS 98.859 when towing a

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 motor vehicle without the prior consent or authorization of the owner or
2 operator of the motor vehicle.

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

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

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

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

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

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

18 (A) The reason for the tow;

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

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

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

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

25 (B) Holding the personal property in the motor vehicle in a secure man-
26 ner.

27 (k) Accept cash as a method of payment for towing services unless the
28 tower provides exact change not later than the end of the business day fol-
29 lowing receipt of payment.

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

1 (m) Charge for the hookup and release of a motor vehicle except as pro-
2 vided in ORS 98.856.

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

8 [(3)] (2) A tower may tow a motor vehicle if the motor vehicle:

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

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

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

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

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

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

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

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

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

24 **SECTION 3. Section 2 of this 2016 Act and the amendments to ORS**
25 **98.854 by section 1 of this 2016 Act apply to persons who tow a motor**
26 **vehicle on or after the effective date of this 2016 Act.**

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