

A-Engrossed
Senate Bill 431

Ordered by the Senate May 8
Including Senate Amendments dated May 8

Sponsored by Senator GORDLY

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.

[Prohibits certain business practices and requires other business practices by towers of motor vehicles. Authorizes Attorney General to adopt rules to implement prohibitions and requirements.]

[Authorizes enforcement of violation of certain business practices as unlawful trade practices.]

[Makes violation of certain business practices grounds for loss or suspension of towing business certificate.]

[Modifies procedure for towing motor vehicle from private property without prior approval or authorization of owner of motor vehicle.]

Prohibits landlord from having motor vehicle removed from premises without notice to tenant who owns or operates vehicle except under specified circumstances.

Provides that landlord who has ongoing arrangement with towing business for vehicle removal services must provide tenant with certain information not later than beginning date of tenancy, enter into written agreement with tenant and provide tenant with device to display on vehicle to prevent removal of vehicle. Provides that landlord may have vehicle removed if vehicle is parked without device displayed.

Defines ongoing arrangement with towing business.

Prohibits removal of inoperable vehicle without 72-hour notice. Prohibits removal of vehicle because vehicle's registration has expired or is otherwise invalid.

A BILL FOR AN ACT

1
2 Relating to involuntary towing of motor vehicles.

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

4 **SECTION 1. Section 2 of this 2007 Act is added to and made a part of ORS chapter 90.**

5 **SECTION 2. (1) Except as provided in subsection (2) of this section and in ORS 90.425**
6 **regarding abandoned vehicles, a landlord may not have a motor vehicle removed from the**
7 **premises without notice to the tenant who owns or operates the vehicle unless the vehicle:**

8 (a) **Blocks or prevents access by emergency vehicles.**

9 (b) **Blocks or prevents entry to the premises.**

10 (c) **Violates posted parking restrictions.**

11 (d) **Blocks or is unlawfully parked in a space reserved for persons with disabilities.**

12 (e) **Is parked in an area not designated for parking.**

13 (2)(a) **A landlord who has an ongoing arrangement with a towing business for vehicle**
14 **removal services on the premises may not have a vehicle removed from the premises without**
15 **notice to the tenant who owns or operates the vehicle unless the landlord:**

16 (A) **Provides the tenant with written information prominently stating the towing business**
17 **name and contact information no later than the beginning date for the tenancy;**

18 (B) **Enters into a written agreement with the tenant that notifies the tenant of the**
19 **landlord's ability to have a motor vehicle removed from the premises without notice to the**

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 owner or operator; and

2 (C) Provides the tenant with a removable tag, sticker or other device to display, as
3 specified by the landlord, on a motor vehicle to prevent a tower from removing the vehicle.

4 (b) A landlord may have a motor vehicle removed without notice to the tenant who owns
5 or operates the vehicle under this subsection only if the vehicle is parked without the re-
6 quired parking tag, sticker or other device displayed as provided in paragraph (a)(C) of this
7 subsection.

8 (c) For purposes of paragraph (a) of this subsection, a landlord has an ongoing arrange-
9 ment with a towing business if:

10 (A) The premises are posted with signs that warn of the possibility of vehicle removal
11 and display the name or contact information of the towing business; or

12 (B) The landlord and the towing business have a written agreement for the business to
13 provide vehicle removal services on the premises.

14 (3) A landlord may have an inoperable, but otherwise legally parked, motor vehicle re-
15 moved from the premises if the landlord affixes a notice to the vehicle stating that the ve-
16 hicle will be towed if it is not removed or otherwise brought into compliance with the rental
17 agreement. The notice required by this subsection must remain on the vehicle for 72 hours
18 before the vehicle may be removed.

19 (4) A landlord may not have a motor vehicle removed under this section because the ve-
20 hicle's registration has expired or is otherwise invalid.

21 (5) This section does not apply to landlords of manufactured dwellings or floating homes.

22 (6) Nothing in this section affects the obligations imposed on landlords who are owners
23 of parking facilities as defined in ORS 98.805.

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