

D R A F T

SUMMARY

Clarifies that tower does not need to contact owner of parking facility or owner's agent at time of tow before towing motor vehicle from facility if sign warning that parking is prohibited is posted or if motor vehicle is parked next to red or yellow curb.

A BILL FOR AN ACT

Relating to towing motor vehicles; amending ORS 98.854.

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.

(e) 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) 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

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 parking facility for towing business.

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

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

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

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

10 (A) The reason for the tow;

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

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

14 (i) Hold a towed motor vehicle for more than 24 hours without:

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

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

19 (j) Accept cash as a method of payment for towing services unless the
20 tower provides exact change not later than the end of the business day fol-
21 lowing receipt of payment.

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

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

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

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

30 (c) Blocks a parked motor vehicle;

31 (d) Violates a prominently posted **no** parking [*prohibition; or*] **sign that**

1 **warns that parking is prohibited 24 hours a day;**

2 **(e) Parks next to a red or yellow curb; or**

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

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

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

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

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