

House Bill 3566

Sponsored by Representative NERON

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 **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act says that if a person pays with cash, the tower must provide exact change on the same day. The Act says a person may pay for towing and storage using a credit card and other methods of payment. The Act says a person may get their personal property out of a towed car even if the property is not emergency in nature. The Act requires a receipt with details. (Flesch Readability Score: 72.0).

Modifies laws related to towing. Provides that if a person pays with cash, the tower must provide exact change on the same day. Allows person to pay for towing and storage using a credit card, debit card and other methods of payment. Allows a person to collect all personal property from a towed car. Requires a towing company to provide the owner or insurance company with an itemized receipt. Allows person to recover damages incurred as a result of unlawful towing.

A BILL FOR AN ACT

1
2 Relating to towing; creating new provisions; and amending ORS 98.852, 98.854, 98.856, 98.858 and
3 98.859.

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

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

6 98.854. A tower may not:

7 (1)(a) Tow a motor vehicle from a parking facility unless there is a sign displayed in plain view
8 at the parking facility that, using clear and conspicuous language, prohibits or restricts public
9 parking at the parking facility.

10 (b) Notwithstanding paragraph (a) of this subsection, a tower may tow a motor vehicle from a
11 parking facility with the prior consent of the owner or operator of the motor vehicle.

12 (2) Except as provided in ORS 98.853, tow a motor vehicle from a parking facility without first
13 contacting the owner of the parking facility or the owner's agent at the time of the tow and re-
14 ceiving signed authorization from the owner of the parking facility or the owner's agent that the
15 tower should tow the motor vehicle. The tower shall maintain for at least two years, in electronic
16 or printed form, each signed authorization received under this subsection. Upon request, the tower
17 shall provide a copy of the signed authorization to the owner or operator of the motor vehicle at
18 no additional charge.

19 (3) Serve as an agent of an owner of a parking facility for the purpose of signing an authori-
20 zation required by subsection (2) of this section.

21 (4) Tow a motor vehicle from a parking facility if the owner of the parking facility or the
22 owner's agent is an employee of a tower.

23 (5) Charge more than a price disclosed under ORS 98.856 when towing a motor vehicle without
24 the prior consent or authorization of the owner or operator of the motor vehicle.

25 (6) Charge more than an amount set under ORS 98.859 when towing a motor vehicle without the
26 prior consent or authorization of the owner or operator of the motor vehicle.

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

4 (8) Park a tow vehicle within 1,000 feet of a parking facility for the purpose of monitoring the
5 parking facility for towing business.

6 (9) Provide consideration to obtain the privilege of towing motor vehicles from a parking facil-
7 ity. For the purposes of this paragraph, the provision of:

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

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

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

12 (a) The reason for the tow;

13 (b) The validity or amount of charges; or

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

16 (11) Hold a towed motor vehicle for more than 24 hours without:

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

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

20 (12) Accept cash as a method of payment for towing services unless the tower provides exact
21 change not later than the *[end of the business day following receipt of payment]* **same day as the**
22 **payment is made.**

23 (13) Operate in a city or county without a license issued by the city or county if required by
24 ORS 98.861.

25 (14) Charge for the hookup and release of a motor vehicle except as provided in ORS 98.853.

26 **SECTION 2.** ORS 98.856 is amended to read:

27 98.856. (1) A tower shall disclose to the owner or operator of a motor vehicle in a conspicuous
28 written statement of at least 10-point boldfaced type:

29 (a) The prices the tower charges for all the goods and services that the tower offers;

30 (b) The location where the tower will:

31 (A) Store the motor vehicle and personal property in the motor vehicle; or

32 (B) Tow the motor vehicle, if the tower is towing the motor vehicle to a location other than a
33 location under the control of the tower;

34 (c) The telephone number and any other means of contacting the tower, and the hours of avail-
35 ability at that telephone number and at the other means of contacting the tower;

36 (d) The methods of payment that the tower accepts; and

37 (e) That, if the owner or operator of the motor vehicle pays for the tow with cash, the tower
38 will provide¹, *in person or by mail,* exact change not later than the *[end of the business day following*
39 *receipt of payment]* **same day the payment is made.**

40 (2) If the owner or operator is present at the time of the tow, the tower shall provide the in-
41 formation required under this section to the owner or operator of the motor vehicle before towing
42 the motor vehicle.

43 (3) If the owner or operator of the motor vehicle is not present at the time of the tow, the tower
44 shall provide the information required under this section to the owner or person in lawful possession
45 of the motor vehicle prior to the time the owner or person in lawful possession of the motor vehicle

1 redeems the motor vehicle.

2 (4) If the owner or operator of the motor vehicle is not present at the time of the tow:

3 (a) Within five business days from the date of the tow, the tower shall request the name and
4 address of the owner of the motor vehicle from the records of the state motor vehicle agency for the
5 state in which the motor vehicle is registered.

6 (b) The tower shall provide the information required under this section to the owner of the
7 motor vehicle by mail by the end of the first business day following receipt of the information con-
8 tained in the records of the state motor vehicle agency.

9 (c) If the owner of the motor vehicle or a person in lawful possession of the motor vehicle re-
10 deems the motor vehicle or contacts the tower prior to five business days after the tow, the tower
11 is not required to contact the state motor vehicle agency.

12 (5) If the owner or operator of the motor vehicle is not present at the time of the tow but the
13 owner or operator of the motor vehicle requested the tow and arranged to pay the tower directly,
14 the tower may obtain the name and address of the owner of the motor vehicle from the owner or
15 operator of the motor vehicle and may provide the information required under this section:

16 (a) Within five business days after the tow; or

17 (b) With a copy of the invoice for the tow or upon receipt of payment, whichever first occurs.

18 **SECTION 3.** ORS 98.858 is amended to read:

19 98.858. (1) A tower in physical possession of a motor vehicle shall permit the owner or person
20 in lawful possession of a motor vehicle the tower has towed to:

21 (a) Redeem or inspect the motor vehicle:

22 (A) Between 8 a.m. and 6 p.m. on business days;

23 (B) At all other hours, within 60 minutes after asking the tower to release or allow for the in-
24 spection of the motor vehicle; and

25 (C) Within 30 minutes of a time mutually agreed upon between the tower and the owner or
26 person in lawful possession of the motor vehicle;

27 (b) Contact the tower at any time to receive information about the location of the motor vehicle
28 and instructions for obtaining release of the motor vehicle; *[and]*

29 (c) Obtain all personal property *[of an emergency nature]* in the motor vehicle and the motor
30 vehicle's registration plates within the time allowed under paragraph (a) of this subsection; **and**

31 **(d) Pay for any towing or storage charges using a credit card, cash, debit card, cashier's**
32 **check or certified check.**

33 (2) A tower may not charge the owner or person in lawful possession of the motor vehicle a fee
34 in any amount to obtain personal property *[of an emergency nature]* or registration plates except for
35 a gate fee between the hours of 6 p.m. and 8 a.m. on business days, or on a Saturday, a Sunday or
36 a legal holiday.

37 **SECTION 4.** ORS 98.852 is amended to read:

38 98.852. As used in ORS 98.853 to 98.862:

39 (1) "Business day" means Mondays through Friday, excluding legal holidays.

40 (2) "Consideration" has the meaning given that term in ORS 171.725.

41 (3) "Law enforcement agency" has the meaning given that term in ORS 131.915.

42 (4) "Motor vehicle" has the meaning given that term in ORS 801.360.

43 (5) "Parking facility" has the meaning given that term in ORS 98.805.

44 *[(6) "Personal property of an emergency nature" includes, but is not limited to, prescription*
45 *medication, eyeglasses, hearing aids, clothing, identification, a wallet, a purse, a credit card, a*

1 *checkbook, cash and child safety car and booster seats.]*

2 [(7)] (6) "Tower" means a person that:

3 (a) Owns or operates a tow vehicle for profit; or

4 (b) Is employed by a person that owns or operates a tow vehicle for profit.

5 [(8)] (7) "Tow vehicle" has the meaning given that term in ORS 801.530.

6 **SECTION 5.** ORS 98.859 is amended to read:

7 98.859. (1) **The State Board of Towing shall establish the maximum rates that a tower**
 8 **may charge for towing a motor vehicle, and for all related services for towing a motor ve-**
 9 **hicle, in response to a request for towing of a parked vehicle that is made by a person other**
 10 **than the owner or operator of the motor vehicle. The rates for related services include**
 11 **charges for hookup, storage, gas mileage, pictures, unlocking the motor vehicle and any**
 12 **other services reasonably related to towing as determined by the board.**

13 (2) **Rates established by the board under subsection (1) of this section apply only in lo-**
 14 **cations in this state where a city or county has not established rates.**

15 [(1)] (3) Each city or county may establish the maximum rates that a tower may charge for
 16 towing a motor vehicle, and for all related services for towing a motor vehicle, in response to a
 17 request for towing of a vehicle parked within the city or county that is made by a person other than
 18 the owner or operator of the motor vehicle. The rates for related services include charges for
 19 hookup, storage, gas mileage, pictures, unlocking the motor vehicle and any other services reason-
 20 ably related to towing as determined by the city or county. Rates established by a city or county
 21 under this subsection apply in all portions of the city or county **and may be lower than the rates**
 22 **established by the board under subsection (1) of this section.**

23 [(2)] (4) When establishing the maximum rates under this section, the **board**, city or county shall
 24 take into consideration the size of the motor vehicle towed and the distance traveled by the tower
 25 from the location of the motor vehicle to a storage facility.

26 [(3)] (5) *[Each]* **The board and each** city or county that establishes maximum rates under this
 27 section shall also establish a process by which the **board**, city or county will receive and respond
 28 to complaints relating to violations of this section.

29 [(4)] (6) If a city establishes the maximum rates under this section, the county rates do not apply
 30 to towing a vehicle that is parked within the boundaries of that city and the tower is required to
 31 comply with only the city's established maximum rates.

32 **SECTION 6. Section 7 of this 2025 Act is added to and made a part of ORS 98.853 to 98.862.**

33 **SECTION 7. (1) After an owner or insurance company has completed a request for re-**
 34 **lease of a vehicle and before payment is made for the release of that vehicle, the towing**
 35 **company shall provide to the owner or insurance company, at no cost, a detailed written**
 36 **statement of all charges for towing, storage and related fees.**

37 (2) **If an owner or insurance company requests a detailed statement of charges before**
 38 **noon on a day that the towing company is required to be open or available by appointment,**
 39 **the towing company shall provide a detailed statement of charges by the close of business**
 40 **that day. The itemized charges shall include charges for the day of the request and the daily**
 41 **rate to be charged if the vehicle is to be released on a later day.**

42 (3) **If the towing company fails to provide a detailed statement of charges by the close**
 43 **of business on the day of the request, the towing company may not assess any storage**
 44 **charges on subsequent days until the day that the towing company provides the detailed**
 45 **statement of charges to the owner or insurance company.**

1 (4) After the owner or insurance company requests release of a vehicle, a towing com-
2 pany may not impose any additional fees or charges until the towing company provides the
3 detailed statement of charges. After the towing company provides the detailed statement of
4 charges, additional storage charges may accrue until final payment is made and the vehicle
5 is removed from the lot by the owner or the insurance company or the person designated in
6 writing by the insurance company.

7 SECTION 8. (1) In addition to any other remedy or penalty provided by law, a vehicle
8 owner whose vehicle was unlawfully towed may bring a civil action to recover damages
9 against a person whose actions are unlawful under ORS 98.853, 98.856 or 98.858.

10 (2) A plaintiff who prevails in an action under this section may recover economic and
11 noneconomic damages including:

12 (a) Any amount paid by the plaintiff; and

13 (b) Any amount equal to the damage the vehicle incurred as a result of the tower
14 immobilizing, storing or towing the vehicle.

15 (3) The court shall award reasonable attorney fees to the prevailing plaintiff in an action
16 under this section.

17 (4) An action under this section must be commenced within two years after the date on
18 which the vehicle was released to the vehicle owner.

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