

Senate Bill 1036

Sponsored by Senator MANNING JR (at the request of Chuck Riley)

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 makes changes to laws about towing. (Flesch Readability Score: 82.3).
Limits a tower's authority to independently tow a motor vehicle.
Clarifies where a tow vehicle may park while monitoring a parking facility.

A BILL FOR AN ACT

1
2 Relating to towing motor vehicles; amending ORS 98.853 and 98.854.

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

4 **SECTION 1.** ORS 98.853 is amended to read:

5 98.853. [(1) A tower may tow a motor vehicle if the motor vehicle:]

6 [(a) Blocks or prevents access by emergency vehicles;]

7 [(b) Blocks or prevents entry to the premises;]

8 [(c) Blocks a parked motor vehicle; or]

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

10 [(A) There are more residential units than there are parking spaces;]

11 [(B) The landlord has issued parking tags or other devices that identify vehicles that are author-
12 ized to be parked on the premises; and]

13 [(C) There are signs posted that are clearly readable by an operator of a motor vehicle in each
14 parking stall or at each entrance to the parking facility prohibiting or restricting public parking on the
15 parking facility.]

16 [(2)] (1) Prior to towing a motor vehicle pursuant to ORS 98.812, a tower shall take at least one
17 photograph of the motor vehicle and record the time and date of the photograph. The photograph
18 must show the motor vehicle as it was left or parked at the time the tower arrived to conduct the
19 tow. The tower shall maintain for at least two years, in electronic or printed form, each photograph
20 taken along with the date and time of the photograph. Upon request, the tower shall provide a copy
21 of any photographs to the owner or operator of the motor vehicle at no additional charge.

22 [(3)(a)] (2)(a) If the owner or operator of the motor vehicle is present at the time of the tow, the
23 tower shall release the motor vehicle at no charge unless the hookup is complete. If the hookup is
24 complete, the tower shall release the motor vehicle and may charge the owner or operator of the
25 motor vehicle a fee that does not exceed the charge to hook up for that type of tow as listed in a
26 written statement described in ORS 98.856.

27 (b) For purposes of this subsection, a hookup is complete if the motor vehicle to be towed has
28 been loaded onto a tow vehicle, or if any part of the motor vehicle has been placed on or connected
29 to an assembly that is part of a tow vehicle, such that the tow vehicle is capable of being in motion
30 with the motor vehicle in tow.

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 [(4)] (3) A tower who controls or has access to multiple storage facilities must tow a motor ve-
 2 hicle to the tower's storage facility with available space that is located in the same county as and
 3 is closest to where the motor vehicle was hooked up to the tow vehicle.

4 **SECTION 2.** ORS 98.854 is amended to read:

5 98.854. A tower may not:

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

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

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

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

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

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

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

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

29 (8) Park a tow vehicle [*within*] **in a location that is 1,000 feet or less from** [*of*] a parking fa-
 30 cility for the purpose of monitoring the parking facility for towing business.

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

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

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

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

37 (a) The reason for the tow;

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

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

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

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

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

45 (12) Accept cash as a method of payment for towing services unless the tower provides exact

1 change not later than the end of the business day following receipt of payment.

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

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

5
