

Enrolled
Senate Bill 1036

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

CHAPTER

AN ACT

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

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

SECTION 1. ORS 98.853 is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 2. ORS 98.854 is amended to read:

98.854. A tower may not:

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

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

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

(3) Serve as an agent of an owner of a parking facility for the purpose of signing an authorization required by subsection (2) of this section.

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

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

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

(7) 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.

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

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

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

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

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

(a) The reason for the tow;

(b) The validity or amount of charges; or

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

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

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

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

(12) Accept cash as a method of payment for towing services unless the tower provides exact change not later than the end of the business day following receipt of payment.

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

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

Passed by Senate May 29, 2025

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Obadiah Rutledge, Secretary of Senate

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Rob Wagner, President of Senate

Passed by House June 13, 2025

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Julie Fahey, Speaker of House

Received by Governor:

.....M,....., 2025

Approved:

.....M,....., 2025

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Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M,....., 2025

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Tobias Read, Secretary of State