

Community Alliance of Tenants – Tenant Education

Information is for general information purposes only, and is not a substitute for the advice of an attorney

Towing Information ORS 90.485

Here are some practical suggestions if you think if you think that your vehicle was unlawfully towed:

1. Read and understand your rights about towing.
2. You have the right to call the police if you think your rights were violated. This is a good way to document the incident.
3. If you feel that the police have treated you unfairly, you can file a grievance with the police department
4. Be sure to get the names and contact info of any witnesses to your towing problem.
5. File a complaint or an appeal with the city where you are having the problem. In Portland, go to <http://www.portlandoregon.gov/revenue/39851?>
6. If you have questions about towing or want to file a complaint, contact the Attorney General's Consumer Protection Hotline at <http://www.doj.state.or.us/consumer/towing.shtml> or by calling 1-877-877-9392.
7. You have the right to call a lawyer.

In 2007, CAT efforts contributed to make sure the legislature passed safeguards of formal notification and readable signage at each stall or entrance, alerting residents and guests of monitored towing.

Except in the case of abandoned vehicles, a landlord may have a motor vehicle removed from the premises without notice to the vehicle owner only if the vehicle:

- blocks or prevents access by emergency vehicles;
- blocks or prevents entry to the premises;
- violates a prominently posted parking prohibition;
- blocks or is unlawfully parked in a space reserved for persons with disabilities;
- is parked in an area not intended for motor vehicles including, but not limited to, sidewalks, lawns and landscaping;
- is parked in a space reserved for tenants but is not assigned to a tenant and does not display a parking tag or other device,
- is parked in a specific space assigned to a tenant

A landlord may have a motor vehicle removed from the premises only if the landlord:

(a) Provides parking tags or other devices that identify vehicles that are authorized to be parked on the premises;

(b) Provides a tenant with parking tags or other devices to be used on a vehicle other than the tenant's primary vehicle if the tenant wants to park a vehicle on the premises in lieu of the tenant's primary vehicle; and

(c) Enters into written agreements with the owners or operators of vehicles authorized to park on the premises that:

- authorize the landlord to have a vehicle removed from the premises without notice for failing to display the parking tag, sticker or other device;
- prominent signs must be posted on the premises, giving the owners or operators of authorized vehicles the name, address and contact information of the towing company that is authorized to remove vehicles from the premises, and
- Specify whether of the tow company that is authorized to remove vehicles from the premises; and if guest parking is allowed, describe methods for identifying guest parking spaces or identifying authorized guest vehicles.

Additional Information

*As of January 1, 2010, if the parking facility has assigned space parking, the landlord or manager of the parking facility must first notify the assigned tenant before towing a vehicle from that assigned space.

*Landlord is also supposed to provide tenants with parking tags or other devices to be used on a vehicle other than the tenant's primary vehicle if the tenant wants to park a vehicle on the premises, instead of the tenant's primary vehicle.

*If a landlord assigns a specific parking space to a tenant, the landlord may have a vehicle (other than the tenant's vehicle that was assigned the parking space) towed if the vehicle is parked in a specific space assigned to a tenant, from the assigned parking space, only with the agreement of the tenant at the time of the tow. The landlord may not require the tenant to agree to towing.

* A landlord may have a motor vehicle that is inoperable, but otherwise parked in compliance with an agreement between the landlord and the owner or operator of the vehicle, removed from the premises if the landlord affixes a prominent notice to the vehicle stating that the vehicle will be towed if the vehicle is not removed or otherwise brought into compliance with the agreement. The landlord must affix the notice required by this subsection at least 72 hours before the vehicle may be removed.

* A landlord may not have a motor vehicle removed under this section because the vehicle's registration has expired or is otherwise invalid.

Locating your vehicle. The towing company must provide you with their phone number, the vehicle's location, a list of prices they will charge to recover an impounded vehicle, and which methods of payment they will accept. This information can be provided by signs at a parking lot, on a sheet of paper handed to you, or, if you are not present at the time of the tow, by mail. Note: There are exceptions to this rule if your vehicle was abandoned, towed on behalf of the police or if your insurance company is paying for the tow.

Retrieving urgently-needed personal property. Even if you do not recover the vehicle at first, you may retrieve certain personal property such as prescription medication, eyeglasses, identification, wallet, purse, credit card, child safety seat, etc. If you are not redeeming the vehicle when you retrieve personal property, the only fee a towing company may charge you is a gate fee if it is during non-business hours.