

OFFICE OF THE SECRETARY OF STATE

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SECRETARY OF STATE

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DEPUTY SECRETARY OF STATE  
AND TRIBAL LIAISON



ARCHIVES DIVISION

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**NOTICE OF PROPOSED RULEMAKING**  
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 257  
DEPARTMENT OF STATE POLICE

**FILED**

12/13/2023 8:35 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: These rule changes encompass changes to the tow program certification requirements and process.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 01/24/2024 5:00 PM

*The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.*

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Filed By:  
Kyla Krehoff  
Rules Coordinator

HEARING(S)

*Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.*

DATE: 01/23/2024

TIME: 10:00 AM - 11:00 AM

OFFICER: Jason Lindland

REMOTE MEETING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 773-917-3509

CONFERENCE ID: 233178974448

SPECIAL INSTRUCTIONS:

Virtual public hearing via Microsoft Teams

Meeting ID: 233 178 974 448

Passcode: YuwsXE

NEED FOR THE RULE(S)

Update equipment and update need for training.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

None.

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

Rules will not affect racial equity.

FISCAL AND ECONOMIC IMPACT:

There would be a \$350.00 fee to small business' for each tow driver to attend a tow truck certification course. The fee

would be \$450.00 for each tow driver if the tow company is not associated with OTTA.

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COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

There would be a \$350.00 fee for each tow company driver to get certified. \$450.00 for each tow company driver if the tow company is not associated with OTTA. There are approximately 200 tow companies statewide. There is no expected cost associated with expected reporting, recordkeeping, and administrative activities and cost required to comply with the rules. There is no estimated cost of professional services, equipment supplies, labor and increased administration required to comply with the rules.

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DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

The proposed rules were discussed and approved by the Tow Program Advisory Committee. The committee included small businesses such as tow companies.

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WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

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RULES PROPOSED:

257-050-0020, 257-050-0040, 257-050-0050, 257-050-0060, 257-050-0070, 257-050-0100, 257-050-0110, 257-050-0125, 257-050-0140, 257-050-0150, 257-050-0170, 257-050-0200

AMEND: 257-050-0020

RULE SUMMARY: The rule sets requirements for the list and the tow companies on that list.

CHANGES TO RULE:

257-050-0020

Policy and Purpose ¶¶

It is the policy and purpose of the Oregon State Police that:¶¶

(1) To further the Oregon State Police's interest in the prompt and orderly removal of disabled or abandoned vehicles from the highways of the State of Oregon, and to meet the towing needs of the Department, the Department has established a non-preference tow program as defined in Oregon Administrative Rules (OAR) 257-050-0020 to 257-050-0200. The program, in part, consists of a non-preference tow rotational list comprised of qualified listed tow businesses. The non-preference tow rotational list is computer generated and does not favor any one qualified listed tow business. The non-preference tow rotational list is not a guarantee of business to the towing industry by the Department. Qualified listed tow businesses participating in the non-preference tow rotational list understand that they may be called upon to conduct vehicle tows at the operational need of the Oregon State Police, as may be determined by the requesting State Police Officer or Department member. A listed tow business participating in the non-preference tow program must understand that participation is a privilege and not a right.¶¶

(2) Because the non-preference tow rotational list is designed to meet the towing needs of the Department, tow businesses do not need to be on the list to conduct business with the general public in the State of Oregon.¶¶

~~(3) The Oregon State Police public.~~¶¶

~~(3) The Department does not charge any fees to the owner or driver of a vehicle towed under its non-preference tow program. Therefore, the Department does not require any qualify require and shall not establish, recommend, or in anyway dictate the fee charged for a non-preference tow conducted by a listed tow business participating in the under the Department's non-preference tow rotational list to gram.~~¶¶

~~(4) A participating tow company shall not charge any fees to for any work that has not been performed by the towner or driver of a vehicle towed under the Department's non-preference tow program. Accordingly, the~~

Department shall not establish, recommend, or in any way dictate the cost of a non-preference tow conducted by a qualified company or another listed tow company.¶

(5) A listed tow business shall not represent to any person or business that a fee has been, or will be, charged by the Oregon State Police.¶

(6) Listed tow businesses conducting business with the Oregon State Police, Oregon Department of Transportation and the citizens of Oregon, must always act professionally. All listed tow businesses under the Department's non-preference tow program. It is also that they must cooperate, be courteous, and provide business-like treatment to all Oregon State Police employees, Oregon Department of Transportation employees and citizens. Listed tow businesses that, through their conduct, abuse the non-preference tow system or the integrity, trust or security of the Oregon State Police shall be removed from the non-preference tow rotational program shall not represent to any person or business that a particular fee has been or will be charged by the Oregon State Police.¶

(4) Qualified tow businesses called upon by list through the suspension or revocation processes.¶

(7) The Oregon Department of Transportation as a "roadway authority" may adopt these administrative rules as they relate to the Oregon State Police non-preference Tow list. Only the Oregon Department of Transportation may use the Oregon State Police to conduct non-preference tows must reflect the highest standards of professionalism. Qualified tow businesses that, through their conduct or actions, abuse the non-preference tow system or the integrity, trust or security of the Oregon State Police shall be removed from the non-preference tow rotational list through the suspension and/or revocation processes non-preference tow list as set forth in these rules. Any other agency adopting a non-preference tow program must establish and use their own non-preference tow list which will be operated and enforced by their agency. ¶

(8) A listed tow business must adhere to these rules while conducting business with the Oregon Department of Transportation. The Oregon Department of transportation may report rule violations in writing to the Oregon State Police Tow Program. Rule violations in relation to the Oregon Department of Transportation may result in removal from the listed non-preference tow list as through the suspension or revocation process described in these rules. ¶

(9) The Oregon State Police or the Oregon Department of Transportation may contract directly with the companies on the non-preference list to assist with roadway clearance in times of roadway incidents such as natural disaster or weather-related events. In these instances, a fee may be imposed and charged to the state according to the contract.

Statutory/Other Authority: ORS 181.440

Statutes/Other Implemented: 181.440

AMEND: 257-050-0040

RULE SUMMARY: The rule outlines the Department's authority.

CHANGES TO RULE:

257-050-0040

Authority ¶

(1) These Administrative Rules are promulgated pursuant to ORS 181.440, which permits the Superintendent of the Oregon State Police to make rules governing the eligibility of tow businesses to be placed and remain on any list of ~~qualified~~ listed tow businesses used by the Department when it requests towing services on behalf of any person. ¶

(2) All ~~qualified~~ listed tow businesses providing service to the public and the Department through calls received from the Oregon State Police shall conduct their business operation in accordance with all applicable federal, state, and local laws, rules, or their equivalent. ¶

~~(3) In the event the Oregon State Police enters into an agreement with any other state agency, allowing that state agency the use of the non-preference tow rotational list, then these rules shall apply to tow requests made by that state agency.~~

Statutory/Other Authority: ORS 181.440

Statutes/Other Implemented: ORS 181.440

AMEND: 257-050-0050

RULE SUMMARY: This rule defines specific terms.

CHANGES TO RULE:

257-050-0050

Definitions ¶

(1) "Abandoned Auto" or "Abandoned Vehicle" - A vehicle, as defined in ORS 819.110, that has been parked or left standing upon any public way for a period in excess of 24 hours without authorization by statute or local ordinance. ¶

~~(2) "Another United States court" - The definition contained in ORS 163A.005(1) which may be taken into custody, as defined in ORS 819.110. ¶~~

~~(3) "Area Commander" or "Station Commander" - The local commanding officer of an area established by the Oregon State Police. ¶~~

~~(4) "Business Records" - Those records maintained by a qualified tow business that relate to the non-preference tows and which include, but are not limited to, tow bills, letters of appointment, and inspection sheets. ¶~~

~~(5) "Certified" or "Certification" - The successful completion by an employee of a "Authorized Driver" - A driver passed background check and has been permitted to drive through the OSP Tow Program. ¶~~

~~(3) "Business Records" - Any record maintained, created, used, or collected in connection to providing tow services. ¶~~

~~(5) "Certificate" - A document issued by the Department that declares that a named tow business of a written test administered by a nationally recognized listed on the Oregon State Police non-preference rotational tow list. ¶~~

~~(6) "Authorized Towing affiliated body/organization relating to the level of towing the employee operates Business" is a tow business determined by the Department to meet the requirements of this rule and which is placed on the Departments non-preference tow rotation. ¶~~

~~(6) "Convicted" - An adjudication of guilt upon a verdict or finding entered in a criminal proceeding in a court of competent jurisdiction. ¶~~

~~(7) "Denial - Actilayed Recovery" - An incident in which the Oregon Staken by the Department in refusing to issue a letter of appointment to a tow businesste Police or Oregon Department of Transportation intend for the recovery of a vehicle to occur at a later time. ¶~~

~~(9) "Denial" - Action taken by the Department in denying approval to participate in the non-preference tow program. ¶~~

~~(8) "Department" - The Department of State Police, also referred to as "Oregon State Police," and its employees. ¶~~

~~(9) "Driver" - Any individual or employee associated with a qualified tow business or tow business and who operates a tow vehicle, regardless of whether the individual is listed in an application for a letter of appointment. ¶~~

~~(10) "Employee" - Any person in the service of a tow business under contract of hire, express or implied, oral or written, where the business has the power or right to control and direct the employee in the material details of how the work for the business is to be performed. ¶~~

~~(11) "Fencing" - Permanent fencing meeting zoning requirements, with a minimum height of six (6) feet. ¶~~

~~(12) "Hazardous Vehicle" - A vehicle, as defined in ORS 819.120, that is disabled, abandoned, parked, or left standing unattended on a road or highway right of way and that is in such a location as to constitute a hazard or obstruction to motor vehicle traffic using the road or highway given that term and defined in OAR 734-020-0147(2). ¶~~

~~(13) "Hearings Officer" - A person appointed by an agency or entity contracted by the Department of State Police to conduct contested case hearings. ¶~~

~~(14) "Highway" - Every public way, road, street, thoroughfare and place including bridges, viaducts and other structures within the boundaries of the state open, used or intended for use of the general public for vehicles or vehicular traffic as a matter of right (ORS 801.305). ¶~~

~~(15) "Inspector" - A commissioned offi~~m~~ember or other appointed representative of the Oregon State Police who has been designated by the Department to examine tow trucks and qualified tow businesses. ¶~~

~~(16) "Letter of Appointment" - A letter issued by the Department that authorizes a tow business to tow abandoned or disabled vehicles on a non-preference rotational basis for the Oregon State Police. ¶~~

~~(17) "Manager of daily operations" - Any individual who has control or direct inspection" - The authorized agent or representative of the tow business shall self-certify on its application under penalty of false swearing related to Regulation of Vehicles Related to Businesses (ORS 822.605), Penalty of Perjury (ORS 162.065), suspension or revocation from the non-preference tow rotational list that its tow business, employees and vehicles meet the minimum requirements as set forth in these Administrative Rules. This self-certification shall verify that the tow~~

business' request for a certification complies with all applicable local laws and regulations as prescribed for the geographical area where the tow business will be established. If local zoning regulations are applicable, the authorized agent or representative of the tow business must include with the application a copy of the certification of approval from the local planning department, zoning commission of the day-to-day, regulatory, or financial aspect of a tow business or other authorized unit of local government to the Department. A zoning certification will become part of the permanent record maintained for each qualified tow business by the Department. ¶

~~(187)~~ "Non-Preference tow rotational List" or "Non-Preference List" – The of "tow list" of qualified "rotational tow list - A list of tow businesses maintained at Oregon State Police Headquarters that is used determined by the Department to meet all the requirements of these rules and which is maintained by the Department to dispatch the tow trucks on an equitable basis when no choice or preference to a tow business is stated by the vehicle owner, driver, or other person responsible for the vehicle. ¶

~~(198)~~ "On Road Time" - The time it takes a qualified tow business to have a tow truck started and on the road from the time the dispatcher was called by the Department. ¶

~~(19)~~ "ODOT" - Oregon Department of Transportation. ¶

~~(20)~~ "Patrol Services Division" - The administrative body of the Oregon State Police that is located at General Headquarters in 3565 Trelstad Ave SE, Salem, Oregon R 97317. ¶

~~(21)~~ "Place of Business" - A separate building or physical structure that a qualified tow business conducts business transactions, occupies, either continuously or at regular times, where the qualified tow business' business books and records are kept and the business of towing vehicles is transacted in each assigned tow zone. Multiple or different qualified tow businesses may operate on a single piece of real property, provided that each qualified tow business maintains individual and separate records, storage facilities, and letters of appointment in order to be placed on the Department's non-preference tow rotational list can be accessed electronically. ¶

~~(22)~~ "Principal" - an owner, partner, corporate officer or other person or entity that controls, manages or has a financial interest in, a tow business or qualified tow business. ¶

~~(23)~~ "Qualified Tow Business" is a tow business with a current letter of appointment issued by the Department who controls or manages the business entity or employees or agents of the business organization. ¶

~~(243)~~ "Region Commander" or "District Commander" - The commanding officer of the region as established by the Oregon State Police. ¶

~~(254)~~ "Recovery Vehicle" - A motor vehicle that meets all of the following requirements: ¶

~~(a)~~ A commercially available truck chassis equipped with a commercially manufactured tow body or bed, that is rated and issued a serial number by the manufacturer; ¶

~~(b)~~ Has a minimum GVWR of 14,500 pounds; ¶

~~(c)~~ Designed and equipped for, and used in, the towing and/or recovery of vehicles; ¶

~~(ed)~~ Capable of towing a vehicle by means of a tow bar, sling or wheel/wheel lift or under lift; and ¶

~~(de)~~ Capable of recovering a vehicle by means of a hoist, winch and towline boom, winch and rope. ¶

~~(f)~~ A flatbed tow truck may be considered a class D-B or Class D-C recovery vehicle if it meets the following requirements: ¶

~~(A)~~ Has a minimum GVWR of 23,000 pounds; and ¶

~~(B)~~ Is equipped with a commercially manufactured side puller system; and ¶

~~(C)~~ Is equipped with stiff legs; and ¶

~~(D)~~ Is capable of winching from either side. ¶

~~(265)~~ "Response Time" - The reasonable driving time it takes a tow truck to respond to the dispatched location once the tow truck is on the road. ¶

~~(276)~~ "Revocation" and "revoked" - The termination of a letter of appointment or right to apply for a letter of appointment, certification and the removal from the Oregon State Police's non-preference towing program for a period of not less than 10 years, which becomes effective from the date of the Notice of Revocation from the Oregon State Police. ¶

~~(287)~~ "Rigtope" - Wire rope or synthetic rope. ¶

~~(28)~~ "Privilege to apply" - The right of a tow business or its principal(s) to apply for, and the right of a qualified privilege of a listed tow business and/or its principal(s) to re-apply for, a letter of appointment. ¶

~~(29)~~ "Sex crime" - The crimes listed in ORS 163A.005(5). "Sex crime" includes an equivalent conviction from another United States court, regardless of the degree of the criminal offense placement on the non-preference tow list. ¶

~~(3029)~~ "Suspension" and "suspend" - The temporary withdrawal of a letter of appointment or right to apply for a letter of appointment, and the removal from the Oregon State Police non-preference towing program list for a period of not more than 10 years. ¶

~~(310)~~ "Tow business" - Any person, enterprise, corporation or partnership that engages in the business of impounding, transporting, recovery or storage of towed or abandoned vehicles or in the disposal of abandoned

vehicles.¶

~~(321)~~ "Tow ~~V~~vehicle" - A motor vehicle that is:¶

(a) Altered or designed and equipped for, and used in, the business of towing vehicles; and¶

(b) Used to tow vehicles by means of a ~~crane~~ hoist, tow bar, ~~tow~~ winch rope or dolly, or otherwise used to render assistance to other vehicles (ORS 801.530).¶

~~(332)~~ "Tow ~~Z~~zone" - The geographical area designated by the a~~rea~~ commander for the removal of vehicles on State Police Non-preference Tow Program.¶

~~(343)~~ "Vehicle ~~Storage Area~~ storage area" or "storage lot" or "storage yard" - The approved yard or enclosed building where a ~~qualifi~~ listed tow business keeps or stores towed vehicles.¶

~~(34)~~ "Vehicle" - Vehicle as defined per ORS 801.590. ¶

~~(35)~~ "Registered owner" or "owner" as defined per ORS 801.375.

Statutory/Other Authority: ORS 181A.350

Statutes/Other Implemented: ORS 181A.350

AMEND: 257-050-0060

RULE SUMMARY: This rule outlines requirements for completing the certification application.

CHANGES TO RULE:

257-050-0060

Application for ~~Appointment to be a listed tow business~~ ¶

(1) An application for ~~letter of appointment to provide towing services for the Department shall~~ certification must be filed by ~~the an~~ authorized agent or representative of a ~~tow business with the Patrol Services Division on a form prescribed by the Department. In case of a~~ applicant tow business. All applications must be filed with the Oregon State Police Non-Preference Tow Program. If the tow business that is a partnership, each partner will apply on the form prescribed must be listed by on the Department application. In the case of a tow business that is a corporation, the Department may require that each of the present, and any subsequent all officers, managers, and stockholders holding 10% or more of the total issued and outstanding stock of the applicant corporation ~~complete an~~ must be listed on the application form. ¶

(2) ~~The application form will be assigned a document number by the Patrol Services Division which shall be its yearly identification number for all matters relating to appointments, granted or denied, and any other correspondence thereafter.~~ ¶

(3) ~~The filing of an application for a letter of appointment to provide towing to the Department from a non-preference list does not in itself authorize a tow business to provide towing services pursuant to these regulations until a letter of appointment has been granted by the Department~~ authorized agent or representative of the applicant tow business must affirm and swear, under penalty of False Swearing (ORS 822.605), in each application, that its tow business, employees and vehicles meet the minimum requirements as set forth in these Administrative Rules and Oregon Revised Statutes. False swearing may result in denial, suspension or revocation from the non-preference tow rotational list. Each application must also contain a signed affirmation from the authorized agent or representative that the tow business complies with all applicable local laws and regulations. ¶

(3) ~~Upon being granted certification, a certificate and vehicle stickers will be mailed to the listed tow business. The listed tow business must display the sticker on the lower left front windshield of each tow vehicle that has been approved. Any alteration of the vehicle sticker or certification may form the basis of an action to suspend or revoke the certification.~~ ¶

(4) ~~A tow business may not be listed on the non-preference tow list until the Department has issued a certification to the tow business. The Department shall not call a towing business for non-preference towing unless a current/valid yearly appointment letter has been issued in connection with such tow business by the Department~~ the business has a current certification issued by the Oregon State Police Tow Program. Nothing herein shall prohibit the Department from calling a towing business upon a specific request of the person responsible for the vehicle or his their agent. ~~An appointment letter~~ ¶

(5) ~~A certification will not be granted until all application sections of the application forms have been completed in their entirety by the authorized agent or representative of a tow business and approved by the Department.~~ ¶

(46) ~~During implementation of the Administrative Rules, the present non-preference tow list system will be in effect until such time that the Administrative Rules are in place at the Patrol Services Division of the Department~~ A principal of multiple tow businesses may only have one listed tow business per tow zone for each classification. ¶

(7) ~~All authorized agents or representatives must affirm in the certification application that if listed, the tow businesses shall tow abandoned vehicles in accordance with Chapter 819 of the Oregon Revised Statutes. Failure to tow abandoned vehicles in accordance with ORS Chapter 819 may subject the tow business to suspension or revocation of the non-preference tow certification.~~

Statutory/Other Authority: ORS 181.440

Statutes/Other Implemented: ORS 181.440



AMEND: 257-050-0070

RULE SUMMARY: This rule outlines applicant requirements.

CHANGES TO RULE:

257-050-0070

### Application Requirements ¶

(1) Application for ~~placement on the non-preference tow rotational list shall~~certification must be made on the forms furnished by the ~~Department and shall~~Oregon State Police and must be accompanied by an inspection report. The inspection report shall ~~be furnish~~formation provided by the Department, and shall be completed by the authorized agent or representative of a tow business. The application form shall establish or provide all of the following:¶

~~(a) The application must provide sufficient information for the Department to make all of the following determinations:¶~~

~~(a) The applicant tow business has an established place of business at the address shown.¶~~

~~(b) The within the tow zone at the address shown on the application.¶~~

~~(b) The applicant tow business' place of business has an office area that is accessible to complies with these Administrative Rules and all other public without entering the storage area and that the storage area provisions of state, local, and federal law.¶~~

~~(c) The applicant's storage facility complies with these Administrative Rules and all local zoning rules and regulation, state and federal laws.¶~~

~~(ed) Each The applicant tow business is separate properly registered with the Oregon Secretary of State Corporate Division, w.¶~~

~~(e) The address the tow business lists on its a separate place of business and a separate storage area. Only one tow business may be operated at any one place of business. pplication shall be the place of business where the tow business maintains business records. ¶~~

~~(f) The application shall list all locations of vehicle storage facilities and places for redemption of vehicles. ¶~~

~~(g) Each applicant tow business owner and authorized manager has a minimum of 3 years prior towing experience as of submitting the application packet:¶~~

(2) The applicant tow business owners, principles and authorized drivers meet the following training requirements: ¶

~~(da) The authorized Each applicant tow business owner and authorized driver will attend Traffic Incident Management or representative of the tow business has inspected and certifies, und training approved by the Oregon State Police Tow Program within one (1) year of their hire date: ¶~~

~~(b) Each applicant tow business owner will provide written proof as required by A and B above to the Oregon State Police Tow Program.¶~~

~~(c) Each applicant tow business owner, penalty of perjury, suspension, revocation and/or criminal prosecution that all of the information supplied in the application form and inspection form is true and accurate and that rinciple and authorized driver has completed a state or federally recognized training for the class of tow truck they will be operating:¶~~

~~(d) Each applicant owner, principle and authorized driver has submitted proof of training completion with the application for certification. If a tow company has already been listed by the Department, each applicant owner, principle and authorized driver must submit written proof that the training required in has been completed within two years of the date this requirement goes into effect. ¶~~

~~(e) All authorized drivers must complete a state or federally recognized tow training within one year of their date of hire. Authorized drivers who have already been listed by the department to participate in the rotational tow program must submit written proof that the training has been completed within two years of the date this requirement goes into effect.¶~~

~~(f) All employees of an applicant tow business or listed tow business who operate tow truck(s) have a current valid operator's license for the class of vehicles they operate for the tow business' place of business and all tow truck equipment meet the minimum requirements establish.¶~~

~~(g) The applicant tow business owner or designated employee shall possess a current and valid appraiser's license issued by the Oregon Department of Motor Vehicles pursuant to ORS 819.480.¶~~

~~(h) Written proof of the appraiser's license has been submitted by to these Administrative Rules Oregon State police Tow Program.¶~~

~~(i) Written proof of workers compensation insurance for each tow driver has been submitted to the Oregon State Police Tow Program.¶~~

(e3) The applicant tow business has submitted to the Oregon State Police Tow Program proof of the following

current, minimum insurance coverage (~~Proof of required current insurance coverage shall be submitted with applications and inspection forms.~~);

~~(A) \$750,000;~~

~~(a) General Liability insurance coverage of not less than \$1,000,000, with bodily injury per occurrence of not less than \$2,000,000 aggregate, or the minimum required by the Federal Motor Carrier Regulations, or the Oregon Department of Transportation (ODOT), which ever is greater when towing under authority of Federal Motor Carrier Regulations or ODOT, for liability, for bodily injury and property damage per occurrence;~~

~~(Bb) Garage keeper's legal liability (insurance, for care, custody, and control) per occurrence of towed vehicles, per occurrence with no exclusions for on-hook coverage in the amounts of at least the following for each class:~~

~~(i) Class A -- \$5100,000;~~

~~(ii) Class B -- \$15200,000;~~

~~(iii) Class C -- \$2050,000;~~

~~(iv) Class D (Note: Class "D" equipment is not considered to be recovery tow vehicles);~~

~~(H) Class D-A or Other Equipment under this classification -- \$5100,000;~~

~~(Hv) Class D-B or Other Equipment under this classification -- \$75150,000;~~

~~(Hvi) Class D-C or Other Equipment under this classification -- \$2050,000.~~

~~(Cc) Insurance to protect against vehicle damage including, but not limited to fire and theft, from the time a vehicle comes into custody, and control of the tow business and is hooked onto, throughout the recovery, and until that vehicle is reclaimed or sold.~~

~~(Dd) Insurance for cargo transported in the amount of:~~

~~at least:~~

~~(i) Class A -- \$5100,000;~~

~~(ii) Class B -- \$1050,000;~~

~~(iii) Class C -- \$2050,000;~~

~~(iv) Class D-A -- or Other Equipment under this classification -- \$5100,000;~~

~~(v) Class D-B -- or Other Equipment under this classification -- \$1050,000;~~

~~(vi) Class D-C -- or Other Equipment under this classification -- \$2050,000.~~

~~(f4) Nothing in this section will relieve an applicant tow business or qualified tow business from maintaining insurance in the amounts and providing coverage of the type coverage type required for motor carriers in ORS Chapter 825 if those amounts exceed, or coverage is different from, that required by this section.~~

~~(g5) A certificate of insurance from (including worker's compensation insurance) from each insurance carrier has been provided by the insurance carrier to the Department that includes the type and amounts of coverage and provides for notification of cancellation of the tow business's insurance is mandatory.~~

~~(h) The information for the letter to the Department if appointment may be included in the inspection form that is completed by the authorized agent or representative of the tow business is cancelled.~~

~~(i6) The tow business or tow business owner has a minimum of three (3) years of documented experience in the towing industry, either as a tow business or a tow business owner or tow vehicle driver for a tow business.~~

~~(j) The applicant tow business has a dedicated recovery vehicle assigned to the tow zone applied for and which is capable of handling the classifications of tows requested in the application. A tow business may list a class B recovery vehicle to cover both class A and class B tows and a~~

~~(a) An applicant tow business may list a class C recovery vehicle to cover both class A and/or class B tows. If a larger recovery vehicle is listed by a~~

~~(b) All applicant tow business, that vehicle may only be listed for one tow zone for the smaller recovery tow classes it is used for, even if the larger tow vehicle tow zone overlaps with the other tow classification zones. Recovery Tow vehicles may only be listed for one tow zone. All tow vehicles approved must be listed in the application comply with these Administrative Rules for the tow classification of tow applied for. Only equipment approved through the letter of appointment to be used for the non-preference tow program for a specific tow zone can be used in that tow zone.~~

~~NOTE: A written waiver may be granted~~

~~(7) Legal name, date of birth and driver's license of all drivers authorized by the applicant tow business to drive in the listed tow zones have been provided by to the Oregon State Police based on local Non-Preference Towing operational needs. Program.~~

~~(k8) The names of all drivers authorized by a tow business to drive in the tow zone for which the tow business applied, and all employees of a tow business who will have contact with the towed/assisted vehicle(s) and/or the driver/owner of the towed/assisted vehicle(s) or other representative(s) of the towed/assisted vehicle(s) owner(s). The use of non-listed and/or unreported drivers by a qualified tow business shall not be permitted.~~

~~(2) Within 30 Department will provide a written notice to the applicant of the Department's decision within 60 days of the receipt of an application for certification.~~

~~(9) The Oregon State Police Non-Preference Tow program must be notified in writing within ten (10) days of~~

the receipt of a request time an authorized agent for an application for representative of a letter of appointment, the Patrol Services Division of the Oregon State Police shall send an application packet, and include a current copy of these Administrative Rules and all forms related to the self certification, inspection and certification of equipment, and other related information required by these Administrative Rules.isted tow business changes. ¶

(10) All tow trucks used by listed tow businesses must display the following on both sides of the truck, in a manner that is highly visible to the public and in lettering that is a minimum of 2 inches in height with 2 inch stroke: ¶

(3a) The address the tow business lists on its application shall be tow business's name. ¶

(b) The Name of the city where the place of business where it is located. ¶

(c) The tow business keeps its business records. The application also shall list all locations of vehicle storage areas and places for redemption of vehicles. If there is a change in address of the tow business, the authorized agent or representative of the tow business shall immediately notify the Patrol Services Division, and in no event will notification take longer than ten (10) days. ¶

(4) All tow trucks shall display the tow business's name, city, and telephone number. This information shall be painted or permanently affixed to both sides of the vehicle and the lettering shall be at least 2 inches in height telephone number for a line that is answered 24 hours a day, seven days a week. ¶

(d) The Department of Transportation (ODOT) number must also be displayed if required by United States Department of Transportation. ¶

(11) Any applicant tow business, applying for certification or renewal of certification, which fails to demonstrate that with 1\2 inch stroke and in a color meets all requirements as set for that is in contrast with the tow truck's color. ¶

(5) Any tow business in these rules or which is in violation of this any part of these Administrative Tow Rules may be denied a letter of appointment and certification. An applicant tow business which is denied certification shall be notified of the denial in writing. ¶ If the Department may also deny a renewal application for any qualified tow business with an existing letter of appointment that determines that a listed tow business is in violation of these Administrative Rule and may have its existing letter of appointment immediately suspended, prior to any hearing and shall be notified of the suspension in writing. A suspension under this rule will be in effect until the violation is corrected and inspected. Other sanctions, up to revos, other sanctions may include revocation of certification and/or criminal prosecution, may be applied to a qualified tow business upon finding by the Department that the qualified tow business is in violation of this Administrative Rule. investigation and referral for prosecution

Statutory/Other Authority: ORS 181.440

Statutes/Other Implemented: ORS 181.440

AMEND: 257-050-0100

RULE SUMMARY: This rule discusses certification validity and waiver requirements.

CHANGES TO RULE:

257-050-0100

Issuance of Letter of Appointment Certification

~~(1) No~~ Only a tow business with a valid non-preference tow certification from the Department, as described herein shall be called upon to perform a non-preference towing services at the request of the Department unless such tow business has a valid letter of appointment from the Department, as described herein. A letter of appointment will not be issued. Non-preference tow certification shall only be issued by the Department when a completed application for non-preference tow certification has been submitted by to the Department unless Oregon State Police Non-preference Tow Program and the Department is satisfied determines that all qualifications set out in these Administrative Rules either have been met by the applicant tow business or that a waiver of one or more qualifications has been granted by the Department.

~~(2) A letter of appointment will be.~~

~~(2) A non-preference tow certification is valid only in for the zone or zones assigned by in the area commander and will identify specific vehicles of a qualified tow business authorized to operate in each zone. Applications for additional letters of appointment in other zones must be based on a complete and separate place of business capable of independent operation within the additional certification and assigned by the Oregon State Police Tow Program and only for the identified tow vehicles will identify specific vehicles authorized to operate in each zone.~~

~~(3) A tow business may petition the Department Oregon State Police for a waiver of a non-safety related requirement. The A petition for waiver shall must be sent to the a Qrea commander who may make a recommendation regarding the waiver as an operational need on State Police Non-preference Tow Program at Oregon State Police, 3565 Trelstad Ave Se, Salem, OR 97317. The Department may grant a waiver if; it finds determines:~~

~~(a) that the towing services available to the Department are inadequate in the area to meet the needs in a specific zone are inadequate;~~

~~(b) that the tow business seeking a waiver has the tow resources which can meet the Department's needs of the public.~~

~~(4) In the event a qualified a waiver is granted; and~~

~~(c) the waiver of equipment will not negatively impact the safety of any person.~~

~~(4) If a tow business that meeting all requirements and qualifications receives a letter of appointment in becomes listed for the same zone as a qualified listed tow business that has been granted a waiver, the qualified a waiver granted under subsection (3) of this section, the listed tow business currently operating under a waiver, upon notification, will be advised that shall be notified that, notwithstanding the waiver, it has up to 30 days to become into fully compliant with these rules before be removed from the affected non-preference tow certification for the specified zone. If the qualified listed tow business operating under a waiver fails to become into compliant within the time specified by the Department, it may also have its letter of appointment non-preference tow certification suspended or revoked by the Department and will not be called for Department initiated tows.~~

~~(5) Every letter of appointment for all zones.~~

~~(5) Every certification shall be issued in the name of a tow business and the holder thereof shall not allow any other person or qualified tow business to use the letter of appointment.~~

~~(6) The letter of appointment will be valid only for the place of business named on the certification.~~

~~(6) A non-preference tow certification is valid only for the place of business/ listed tow company named on the non-preference tow certification application and will does not apply to any other place of business.~~

~~(7) A letter of appointment shall be non-preference tow certification is valid for one (1) year unless suspended or revoked by the Department.~~

~~(8) Each separate place of A listed tow business will must have a letter of appointment.~~

~~(9) B separate non-preference a letter of appointment can be issued by the Department the tow business must have once tow certification for each zone in which the tow business conducts non-preference tow vehicle meeting the minimum standards set forth in these Administrative Rules OAR 257-050-0020 to 257-050-0200.~~

~~(10) The letter of appointment services.~~

~~(9) A non-preference tow certification shall state the zone the qualified listed tow business is authorized to operate in. The zones will be determined by the a Qrea commander.~~

~~(11) All qualified tow businesses shall agree to tow abandoned vehicles in accordance with Chapter 819 of the Oregon Revised Statutes on State Police Tow Program.~~

Statutory/Other Authority: ORS 181.440

Statutes/Other Implemented: ORS 181.440



AMEND: 257-050-0110

RULE SUMMARY: This rule outlines criteria surrounding suspension, revocation, and voluntary relinquishment of certification.

CHANGES TO RULE:

257-050-0110

Suspension, Revocation and Voluntary Relinquishment of ~~Letter of Appointment Certification~~ ¶

- (1) ~~Upon receiving evidence that a qualified tow business has failed to comply~~The Department may deny an application for non-preference tow certification, or suspend or revoke a non-preference tow certification if the Department determines the applicant tow business or listed tow business has failed to comply with the Oregon Revised Statutes. ¶
- (2) The Department may deny an application for non-preference tow certification, or suspend or revoke a non-preference tow certification if the Department determines the applicant tow business or listed tow business has failed to meet, or no longer complies, with any, the requirement or provision of these Administrative Rules or that the authorized agent or representative of a tow business has falsified any documentation or certifications for non-preference tow certification as set forth in OAR 257-050-0020 through 257-050-0200. ¶
- (3) A listed tow business may voluntarily relinquish its non-preference tow certification. A listed tow business which voluntarily relinquishes certification must notify the Department in writing. ¶
- (4) The Department may disqualify a tow vehicle driver employed by a listed tow business if the Department determines the driver has failed to comply with state or federal law related to ~~compli~~performance of these Administrative Rules in an application for a letter of appointment, the Department shall suspend or revoke the qualified tow business's letter of appointment. The Department may suspend or revoke the qualified tow business's letter of appointment at ~~at~~duties of a driver, laws related to provision of tow services, or laws related to the use of a tow vehicle A tow vehicle driver disqualified under this subsection may not participate in any tow business operations relating to the non-preference tow program. ¶
- (5) The Department may disqualify a tow vehicle driver from participation in non-preference tows if the Department determines the driver has failed to comply with any requirement listed in OAR 257-050-0020 through 257-050-0200. A tow vehicle driver disqualified under this subsection may not participate in any tow business operations relating to the non-preference tow program. ¶
- (6) The Department shall deny an application for non-preference tow certification or revoke the certification of a listed tow business for any of the following: ¶
- (a) ~~If a listed tow business, an applicant~~ If a listed tow business, an applicant ~~at~~ time once the qualified tow business has been given notice in accordance with these Administra~~ow~~ business, or a manager or principle of a listed tow business has been convicted of an Oregon felony offense, or an offense in another United States court equivalent to an Oregon felony offense, within fifteen (15) years preceding the date the application for non-preference tow certification is received by the Department, or any ~~tiv~~me Rules. A qualified tow business whose letter of appointment has been suspended or revoked may request an administrative hearing as outlined in these Administrative Rules after non-preference tow certification has been granted. ¶
- (b) If a listed tow business, an applicant tow business, or a manager or principle of a listed tow business or an applicant tow business has been convicted of two or more felony offenses, or two or more offenses in another United States court that are equivalent to two or more Oregon felony offenses. ¶
- (c) If a manager or principal has ever been convicted of a person felony under OAR 213-003-0001(14) or a sex crime as defined in ORS 163A.005(5), or an offense in another United States court that is the equivalent of an Oregon person felony or a sex crime. ¶
- (7) The Department may disqualify a tow driver from operating any tow vehicle on behalf of a listed tow business and may disqualify a tow driver from participating in any way in the towing of vehicles for a listed tow business under the Department's non-preference tow program for any of the following reasons: ¶
- (a) The tow driver has any conviction described in subsection (6) of this section. ¶
- (2i) ~~Upon receiving evidence that a qualified tow business has failed to comply, or no longer compli~~A listed tow business that employs a driver with a conviction described in subsection (6) of this section remains eligible to participate in the Department's non-preference tow program. However, the listed tow business shall not permit the driver employee to participate in any towing of vehicles related to a non-preference tow. ¶
- (ii) When a listed tow businesses, applicant tow businesses, or a manager or principal of a listed tow businesses or applicant tow businesses become aware that a driver who previously qualified to participate in non-preference tows has become ineligible under these rules, with the requirements of these Administrative Rules, the qualified tow business's letter of appointment shall be suspended or ~~revok~~the business, manager or principle must immediately notify the Oregon State Police Tow Program by emailing to OSPTOW@osp.oregon.gov or fax to

Patrol Services Division at 503-391-5910 and provide the following information:¶

(A) The ineligible driver's name; and¶

(B) The ineligible driver's date of birth; and¶

(C) The reason the driver is ineligible. ¶

(8) The Department may disqualify a driver from participating in non-preference tows for any of the following reasons: The driver has been convicted of five (5) or more traffic crimes, including an offense in another United States court that is equivalent to an Oregon traffic crime, within the preceding fifteen (15) years from the date the application for certification is received by the Department.¶

(39) The Department may suspend or revoke the certification of a tow business, or the participation of a driver, if a listed tow business, may voluntarily relinquish his/her appointment. The Department will be advised in writing of this voluntary relinquishment. After receiving written notice the Department will cause an inspector to obtain the original letter of appointment and forward the same to the Department manager, principal or driver is charged with or arrested for any misdemeanor or felony offense for which there is a reasonable basis to believe the offense occurred at a tow business facility, or that the offense directly or indirectly involved the listed tow business and such offense occurred during the course and operation of a listed tow business.¶

(10) The Department may revoke or suspend the certification of a tow business or the qualification of a driver if the driver is convicted of a moving traffic violation which violation occurred during the course and operation of a listed tow business. ¶

(11) The following suspension periods apply:¶

(a) "First Suspension" - a first violation shall result in a suspension for a period of not less than thirty (30) days.¶

(b) "Second Suspension" - a second violation that is committed within a one (1) year from the date of any final order or notice of first suspension, whichever is later, shall result in a suspension for a period of not less than thirty (30) day(s) and not more than ninety (90) days.¶

(c) "Third Suspension" - a third violation committed within a three (3) year period of the date of a final order, or notice of first suspension, whichever is later, shall result in a suspension for a period of not less than ninety (90) day(s) and not more than one (1) year. ¶

(12) "Revocation" - A criminal offense for which a charge or arrest has been made and the offense occurred in the course of tow business' operation or an un-remedied safety related violation by the listed tow business or driver shall result in revocation of certification or disqualification from driving for a period of not less than ninety (90) day(s) and not more than ten (10) years from the date of any final order, or notice of revocation, whichever is later. ¶

(13) Listed tow businesses that, through their conduct or actions, abuse the non-preference tow system, or the integrity, trust or security of the Oregon State Police shall have their certification revoked.

Statutory/Other Authority: ORS 181.440

Statutes/Other Implemented: ORS 181.440

RULE SUMMARY: This rule outlines the requirements of re-inspections and the requirements for recertification.

CHANGES TO RULE:

257-050-0125

Re-inspection and Recertification

(1) Self-Certification Re-inspections will must be conducted at least once a year by all qualified tow businesses Oregon State Police inspector. Unscheduled inspections of the qualifia listed tow business may be conducted without notice by any Oregon State Police inspector to determine the fitness of tow trucks, facilities, and business records. These inspections shall be done during business hours.

(2)(a) In the event of missing or defective compliance with these rules. All inspections shall be done during business hours. If Oregon State Police Inspectors are not available to conduct the inspection, the Oregon State Police Tow Program may authorize a listed tow business to conduct a self-inspection that will be included with the application.

(2) If an inspection reveals that tow truck equipment that is not, unrelated to safety related, but that was required for initial approval requirements, is missing from a tow truck or is defective, the Oregon State Police shall immediately advise the qualifilisted tow business of the defect. If the qualified tow business fails or refuses to repair the defect within 15 days of the notice in writing that a tow truck is in violation of these Oregon Administrative rules. Such notice shall identify the specific tow truck, the defective truck will be removed from the list of tow vehicles in the qualified tow business's letter of appointment that are authorized for use in the Department's non-preference tow rotation list for the duration of the letter of appointment without renewal, until afterspecific rule being violated and include a copy of the inspection report.

(a) If the listed tow business fails to remedy the missing or defective non-safety related equipment within 15 days of the date of notice, the tow truck with the missing or defective equipment shall be removed from the lajst day of authorization of the letter of appointment and the defect is repaired.

(b) In the event of a violation of these Administrative Rules by a qualified tow business relating to the qualifiof tow vehicles authorized by the non-preference tow certification issued to the listed tow business.

(b) If an inspection reveals that a listed tow business's facilities, records or other enondition-safety related items violates these rules, the Oregon State Police shall advise the qualifilisted tow business in writing of the violation. If the qualified tow business fails or refuses to fix the violation within 15 days of the notice, the qualified tow business's letter of appointment will be suspended for its duration without renewal until after thSuch notice shall identify the specific violation(s) and include a copy of the inspection report. If the listed tow business fails to remedy the violation within 15 days of the date lajst day of authorization of ed on the notice, the letter of appointment and the violation is fixisted tow business's certification shall be revoked.

(c) A qualifilisted tow business may avoid suspenserevocation of non-preference tow certification under this section by voluntarily removing the involved tow or recovery vehicleviolating tow vehicle or facility from the list of authorized tow vehicles in the qualified tow business's letter of appointment that are authorized for use or facilities. Notice advising the Oregon State Police's non-preference tow list until such repairs or corrections are made or by correcting the violation relating to the qualified tow business's facilities or records. Voluntary removal under this section shall be done by sending a letter to the Oregon State Police General Headquarters, Patrol Services Division, 4th Floor, 255 Capitol Street N that the listed tow business has voluntarily removed a violating tow vehicle or facility from service must be in writing and sent to the Oregon State Police Tow Program at 3565 Trelstad Avenue SE, Salem, Oregon 97310, advising the Oregon State Police of the qualified tow business's voluntary removal of the vehicle from service on non-preference calls for the Oregon State Police. This voluntary removal of defective equipment letter shall7. Notification of voluntary removal must be received by the Oregon State Police, Patrol Services Division Tow Program no later than 15 days after the initial notification of the defect.

(3)(a) In the event of a safety related violation which renders the tow truck a safety hazard upon a public highway, the tow truck shall be immediately removed fromdate on the notice the Department issued to the list of ed tow vehicles in the qualified tow business's letter of appointment that are authorized for use business. If a listed tow business remedies the violations regarding the Department's non-preference tow rotation list. If the defect is corrected and reinspected within 30 days of the immediate suspension, the tow truck shall be reinstated on the tow business's letter of appointment. If the defect is not corrected and reinspected within 30 days, the suspension will continue without reinstatement until after the last day of the authorization of the letter of appointment and the defect is repaired and tow vehicle or facility after voluntary removal, the listed tow business may request re-inspection by the Oregon State Police. The Oregon State Police may re-authorize inclusion of a tow vehicle or facility if a listed tow business passes a re-inspected.



~~(b) In the event of a violation as described in this section.~~

~~(3) A safety related violation which renders a qualified tow business's facilities unsafe, the qualified tow business shall related to a tow truck or facility shall be cause to immediately be suspended for the duration of the letter of appointment from the Department's non-preference tow rotational list, without renewal until after the last such tow vehicles or facilities from the list of authorized non-preference tow vehicle or facilities.~~

~~(a) If the violation is remedied and passes re-inspection within 30 days of the authorization of the letter of appointment and the defect is repaired. If the defect is corrected and removal from the list, the tow truck or facility shall be reinstated on the non-preference tow list. If the violation is not remedied or the tow vehicle or facility fail re-inspected within 30 days of the immediate suspension, the qualified tow business's letter of appointment, non-preference tow certification for that tow vehicle and that facility shall be reinstated.~~

~~(eb) A qualified listed tow business may avoid immediate suspension under this section by voluntarily removing the tow or recovery vehicle involved vehicle or facility from the list of authorized tow vehicles in the qualified tow business's letter of appointment that are authorized for use or facilities. A listed tow business must immediately provide in the Oregon State Police's non-preference tow list until such repairs or corrections are made or by correcting the violation relating to the qualified tow business's facilities or records. An electronic submission of written documentation of voluntary removal under this section shall be done by sending a letter to the Oregon State Police General Headquarters, Patrol Services Division, 4th Floor, 255 Capitol Street NE, Salem, Oregon, 97310, advising of the violation to the Oregon State Police Non-Preference Tow Program at [OSPTOW@osp.oregon.gov](mailto:OSPTOW@osp.oregon.gov).~~

~~(4) A listed tow business' which has voluntarily removal of the vehicle from service or the business on non-preference calls for the Oregon State Police. This voluntary removal safety hazard letter shall be received by an out of compliance tow truck or facility from service, may request re-inspection by an Oregon State Police inspector. Request for re-inspection must be in writing and sent to the Oregon State Police, Patrol Services Division no later than 30 days after the initial notification of the defect.~~

~~(4) Upon repair or correction of a defect of a voluntarily removed tow truck or a defect related to a qualified tow business, an Oregon State Police inspector, upon written request from the affected qualified tow business, Non-Preference Tow Program at Oregon State Police, 3565 Trelstad Ave SE, Salem, OR 97317 or email to [OSPTOW@osp.oregon.gov](mailto:OSPTOW@osp.oregon.gov). Within a reasonable time following written request from the tow business for re-inspection, the Department shall re-inspect the equipment/facility which was found to be defective or missing. If the defects. If the violation has been satisfactorily corrected, the inspector shall reinstate the tow truck to the list of tow vehicles in the qualified tow business's letter of appointment that are authorized for use in the Department's non-preference list and/or shall reinstate a qualified tow business's letter of appointment. In the event an Oregon State Police inspector is not readily available to remedied and complies with these administrative rules, the listed tow business, vehicle or facility shall be re-listed. The Department may waive re-inspect, another officer appointed by the inspector's supervisor may reinspect and re-instate the tow truck or qualified tow business. The reinspection shall be completed as soon as possible after a written request from the qualified tow business if the Department determines that the tow business provided sufficient evidence that the violation has been received by the Patrol Services Division, advising that the defect has been remedied. If the Department determines the violations have been repaired. In no event remedied, the vehicle or facility shall be reinspected take longer listed within ten (10) business 14 days after the written request for inspection has been received by the Patrol Services Division of the Department's determination.~~

~~(5) Upon revocation, suspension, expiration or voluntary relinquishment of a letter of appointment, a qualification certification, a listed tow business's privilege to conduct non-preference towing services at the request of the Department is terminated, unless the call for service is a preference tow made by the owner and/or driver of a vehicle.~~

~~(6) Upon sale or transfer by the qualified tow business of a truck listed in the qualified tow business's letter of appointment that is authorized for use in the Department's non-preference tow rotation list, the qualified tow business shall advise the department so that the truck may be removed from the n.~~

~~(6) A listed tow business must notify the Oregon State Police Non-Preference list. This notification must be made immediately and in no event may exceed ten (Tow Program within 10) days after the sale or transfer.~~

~~(7) Upon the purchase or acquisition of any additional tow truck(s) to be used pursuant to this rule, a qualified tow business shall immediately notify the Department. The qualified tow business shall make a self-certified inspection of the new unit and submit this inspection to the Department, prior to the tow truck being used for non-preference towing of selling or transferring an authorized tow.~~

Statutory/Other Authority: ORS 181.440

Statutes/Other Implemented: ORS 181.440

AMEND: 257-050-0140

RULE SUMMARY: This rule outlines the requirements regarding hours of operation, security features, and the operational requirements businesses on the list must follow.

CHANGES TO RULE:

257-050-0140

### Place of Business Requirement and Business Hours ¶

~~A qualified~~ (1) A listed tow business's hours for the purpose of inspection of business records and towing equipment shall be must have a storage facility and place of business capable of independent operation within each assigned zone. A Storage facility alone does not meet this requirement. ¶

~~(2) Multiple listed tow businesses may operate on a single piece of real property, provided each tow business maintains separate business records, storage facilities and certificates. ¶~~

~~(3) A listed tow business must be available for inspection by Oregon State Police between 8AM-5PM, excluding weekends and holidays. ¶~~

~~(14) When a qualified~~ A listed tow business is not open and does not have personnel present at the place of business, the qualified tow business shall post a clearly visible telephone number at its place of business for t must post its primary contact telephone number in a manner that is clearly visible and prominent at each authorized place of business and storage facility. The purpose of public contact for the release of vehicles or personal property posted phone number must reach a phone that must be answered 24 hours a day, seven (7) days a week to include holidays. ¶

~~(25) The qualified~~ A listed tow business shall must maintain personnel who can be contacted 24 hours a day to release impound towed vehicles within a 30-minute period of time in accordance with ORS 98.858. ¶

~~(36) The qualified~~ A listed tow business must post and maintain its letter of appointment at its place of business. ¶

~~(4)(a) Dispatch service. The qualified tow business shall provide dispatch services 24 hours a day, 365 days a year. Each tow vehicle used by a qualified tow business shall be equipped with a two-way radio (not a citizen's band radio) or cellular phone capable of direct communications with the qualified tow business's dispatch service. Equipment provided shall be subject to approval of the Oregon State Police. Equipment shall be maintained in proper working certification at its authorized place of business. ¶~~

~~(7) A listed tow business's place of business must have an office area accessible to the public where business can be conducted out of the weather. ¶~~

~~(8) A listed tow business must be available for phone contact at all times. Each tow driver for a listed tow business must have the ability to maintain constant communication with the dispatch service where geographic conditions at all times and signal strength permit. ¶~~

~~(b) Failure to respond to a call: ¶~~

~~(A) Refusal or failure of a qualified tow busin~~ A listed tow business must respond to non-preference rotational tow requests to respond to calls from the Department for towing services may result in the suspension or revocation of the qualified tow business's letter of appointment; from the Oregon State Police or the Oregon Department of Transportation. ¶

~~(a) The listed tow business must notify the Oregon State Police Non-Preference Tow Program at OSPTOW@osp.oregon.gov or fax to OSP Patrol Division at 503-391-5910 when the listed tow company is unavailable for calls for any reason. ¶~~

~~(Bb) The qualified~~ listed tow business shall advise the appropriate Oregon State Police Tow Program at Oregon State Police Dispatch Center when the qualified tow business is temporarily unavailable to respond to non-preference tow calls. Unavailability may occur due to conditions which include, but are not limited to, a disabled tow truck or a tow truck under repair, or unforeseen driver shortage due to illness or vacation. The qualified tow business shall advise SPTOW@osp.oregon.gov or fax to OSP Patrol Division at 503-391-5910 once the listed tow business becomes available. ¶

~~(c) If a listed tow business reports that it is unavailable, or if OSP determines the tow business is unavailable, the tow business will be moved to the bottom of the rotational list as if they had responded to the call. ¶~~

~~(d) Failure to respond when requested for towing services by the Oregon State Police Dispatch Center once the qualified tow business is available to resume its normal operation; ¶~~

~~(C) Regardless of the unavailability of any qualified tow business, the non-preference list rotation shall continue as if the qualified tow business was available. ¶~~

~~(5) Service call response time. Response times are mandatory. Class A and D-A tow trucks shall be on the road within fifteen minutes when the company has not previously notified the Oregon State Police that the company is not available may result in the suspension or revocation of the listed tow business's certification; ¶~~

~~(10) On road time shall meet the following requirements: ¶~~

- (a) Class A and D-A tow trucks shall be on the road within fifteen minutes of the time the listed tow business accepts the tow request from the Department. ¶
- (b) Class B, C, D-B and D-C tow trucks shall be on the road within thirty minutes. At of the time of the dispatch, all classes of tow truck tow business accepts the tow request from the Department. ¶
- (11) A tow business shall provide an estimated time of arrival at the scene. The station commander may waive this requirement response time to the Department at the time the Department requests towing service. The Department may waive this requirement if the Department determines that due to inclement weather or unusual circumstances that might exist. ¶
- (6) For abandoned vehicles not deemed a tow business is not able to be a hazard, tow requests will be made during business hours, defined as 8 A.M. to 5 P.M., seven (7) days a week, including holidays. Qualified tow businesses may tow abandoned vehicles at the qualified tow business's convenience during business hours on the date of the tow request. Once a vehicle is removed from the roadway and in possession of the qualified tow business, the qualified give an estimated response time. ¶
- (12) A listed tow business shall tow non-hazardous abandoned vehicles within 24 hours of receiving a tow request from the Department. A listed tow business shall must notify the requesting Oregon State Police Office Dispatch Center as soon as possible on the date of the tow request of after a vehicle its possession of the abandoned vehicle. Notification of possession of the abandoned vehicle should be made immediately by the qualified tow business. In no case will notification to the Oregon State Police be made more than two hours after the abandoned vehicle comes into the possession of the qualified tow business. ¶
- (7) At the time a response is requested, the Department will provide the location, make, model, year of car license plate and estimated gross vehicle weight (if necessary) to the qualified tow business. Also, the Department will inform the qualified removed from the roadway and in possession of the listed tow business, if a Department member or ODOT is not on scene. ¶
- (13) Other than non-hazardous tow requests described in (12) above, a listed tow business must respond immediately to all non-preference rotational tow requests by the Department unless directed otherwise. ¶
- (14) A listed tow business about any condition or circumstances that may require special handling or assistance. The qualified tow business shall transmit the inform must maintain all of the following business records relating to the person driving the tow truck. ¶
- (8) Qualified Tow business's record requirements: At its place of business of each tow zone, qualified tow businesses shall maintain the following records on each vehicle towed non-preference rotational tows. These records may be in either paper or electronic form and must be maintained at each authorized place of business for a period of not less than three (3) years: ¶
- (a) Vehicle description: ¶
- (b) The towed vehicle's state issued license plate number; ¶
- (c) Issuing state; ¶
- (d) Make; ¶
- (e) Model; The make, model, color and year of the towed vehicle; ¶
- (f) Year; ¶
- (g) The vehicle identification number; ¶
- (h) Towing location (VIN) of the towed vehicle; ¶
- (i) The location vehicle was towed from; ¶
- (j) The location to where the vehicle was towed; ¶
- (k) Qualified Tow Business, Name, Address and Phone Number; ¶
- (l) Name of tow truck driver; f) The full name of tow truck driver who performed the tow; ¶
- (m) The reasons for towing and/or service; he tow or related services provided; ¶
- (n) The time and date of the tow or other service, including vehicle storage dates, as applicable; were performed; ¶
- (o) Class of The tow truck or truck number; which provided the tow services; and ¶
- (p) OSP Impound Forms; ¶
- (q) All invoices for abandoned vehicles towed; All Department documents involved in conjunction with the tow and ¶
- (r) All Complete invoices for all OSP-non-preference tows. ¶
- (9) All fees for service shall be itemized. A copy of voided invoices shall be filed by invoice number at the qualified listed tow business shall provide, upon request by the tow business's place of business and shall be retained in a file for a period of three years: inspector / OSP, business records relating to non-preference rotational tows. ¶
- (10) All vehicles shall be handled and returned in substantially the same condition that they were in before being towed. ¶
- (11) All employees who operate tow truck(s) for a qualified tow business shall have an operator's license with the proper class listed tow business shall create and maintain invoice records showing itemized fees charged for each

non-preference rotational tow performed by the business. Paper or electronic copies of type for vehicle combinations. As prescribed by the state issuing the license, Oregon licensees shall comply with all applicable Oregon laws.

(12) Any person who shows proof of ownership or written authorization from the fee records must be made available upon request to the Oregon State Police Tow Program or the legal owner of the impounded vehicle may inspect and view the vehicle without charge during normal business hours. This does not apply to vehicle towed or otherwise provided services.

(17) A listed tow business shall make every reasonable effort to minimize damage to a vehicle seized and being towed as evidence during a tow.

(138) All towing receipts on impounded vehicles, or confiscated vehicle listed tow business shall comply with ORS 98.858.

(a) A listed tow business shall be made available by the qualified tow business to the nearest Department office after the tow has been completed allow personnel authorized by the Oregon State Police to access the vehicle and remove items as provided in ORS 98.858.

(b) This subsection does not apply to vehicles towed or stored as evidence.

(149) The qualified listed tow business shall notify the Oregon State Police Dispatch Center immediately Command Center or local area command immediately by telephone when any person seeks to redeem any vehicle towed as abandoned which was towed as hazard, impounded, as evidence, or where a police hold has been placed on the vehicle. Release of vehicle under temporary or formal hold shall require by the Department.

(a) No vehicle towed as a hazard, impounded identified as evidence or under a hold shall be released without written release from the Department authorization from the Oregon State Police.

(b) A listed tow business may contact the local area command to verify the authorization for release. Verification of release authorization shall not cause an unreasonable delay in releasing the vehicle.

(c) When a person entitled to take possession of the vehicle subject to a hold towed under this rule presents the qualified listed tow business with an official signed Oregon State Police release form, the qualified listed tow business shall release the vehicle to the person named.

(15) When inspection or reinspection of a tow truck is necessary, the area commander shall designate a location and time for upon the release form after receiving payment in full.

(d) A listed tow business may be subject to suspension or revocation if the inspection to be conducted. When practical the inspection or reinspection shall be made within ten (10) days following the request by the qualified tow business.

(16) The qualified tow business shall provide either locked outside storage or locked, secure indoor storage, or both, which business releases a vehicle without first obtaining a signed Oregon State Police issued release authorization or fails to release a vehicle after receiving a properly executed Oregon State Police issued release authorization form.

(20) A listed tow business must maintain a storage facility that meets all the following requirements:

(a) The qualified tow business's storage facility shall be in conformance with all zoning requirements of all applicable governments. Storage shall be provided, and of sufficient size, for each class of vehicle is indoor, outdoor or both;

(b) The storage facility is at least 10,000 square feet in size;

(c) The stored for the Oregon State Police, including semi trucks and motor homes, except as provided in ORS 819.110. Storage shall be located within the contractual geographical service area described as tow zones. The vehicle storage facility complies with all zoning requirements;

(d) The storage facility is located within the assigned tow zone;

(e) A storage area may be located up to five (5) miles facility may be separate from the qualified listed tow business's place of business; provided that both facilities are located within the appointed tow zone. Contact phone numbers and addresses are within the assigned zone and tow be posted at both locations for the place of business and the storage area. When the towed vehicle business employees are able storage area is not located at the qualified tow business's place of business, employees shall be able to respond from one location to the other respond from the place of business to the storage facility within 30 minutes; or less;

(f) The storage area will be facility is under the exclusive access and control of the individual qualified tow business. The storage area cannot be shared with other businesses, including non-tow businesses not owned by the owner of a qualified tow listed tow business and authorized persons;

(g) The storage facility is not shared with any other business.

(217) The qualified tow business shall provide storage facility is fenced around the outside storage area. And the fencing must meet the following requirements:

(a) The fencing must comply with the requirements established in these Administrative Rules and all local complies with all zoning rules and regulations;

(b) The fencing shall be either made of a woven wire composition normally referred to as "cyclone fencing-chain

link fencing, " ~~or~~ made of a solid material, such as wood or concrete block, ~~inclusive of~~ is a permanent natural barrier which ~~would prevent~~ access and unauthorized entry to the storage area. ~~Fencing shall be facility.~~ ¶

~~(c) The fencing is at least 6 feet in height.~~ ¶

~~(d) The fencing is topped by a minimum of least three (3) strands of barbwire. Fencing not meeting the requirements of these regulations as determined by the Oregon State Police will not be accepted. Qualified tow businesses that are unable to comply with these fencing requirements due to local zoning requirements will be addressed on a case by case basis by the Department.~~ ¶

~~(e) Tightly strung barbed or razor wire.~~ ¶

~~(22) The fences, gates and entryways must meet the following requirements:~~ ¶

~~(a) The gates and entryways shall be of a solid frame, and the same minimum height as the other fencing material. All construction.~~ ¶

~~(b) The gates and entryways shall be designed to afford locking ~~type~~ the ability to lock.~~ ¶

~~(c) The gate ~~ors~~ and entryway securely to prevent unauthorized entry.~~ ¶

~~NOTE: Qualified tow businesses holding a valid appointment letter for a specific tow zone as of the adoption date of this Administrative Rule, will have ~~ors~~ are at least 6 feet in height; and~~ ¶

~~(d) The gates and entryways are topped by at least three (3) year from their renewal date in the year 2003 to comply with this rule for the tow zone listed in the appointment letter. New tow businesses applying for a letter of appointment for the non-preference tow program shall immediately comply with this Administrative Rule after the adoption date of this rule.~~ ¶

~~(18) The qualified tow business shall allow the owner of a towed vehicle or anyone authorized in writing ~~by~~ strands of tightly strung barbed or razor wire.~~ ¶

~~(e) Listed tow businesses that are unable to comply with these fencing requirements because of local zoning requirements should notify the Oregon State Police, and/or an Oregon State Police Officer ~~or of~~ Non-Preference Tow Program. The Department Member, to go to the vehicle and remove items of personal emergency nature, e/g/ eyeglasses, medication, clothing, identification, wallets-purses (and their contents), credit cards, check books, any known money-currency, child safety car and booster seats, ~~except~~ may allow variance from the fencing requirements on a case by case basis.~~ ¶

~~(23) A listed tow business must contact the Oregon State Police if the reason for the tow request ~~is~~ provided in ORS 819.110 and 819.160.~~ ¶

~~(19) The qualifiunclear.~~ ¶

~~(24) Listed tow business ~~shall be~~ are responsible for the contents, storage and disposal of all personal items, except items taken by authorized personnel in OAR 257-050-0140(18) within a towed vehicle or from a towed vehicle.~~

Statutory/Other Authority: ORS 181.440

Statutes/Other Implemented: ORS 181.440

AMEND: 257-050-0150

RULE SUMMARY: This rule outlines the Department towing and fee standards and expectations for businesses that are on the list.

CHANGES TO RULE:

257-050-0150

Towing ¶¶

- (1) The Department shall not establish, recommend or in any way dictate the cost of a non-preference tow conducted by a ~~qualified~~ listed tow business. ¶
- (2) A ~~qualified~~ listed tow business that conducts a non-preference tow under these administrative rules shall not represent to any person or business that a ~~particular~~ fee has been or will be charged by the Oregon State Police. ¶
- (3) ~~Qualified~~ All listed tow businesses shall ~~furnish the Patrol Services Division with an itemized list of charges that can be incurred during a non-preference tow including, but not limited to:~~ annually provide to the Oregon State Police Tow Program a current itemized fee schedule which lists all fees the tow business charges for non-preference tow related services. ¶
  - (a) ~~Hookup charge;~~ Hookup charge;
- (4) A listed tow business may only charge and collect the fees listed on the fee schedule provided to the Oregon State Police Tow Program for work related to a non-preference tow. The amounts charged for each service or other item must match the provided fee schedule provided to the Oregon State Police Tow Program. This does not include sublet services performed by another listed tow company, rental equipment required for special circumstances, mechanical work, bodywork or other repair work conducted after the tow. ¶
- (b) ~~5) Mileage fee;~~ Mileage fee; ¶
- (c) ~~Response fee.~~ Complaints relating to fees charged against a listed tow business may be referred to the Oregon Department of Justice Consumer Protection Hotline. Complaints may also be forwarded to the Oregon Tow Board. ¶
- (4) ~~Qualified~~ Listed ~~¶~~ tow businesses shall not charge for items not declared on the list ~~re~~ transport passengers in any towed or carried vehicle (refer to OAR 257-050-0150 (6)). ¶
- (7) Vehicles towed under the non-preference rotational tow program must be stored at a listed tow company's approved storage facility and within the tow zone in which the tow occurred. ¶
- (8) ~~If a listed tow company is operating to~~ in the towing of a vehicle. This does not include mechanical work, bodywork or other repair work conducted subsequent to the tow. ¶
- (5) ~~Complaints of unfair charges against a qualified tow business shall be referred to the Oregon Attorney General's Office.~~ ¶
- (6) ~~Qualified~~ zone via a tow waiver, the vehicle shall be towed to the listed tow company's closest approved storage facility within the county. ¶
- (9) A listed business must use only tow equipment approved by the Department in the tow zone for which it applied. ¶
- (10) In the event a listed tow business has a closer listed tow truck of the appropriate class in an adjacent zone, the listed tow business may use the closer listed truck so long as the response time to the scene is not increased. ¶
- (11) If a tow business does not have the necessary equipment to conduct a required class of tow, the business shall be removed from the non-preference tow list for that class of tow and shall not contract with another company. ¶
- (12) If a listed tow business uses unapproved drivers the business may be suspended or removed from the list. ¶
- (13) If the tow business has the appropriate equipment for a particular class of tow, and has been approved for the particular zone, it is acceptable for a tow business to contract with another tow business for additional assistance, or use rental equipment, so long as the listed ~~¶~~ tow businesses shall not transport passengers in any towed or carried vehicle(s) is on scene during the recovery and has the appropriate equipment. ¶
- (14) A contracted tow business as described in (12) must also be on the Oregon State Police non-preference tow list and may only use tow equipment and drivers listed by the Department. ¶
- (15) Only tow equipment listed by the Department may be used.

Statutory/Other Authority: ORS 181.440

Statutes/Other Implemented: ORS 181.440

AMEND: 257-050-0170

RULE SUMMARY: This rule outlines how hearings are to be requested and conducted.

CHANGES TO RULE:

257-050-0170

Hearings ¶

(1) The Oregon Administrative Procedures Act shall govern the conduct proceedings of any hearing held pursuant to these regulations. ~~The burden of proof in any hearing before the Hearing Officer shall be on the tow business seeking a letter of appointment, or on the qualified tow business that has had its letter of appointment suspended or revoked by the Oregon State Police.¶~~

(2) ~~A request for an a~~ All hearings shall be conducted by the Oregon Office of Administrative h ~~Hearing must be in writing and be received by the Department no later than fifteen (15) days from the date of notice of denial, suspension and/or revocation as evidenced by the postmark. The Department may also initiate or request an administrative hearing, regarding a denial, suspension and/or revocation of a letter of appointment.¶~~

(3) ~~An administrative hearing must be conducted within ninety (90) days from the date the written request is receives. The Department has final order authority.¶~~

(2) A request for an administrative hearing must be mailed by to the Department or on the first business day thereafter if the 90th day is a weekend or holiday, unless the parties agree to an extension of time.¶

(4) ~~Any request by a qualified tow business for a continuance or reset of the hearing after the original scheduled date will result in the temporary suspension and/or extension of any temporary suspension of the qualified tow business's letter of appointment until a ruling is issued from the hearing with no liability to the Department. If the Department requests a continuance or reset of a hearing, the qualified tow business shall be left on the tow rotational list until a ruling is issued from the hearing unless a temporary suspens~~ Oregon State Police Town Program, 3565 Trelstad Ave SE, Salem, OR 97317. The request must be received within fifteen (15) days from the date of notice of denial, suspension and/or revocation has been levied against the qualified tow business.¶

(5) ~~Oral proceedings shall be recorded and shall become part of the hearing record.¶~~

(6) ~~The Department shall appoint a Hearing Officer to conduct the hearing. The Hearings Officer shall issue a proposed order that shall include written findings of facts based on the evidence and written conclusions of law based on the findings.¶~~

(7) ~~Exceptions to proposed orders must be submitted to the Department in writing within ten (10) days of the date the proposed order is issued, or on the first business day thereafter if the 10th day is a weeke~~ evidenced by the postmark. The Department may also initiate or request an administrative hearing, regarding a denial, suspension and/or holiday. Written argument submitted with the exceptions will be cons ~~revocation as evidered; no opportunity for oral argument will be allowed. The Department shall issue a final order~~ nced by the postmark.

Statutory/Other Authority: ORS 181.440

Statutes/Other Implemented: ORS 181.440

AMEND: 257-050-0200

RULE SUMMARY: This rule outlines equipment standards aimed to promote safety, but this is now encompassed in the OAR 257-050-0090.

CHANGES TO RULE:

257-050-0200

Mandatory Equipment and Safety Standards for Tow Trucks/Safety Related Requirements

~~(1) All tow vehicles operated by a qualified tow business under a letter of appointment under these rules shall have the following minimum equipment:~~

~~(a) Minimum of two (2) light equipment used by a listed tow company must meet the equipment manufacturer's recommendations/load limit. Equipment shall not exceed manufacturer's safety specifications.~~

~~(2) All equipment used in conjunction with the tow truck winching system must be used in such a way as to not exceed the equipment safe working load.~~

~~(3) All winching equipment, booms, snatch blocks, rigging, must have permanently affixed durable factory identification which states the safe working load. If this identification has been removed or is no longer readable, it is deemed out-of-service and may no longer be used. Equipment may be re-inspected by a recognized recertification company. If the equipment is acceptable, it may be identified with a safe working load limit and a recertification company identifier. It will be deemed acceptable if the operator maintains a copy of the certification of winching equipment.~~

~~(4) All tow vehicles operated by a listed tow business must be equipped with the following minimum equipment: At least two (2) upper work lights (near light bar) and 2 lower work lights (36" or lower), mounted behind the cab of the each tow truck vehicle which are controlled by a separate dedicated on/off switch at each level. This lighting must be capable of illuminating the area of the tow under dark work area.~~

~~(5) A cellular phone, in foggy or dangerous conditions;~~

~~(b) An FCC licensed two-way radio, in conformance with Part 93 FCC Regulations, or cellular phone (an FCC licensed two-way radio or a similar means of maintaining constant contact, where conditions permit, with each tow truck operated by the business. Citizen band radios do not meet this requirement);~~

~~(c) Cables or wire ropes as call required for in each class. Cable/wire of tow vehicle. Rope lengths shall be measured from the point of attachment on each drum. Cables/wire ropes shall meet the following requirements:~~

~~(Aa) Each cable rope shall be capable of being fully extended from and fully wound onto its drum; this includes a properly functioning free spool mechanism on each winch.~~

~~(Bb) Cable No less or wthan five wraps of wire rope or eight wraps of synthetic rope must remain on the drum when the rope is fully extended.~~

~~(7) Wire ropes shall be free from the following defects or conditions:~~

~~(ia) There shall must be no more than six randomly distributed broken wires in one rope lay, or more than three broken wires in one strand in one rope lay;~~

~~(ii) There shall be nob) Any evidence of any heat damage from any cause;~~

~~(iii) There shall be nc) No end attachments that are cracked, deformed, worn or loosened;~~

~~(iv) Where a wire rope is attached to a hook with clamps instead of being swaged, a minimum of three clamps shall be used on end attachments. Clamps shall be spd) Synthetic rope must be free of the following defects:~~

~~(e) No evidence of heat damage;~~

~~(f) No evidence of abrasion damage;~~

~~(g) There must be no cut strands;~~

~~(h) No end attachments that are cracked at least six rope diameters apart and attached with the base or saddle of the clamp against the longer, deformed, worn or loosened;~~

~~(i) No evidence of excessive damage.~~

~~(8) LED, strobe or rotator "live" end of the rope. The "U" bolt will be placed over the short or "dead" end of the rope and will be of the proper size.~~

~~(d) Two revolving or intermittent red or amber lamps with 360 degree visibility. The truck may also be equipped with flashing amber lights, which may be used in conjunction with the red lamp(s). Such lighting will not be used when responding to a call, but only lights. These lights must meet the following requirements:~~

~~(a) At least one set of portable lights for the unit being towed. The portable light set must include taillights, brake lights and directional signal lights.~~

~~(b) Be red or amber in color;~~

~~(c) Be capable of being visible from 360 degrees;~~

~~(d) May only be used at the scene when necessary to warn approaching traffic of impending danger.~~



~~(e9) A broom and a shovel. The broom shall be at least twelve inches wide and have a handle at least four feet long. The shovel shall be flat scoop type with a minimum width of seven inches and overall length of at least three feet. Tow truck driver shall clean accident/incident scenes of all vehicle glass and debris. Tow truck driver shall clean all debris associated with said incident scene. Tow truck driver is also responsible for cleanup of injurious substances as required by ORS 822.225.~~

~~(f10) A tow sling, wheel lift, car carrier, or other comparable device made of incorporating a material designed to protect vehicles.~~

~~(g) Motorcycle Tows – A tow sling, 11) A wheel lift, car carrier, or other comparable device that has the ability to can tow motorcycles.~~

~~(h) One fire extinguisher, 25 BC rating or equivalent.~~

~~(i) 12) At least one 40 BC rated fire extinguisher.~~

~~(13) At least one snatch block, or equivalent block, in good working condition for each working line.~~

~~(j) 14) At least one commercially grade manufactured dollies on all class A recovery vehicles and class B recovery vehicles up to 26,000 GVW. Commercially manufactured dollies are required for all tow class categories when dollies are used and/or defined for up to 26,000 GVWR and on a class B Tow truck if it is being used up to 26,000 GVW.~~

~~(k) All class A and B tow vehicles that are inclusive of cover a class DA and DB tow vehicles shall carry a zone.~~

~~(15) At least one pinch bar, or an equivalent device. The bar or equivalent device must be 4 feet in length and 3/4 inch in diameter, and the ends may either be tapered or flattened.~~

~~(l) Portable lights for unit being towed including, but not limited to, set of portable lights for the unit being towed. The portable light set must include tail-lights, stop/brake lights and directional signals.~~

~~NOTE: Class D tow trucks roll backs are exempt from this section if not towing a second vehicle.~~

~~(m) All tow vehicles must have a minimum of two "wreck ahead" signs to be placed by tow truck drivers as required by lights.~~

~~(16) At least two warning signs notifying approaching traffic of an incident which comply with ORS 822.220.~~

~~The Warning signs shall must conform to all specifications as set forth in the Oregon Department of Transportation's publication "Oregon Temporary Traffic Control Handbook" (OTTCH) as adopted by OAR 734-020-0005 and the "Manual Uniform of Traffic Control Devices."~~

~~(n) All tow trucks and equipment used to perform services under these rules shall be maintained in good working order. Failure to maintain equipment shall.~~

~~(17) Failure to meet these minimum equipment requirements for each tow vehicle may be cause for suspension and removal of the defective equipment from the non-preference list. If equipment does not meet the Department's criteria for non-preference tows under these Administrative Rules, the Department may suspend and remove the equipment or revocation of certification and removal from the non-preference tow list.~~

~~(218) Class A Tow Trucks (Small): Tow trucks shall be provided that a vehicle shall be capable of towing and recovery operations for passenger cars, pickup trucks, small trailers or equivalent vehicles. All equipment used in conjunction with the Class A tow trucks must be compatible with the manufacturer's basic boom rating and must comply with current state laws and Oregon Administrative Rule 735-154-0040. In addition to the equipment required for all trucks used to provide service under this rule, all trucks in this class shall have:~~

~~(a) Ten thousand pounds minimum meet the requirements of subsection (1) through (17) of this section, and must be equipped with or meet all of the following additional requirements:~~

~~(a) Have at least a 14,500 pound manufacturer's gross vehicle weight rating or equivalent;~~

~~(b) D;~~

~~(b) Have dual tires on the rear axle or duplex type tires, referred to as super single;~~

~~(c) Have a boom with at load rating that is comparable to dual tire rating;~~

~~(c) Six ton minimum boom rating dual or single booms east an eight-ton hydraulic boom rating with dual or single winches to control a minimum of one service cable drum;~~

~~(d) Be equipped with either an 8000-pound winch with a minimum of one hundred (100) feet of 3/8-inch continuous length cable; and~~

~~(e) A wheel lift for this class of tow truck.~~

~~(3) Class B Tow Trucks (Medium): wire rope or equivalent rated synthetic rope, or with an 10,000-pound winch with a minimum of one hundred (100) feet of 7/16-inch continuous length wire rope or equivalent rated synthetic rope;~~

~~(e) A wheel lift system with at least a fully extended working load rating of 3,500 pounds.~~

~~(19) Class B tow truck vehicles shall be capable of towing and recovery operations for medium size trucks, trailers, motor homes with a front engine or equivalent vehicles. In addition to standard equipment required for all truck Class B tow trucks must meet the requirements of subsection (1) through (17) of this used to provide service under this rule, all trucks in this class shall have:~~

~~(a) Seventeen thousand pounds minimum, and must be equipped with or meet all of the following additional~~

requirements:¶

(a) Have at least a 22,000 pound manufacturer's gross vehicle weight rating or equivalent;¶

(b) Ten-ton minimum boom rating dual or single boom with dual or single winches to control a minimum of one service cable. Be equipped with an extendable hydraulic boom with a minimum 20,000-pound rating having a minimum of dual 10,000 lb winches and 150 feet of 7/16-inch continuous length wire rope or synthetic equivalent per winch;¶

(c) Class B tow trucks in excess of vehicles more than 26,000 pounds GVW will not be required to carry dollies when used for heavy towing;¶

(d) A wheel lift for this class. However, dollies are required when a Class B tow truck and vehicle is used for Class A Towing;¶

(ed) A minimum of 150 feet of seven-sixteenths inch cable.¶

(4) wheel lift system with a minimum fully extended working load rating of 5,000 pounds;¶

(20) Class C Tow Trucks (Large): Tow trucks that are vehicles shall be capable of towing and recovery operations for large trucks, trailers, motor homes or equivalent vehicles. In addition to the standard equipment required for all truck Class C tow vehicles must meet the requirements of subsection (1) through (17) of this used to provide service under this rule, all trucks in this class shall have:¶

(a) Twenty-seven thousand five hundred pounds minimum weight, and be equipped with and meet the following additional requirements:¶

(a) Have at least a 33,000 pound manufacturer's gross vehicle weight rating or equivalent;¶

(b) Be equipped with a twenty-five-ton minimum boom rating dual or single rated hydraulic extendable boom with two dual or single winches to control a minimum of one service cable;¶

(c) Minimum of 150 feet of cable, five-eighths inch diameter;¶

(d) Air brakes and an air system capable of supplying air to the towed unit; 25,000-pound hydraulic winches;¶

(c) Have at least 2 separate, 150 feet continuous lengths of wire rope, with five-eighths inch diameter or an equivalent rated synthetic rope;¶

(d) Be equipped with air brakes and an air system capable of supplying air to the towed unit; Tow vehicle must be capable of operating the towed vehicles brake system.¶

(e) Portable dollies are not required;¶

(f) Be equipped with tandem rear axle truck chassis (three axle truck);¶

(g) May include Be equipped with rear axles which have dual tires;¶

(h) Be equipped with an under-lift for this class suitable for Class C tow truck.¶

(h) Exception to commercially manufactured tow vehicles (for Class C recovery tow trucks/equipment only). Class C Recovery Tow Vehicles with a minimum rating of 12,000 pounds, fully extended;¶

(i) The tow vehicle must have a minimum wheelbase of 280 inches. ¶

(21) Class D-A tow trucks shall meet the requirement that has been approved by the Oregon State Police to be used on the Department's non-preference towing list prior to the adoption of these Administrative Rules, but does not meet the criteria outlined under these Administrative Rules, may continue to be used for the Department's non-preference tows if the following conditions are met: s of subsection (1) through (17) of this section, and be equipped with and meet the additional the following requirements:¶

(a) Class D-A tow trucks shall not be considered a recovery vehicle.¶

(b) Have at least a 14,500-pound manufacturer's gross vehicle weight rating;¶

(Ac) The equipment must first be inspected and approved by a tow truck with dual tires on the Oregon State Police rear axle;¶

(Bd) If a qualified tow business has the only "Class C" tow truck in a zone, the qualified tow business must replace the wire rope or an equivalent after 5 years from the adoption date of these rules. The Oregon State Police reserve the option to extend the time period for the use of Class C Towing Equipment under this exception based on operational need by the Department; and¶

(C) If it is determined at any time that rated synthetic rope;¶

(e) The tow vehicle may include a wheel lift, if chassis GVWR is over 17,500 pounds and the wheel lift system has at least a fully extended working load rating of 3,000 pounds.¶

(22) Class D-B tow trucks shall meet the requirement does not meet Oregon State Police criteria for towing under these Administrative Rules, then the Oregon State Police can remove the s of subsection (1) through (17) of this section, and in be equipped with and meet the following additional requirement from the non-preference list.¶

(5s:¶

(23) Class D-B tow trucks (Trucks and equipment in this class are not equipped with a commercially manufactured side puller system may be considered a recovery vehicles);¶

(a) Tow trucks and other. Must have an A or B tow vehicles in this class are to be used for towing and/or hauling

purposes only. No recovery can be performed by equipment in this class; within an adjoining tow zone in order to use this as a recovery vehicle. ¶

(ba) Equipment in this class capable of towing/hauling passenger cars, pickup trucks, trailers, trucks or equivalent vehicles, and debris is based on the size and ratings of the Class D tow unit used. All equipment used in conjunction with this class shall have at least a 22,000-pound manufacturer's gross vehicle weight rating; ¶

(b) Be equipped with dual tires on the rear axle; ¶

(c) Be equipped with dual tires on the rear axle in accordance with state laws and Oregon Administrative Rule 735-154-0040. In addition to the equipment required for all trucks used to provide service under this rule, all trucks in this class shall have: ¶

(A) Class D-A: ¶

(i) Eleven thousand pounds minimum manufacturer's gross vehicle weight rating or equivalent; ¶

(ii) Dual tires on the rear axle; ¶

(iii) A minimum of fifty feet three-eighths inch continuous length cable; ¶

(iv) May include wheel lift, if chassis GVW is over 14,500 pounds; and ¶

(v) If a Metro unit, dollies and a wheel lift. east 75 feet of 3/8 inch continuous length diameter wire rope or an equivalent rated synthetic rope; ¶

(d) Be equipped with a wheel lift system with a minimum fully extended working load rating of 3000 pounds; ¶

(24) Class D-C tow trucks shall meet the requirements of subsection (1) through (17) of this section, and be equipped with and meet the following additional requirements: ¶

(Ba) Class D-B: ¶

(i) Seventeen thousand pounds minimum manufacturer's gross vehicle weight rating or equivalent; ¶

(ii) Dual tires on the rear axle; ¶

(iii) A minimum of 50 feet of three-eighths inch cable; ¶

(iv) May include wheel lift; and ¶

(v) If a Metro unit, dollies and a wheel lift. ¶

(C) Class D-C: C tow trucks equipped with a commercially manufactured side puller system may shall be considered a recovery vehicle. There must be a Class C tow vehicle in an adjoining tow zone in order to use this vehicle as a recovery vehicle. ¶

(ib) Twenty-seven thousand five hundred pounds minimum manufacturer's gross vehicle weight rating or equivalent. ¶

(ii) Minimum of 50 feet of cable, five-eighths inch diameter. ¶

(iii) T. ¶

(c) Be equipped with at least 100 feet of continuous wire rope of 5/8 inch diameter or its synthetic equivalent. ¶

(d) Be equipped with a tandem rear axle truck chassis (three axle truck). ¶

(iv) M with dual tires. ¶

(e) The tow vehicle may include a wheel lift; and ¶

(vf) A Be equipped with air brakes and an air system capable of supplying air to the towed unit. Tow vehicle must be capable of operating the towed vehicles brake system.

Statutory/Other Authority: ORS 181.440

Statutes/Other Implemented: ORS 181.440