



Oregon State Board of Towing
Work Session: Board Role: Law Enforcement, Local Jurisdictions
October 28, 2026

This document does not represent formal Board decisions or policy; the document facilitates board discussion to:

- 1. Define or clarify ambiguity in Oregon law.*
- 2. Address situations and scenarios submitted in complaints*
- 3. Answer questions or provide clarification to the public, towing industry, and board partners.*

Objective:

- Define the Tow Board's role in compliance enforcement of tows authorized under ORS 819.140.

The intent of the discussion is NOT for the Tow Board to place requirements on law enforcement or other agencies.

Discussions are based on the roles of each agency, and an awareness of possible workload and financial limitations of the agencies.

Authorities:

- ORS Chapters 809 and 819 and other Oregon laws allow law enforcement, government, and municipalities to have vehicles towed.
- Agencies identified in ORS 819.140 may have a tower impound vehicles.
- A city or county may regulate tow businesses under ORS 822.230.
- ORS 98.859 allows local jurisdictions to establish maximum rates for towing.
- Local jurisdictions may adopt ordinances and regulations.
- The Tow Board was not assigned ORS Chapters 809 or 819 to administer.

Oregon State Police:

- The Oregon State Police administers the OSP Non-Preference Tow Program under ORS 181A.350 and OAR 257-050-0140 (Division 50).

Opportunities for a hearing to contest a tow or fees:

- **ORS 98.859 Maximum rates for towing (3)** Each city or county that establishes maximum rates under this section shall also establish a process by which the city or county will receive and respond to complaints relating to violations of this section.
- **ORS 809.716 Hearing on impoundment (1)** A person entitled to lawful possession of a vehicle impounded under [ORS 809.720 \(Impoundment for specified offenses\)](#) may request a hearing to contest the validity of the impoundment. (4) If the hearings officer finds that the impoundment of the vehicle was proper, the hearings officer shall enter an order supporting the removal and shall find that the owner or person entitled to possession of the vehicle is

liable for usual and customary towing and storage costs. (5) If the hearings officer finds that impoundment of the vehicle was improper, the hearings officer shall order the vehicle released to the person entitled to possession and shall enter a finding that the owner or person entitled to possession of the vehicle is not liable for any towing or storage costs resulting from the impoundment. If there is a lien on the vehicle for towing and storage charges, the hearings officer shall order it paid by the impounding police agency.

- **ORS 819.190 Hearing to contest validity of custody and towing** A person provided notice ... or any other person who reasonably appears to have an interest in the vehicle may request a hearing under this section to contest the validity of the towing and custody... (7) A hearing under this section may be used to determine the reasonableness of the charge for towing and storage of the vehicle. Towing and storage charges set by law, ordinance or rule or that comply with law, ordinance or rule are reasonable for purposes of this subsection. (11) The determination of a hearings officer at a hearing under this section is final and is not subject to appeal.

Discussion: inconsistencies in plain text of existing laws and rules:

Rates and Fees:

- **ORS 98.856 Tower responsibility of disclosure to owner or operator of vehicle** (1) A tower shall disclose to the owner or operator of a motor vehicle in a conspicuous written statement of at least 10-point boldfaced type: (a) The prices the tower charges for all the goods and services that the tower offers... (2) If the owner or operator is present at the time of the tow, the tower shall provide the information required under this section to the owner or operator of the motor vehicle before towing the motor vehicle. (3) If the owner or operator of the motor vehicle is not present at the time of the tow, the tower shall provide the information required under this section to the owner or person in lawful possession of the motor vehicle prior to the time the owner or person in lawful possession of the motor vehicle redeems the motor vehicle.
- **ORS 98.862 Exceptions to requirements of ORS 98.856** A tower need not provide the written information required under ORS 98.856 (Tower responsibility of disclosure to owner or operator of vehicle) if ... (2) The tower is hired or otherwise engaged by an agency taking custody of a vehicle under ORS 819.140 (Agencies having authority to take vehicle into custody)...
- ORS 98.862 does not exempt the tower from the requirement of having a written statement of fees for law enforcement and local government agency impounds. If the local agency does not have maximum, contracted, or other rate and fee requirements, the tower is to adopt a

rate sheets and must comply with the rate sheet for all tows conducted at request of law enforcement or the agency.

- Rate sheets are to be provided upon request of the Tow Board or other agency conducting an investigation, hearing, or other legal process.

Discussion – Tasks and Objectives:

- Define expectations of the Tow Board under ORS 819.
 - ORS 822.200 – tow business certificate requirement
 - ORS 98.854 (7) – soliciting business
- Identify possible conflicts in statutes or practices.
- Identify the Tow Board's process in reviewing and processing complaints alleging violations of ORS 809. 819 or impounds authorized under ORS 819.140.

Rates and Fee Questions:

- Who is responsible for compliance enforcement of an agency's tow program's rates and fees requirements?

Board Policies:

The Tow Board is able to take additional disciplinary action when an agency forwards findings of violations to the Tow Board. The Tow Board cannot speak for the agency and cannot independently verify if there are violation of tow program – as the Tow Board does not regulate, manage or administer tow programs.)

Next Steps: