



Oregon

Tina Kotek, Governor

Oregon State Board of Towing

DMV HQ - 1905 Lana Ave, NE

Salem, OR 97314

Email Address: info@towboard.oregon.gov

Web Site: www.oregon.gov/sbot

OREGON STATE BOARD OF TOWING Public Hearing Summary - Proposed Administrative Rules October 28, 2025

Location:

Oregon State Police
8085 SE Deer Creek Ln
Portland, OR 97222

Attending Board Member:

Bruce Anderson
Kevin Baker
Chris Coughlin
Lt. Jason Lindland
Gary McClellan
Jason Shaner
Chief Cord Wood
Trent Hason, Vice Chair
Chuck Riley, Chair

Board Staff:

Torey McCullough, Board Administrator

Partners and Guests:

ODOT/DMV: Byron Gross, DMV Customer Assistance, Dustin Ross, ODOT TIM Coordinator; Oregon Tow Truck Association (OTTA) Chelsie Kemp, Executive Director Tom Holt, Lobbyist (in person); Oregon Consumer Justice: Michelle Druce. Marissa Terwilliger, Sage Johnson; Towers: Caveman Towing - John Keener (in person); Advanced Recovery and Towing - Tyler Manthei, Gales Towing, Gerlock Towing - Donny Callahan, Litsis Towing - Crystal Litsis, North Valley Scrap and Towing - Josh & Jessica Smith; Affiliation Unidentified: By Phone: (360) 633-5157, (541) 973-9556; by Teams: Ashley, Christopher Drew, ED/ American lender svc co; Julia Buckner; Mike; Scott Brooks; Travis Daniels; YEEEEEP

Purpose of proposed rules:

The proposed rules do not represent new policies or regulations, but bring existing laws the Board is charged with administering under the umbrella of Administrative Rules to ensure:

- Clarification of expectations and legal requirements for the towing industry and the public.
- Consistency in compliance enforcement.

- Consistency of practices and compliance within the towing industry and with the industry's business partners.
- Address compliance issues identified in Board complaints.

Hearing notice posting and outreach:

- A copy of the documents are posted on the Board's website, and made available to the Board's advisors, partners, and advisory groups.
- The proposed administrative rules were posted by the Oregon Secretary of State, Archives Division, on October 1, 2025.
- The notice of proposed hearing was posted on the Board's website and the Oregon Transparency Calendar.
- 963 Newsletters were mailed to towers and law enforcement.
- Several emailed mailings were sent to:
 - The Board's subscription email list maintained by Dept. of Administrative Services.
 - 174 members of the Policy and Advisory Groups: Towers, Complainants, and others who have expressed interest in the Board's policies and rule making.
 - 35 rental property management companies and associations
 - 6 Tenant Associations
 - 46 Community small business programs
 - Board partners and advisors.

Hearing called to Order at 10:00 a.m.

The hearing was called to order at 10:00 a.m.

The Board reviewed the proposed administrative rules and discussed the following amendments to the proposed administrative rules:

Rule	
Grammatical Changes:	Per the best practices suggested by Oregon Secretary of State and Dept. of Justice, the term "will" is replaced by "may," "must" or "is required" when appropriate.
OAR 750-010-001 (7) "Employee"	Added: <i>including, but not limited to, contractors or sub-contractors paid or reimbursed by the tower to identify towing business for the tower.</i> This language may be necessary to address the tower compensating or hiring security companies or other entities from patrolling private parking facilities to identify towing business for the tower; address the "bonus" or compensation paid to property managers for referring PPI business to the tower.
OAR 750-040-0006 Administration and Implementation of ORS 98.854	Added: (1) (g) <i>When applicable, posted signs must comply with ordinances and regulations related to parking as determined by the city, county, or agency of jurisdiction.</i> Added for clarity for those readers who may not understand the legal authority or requirement of compliance when a local jurisdiction establishes a rule, ordinance, or policy incorporating requirements above the minimum requirements of law.

OAR 750-040-0006 Administration and Implementation of ORS 98.854	(2): removed paragraph (2) in its entirety as it is redundant to subparagraph (1). Remaining paragraphs renumbered to reflect the deletion.
OAR 750-040-006	Added: (2) (d) <i>When required by the city, county, or other person with authority to determine notice requirements prior to the tow of a vehicle.</i> Added for clarity and in deference of local authorities and the rights to establish parking restrictions.
OAR 750-040-006	Add (3) subparagraphs (D) and (E) for better protection of small business owners in ensuring the safety of their costumers and the public: (D) The vehicle is parked in an area not designated as a parking space within the parking facility. (E) Except for the notice required under ORS 98.820, the parked vehicle interrupts normal business operations.
OAR 750-040-006	Paragraphs 6, 7, and 8 separated into different paragraphs for clarity. (6) A tower may post a sign in a parking facility only with the written consent of the parking facility owner. (7) Clarifies the requirement of a written agreement, listing terms and conditions, between the property owner and tower. (8) Clarifies prohibited terms of a written agreement between the tower and the property owner. These prohibitions address the substantiated violations of current laws by some PPI towers.
OAR 750-040-0008 Administration and Implementation of ORS 98.856	(12) Added text to confirm that the tower must comply with local jurisdiction requirements in notifying law enforcement of the tow.
OAR 750-040-0008 Administration and Implementation of ORS 98.856	Sub-paragraph (14) was removed as duplicative of sub-paragraph 12.
OAR 750-040-0008 Administration and Implementation of ORS 98.856	Sub-paragraph (18) was removed in its entirety given (a) the complexity of the requirement and wording in the law and (b) DMV's interest in reviewing the appraiser program. Towers are still required to comply with the appraisal requirements within Oregon's laws, and may be subject to Board or other agency investigations and disciplinary actions for violations.

No public comments were made during the hearing.

A written comment was reviewed regarding the appraisal requirement. The Board removed reference to the appraisal requirements due to DMV's interest in a Rules Advisory Committee on the topic.

Ms. Coughlin moved to update the proposed rules. Mr. Anderson seconded the motion. In favor: Anderson, Baker, Coughlin, Lindland, McClellan, Shaner, Wood, Hason, Riley. Opposed: None. Motion passes.

Adjournment:

With no additional public comments or Board discussion, the hearing was adjourned at 11:04 a.m.

Attachments:

- Secretary of State notice of proposed rule making and hearing
- Summary of Proposed Rules
- Fall 2025 Newsletter with notice
- Public comments

The proposed rules were updated, posted, and distributed through the normal channels on October 30, 2025, with several emails with reminders of the hearing, with the last reminder sent November 17, 2025.

Summary prepared by Torey McCullough, Hearing Coordinator



Oregon State Board of Towing 2025 Amended Proposed Administrative Rule Schedule

ORS 98.850 Legislative findings and declaration

(2) The Legislative Assembly declares that: (a) Statutes that assist members of the public in avoiding involuntary loss of use of motor vehicles and in expediting recovery of motor vehicles and the personal property in the motor vehicles promote the safety and welfare of members of the public.

ORS 822.265 Rulemaking authority

(1) In accordance with applicable provisions of ORS chapter 183, the State Board of Towing may adopt rules:

(a) Necessary for the administration of the laws that the board is charged with administering.

(b) To implement ORS 98.853 (Conditions allowing towing) to 98.862 (Exceptions to requirements of ORS 98.856).

October 1, 2025:	Proposed Rules filed with Oregon Secretary of State
October 6, 2025:	Proposed Rules posted on Board website, distributed to network
October 28, 2025:	Board review and discussion of Proposed Rules Public hearing, comments and testimony
November 4, 2025:	Any revisions or amendments to proposed rules under consideration distributed to the Board's network
November 18, 2025:	1:00 – 1:30, Public Hearing on Proposed Administrative Rules* Board discussion and vote on adoption of Proposed Rules <i>*Depending on public interest and engagement, the public hearing may be extended to accommodate testimony and discussions.</i>
November 25- December 31:	While not required, additional public meetings may be scheduled prior to Board vote to adopt proposed administrative rules.
January 1, 2026:	Implementation of SB1036 Implementation of proposed administrative rules



Oregon State Board of Towing Public Comments and Testimony

This form is an opportunity for the public, partners, or industry members to formally submit public comments or testimony on proposed administrative rules, policies, or legislative concepts.

To submit a public comment or testimony:

- Complete this form, replacing all *[bracketed labels]* with your information
- Send the form as an email attachment to info@towboard.oregon.gov
- To be considered, the completed form must be
 - Legible
 - Statements are clear and concise and relevant to the proposed rule, policy, or legislative concept.
 - Form is complete and contains all required and relevant information
- Attachments supporting and substantiating public comment and testimony are recommended.

Contact Information

Name: *[Your Name]*

Organization: *[Name of business, organization, or agency]*

Mailing address: *[Provide phone number]*

Email: *[Provide email]*

Your Background (click on one checkbox):

Public Testimony or Comment

Select One:

- ☐ Proposed administrative rule No.:
- ☐ Proposed legislative concept
- ☐ Proposed policy
- ☐ Other: _____

Public Comment or Testimony:



OREGON STATE BOARD OF TOWING
2025 Proposed Administrative Rules
Summaries

Oregon State Board of Towing
Summary of Proposed Administrative Rules
FOR DISCUSSION PURPOSES ONLY

*This document provides information to facilitate discussions and
solicit feedback and comments during the proposed administrative rules process.*

*Administrative rules will be adopted only public hearings are held
and the time for public comment and testimony expires.*

Current and complete versions of the Board's Administrative Rules,
Chapter 750, are located at
<https://secure.sos.state.or.us/oard>

Oregon State Board of Towing
2025 Proposed Rules Summary
FOR DISCUSSION PURPOSES ONLY

Contents

Oregon State Board of Towing	1
Amend Definitions – OAR Chapter 750, Section 10	2
OAR 750-010-001 (2) "Agent" or "Owner's agent"	2
OAR 750-010-001 (3) "As soon as practicable"	2
OAR 750-010-001 (5) "Compensation"	3
OAR 750-010-001 (7) "Employee"	3
OAR 750-010-001 (13) "Operator of the vehicle"	4
OAR 750-010-001 (16) "Owner of a motor vehicle "	4
OAR 750-010-001 (17) "Owner of a motor vehicle "	5
OAR 750-010-001 (18) "Person in lawful possession"	6
OAR 750-010-001 (19) "Purports to be engaged in"	6
Proposed Administrative Rules for OAR CHAPTER 750.....	7
New OAR 750-040-0005 Administration and implementation of ORS 98.853	7
OAR 750-040-0006 Administration and implementation of ORS 98.854	8
NEW OAR 750-040-0008 Administration and implementation of ORS 98.856	12
NEW OAR 750-040-0015 Administration and implementation of ORS 822.200	15
AMEND OAR 750-060-0001 Consumer Protection and Complaints	16
AMEND OAR 750-070-0020 Investigations of Violations or Complaints.	17
AMEND OAR 750-070-0030 Cooperation in Board Investigations.	17

This document provides information to facilitate discussions and solicit feedback and comments prior to adoption of proposed administrative rules.

This document does not change existing laws or requirements.

Administrative rules will be adopted only after public hearings are held and at the end of the public comment period.

Amend Definitions – OAR Chapter 750, Section 10	
Definitions: The Board proposes adoption of the following definitions for the purposes of administering ORS 98.853 – 98.862, and implementing disciplinary actions under ORS 822.275-290 and ORS 822.995	
Reason for definitions: <ul style="list-style-type: none"> Terms used in administration and implementation of the laws assigned to the Board are defined and publicly available. Provide context and clarity for conducting towing business and board business, and compliance enforcement. 	
OAR 750-010-001 (2) "Agent" or "Owner's agent"	
Proposed rule language:	OAR 750-010-001 (2) "Agent" or "Owner's agent" means: (a) A person authorized by the property owner to lawfully act as the property owner's agent in identifying or authorizing a vehicle to be towed in ORS 98.853 (Conditions allowing towing) to 98.854 (Prohibitions placed on tower) (b) A tower, its employee, sub-contractor, representative or delegate cannot act as a property owner's agent for the purposes of identifying or authorizing a vehicle to be towed without the consent of the vehicle owner or operator.
Existing Statutes/Reference:	ORS 98.854 Prohibitions placed on tower A tower may not: <u>Effective 01/01/2026:</u> (2) Tow a motor vehicle from a parking facility without first being contacted by the owner of the parking facility <u>or the owner's agent</u> at the time of the tow and receiving signed authorization from the owner of the parking facility <u>or the owner's agent</u> that the tower should tow the motor vehicle. The tower shall maintain for at least two years, in electronic or printed form, each signed authorization received under this subsection. Upon request, the tower shall provide a copy of the signed authorization to the owner or operator of the motor vehicle at no additional charge. (3) Serve as an agent of an owner of a parking facility for the purpose of signing an authorization required by subsection (2) of this section. (4) Tow a motor vehicle from a parking facility if the owner of the parking facility or the <u>owner's agent is an employee of a tower.</u> [2007 c.538 §3; 2009 c.622 §2; 2013 c.135 §1; 2013 c.691 §1; 2017 c.480 §7]
Reason for rule, potential policy change:	<ul style="list-style-type: none"> Differentiate between an owner's agent for purposes of identifying a vehicle to be towed from the obligations and requirements of an agent used by a property owner to conduct legal business. No change to current legal requirements.
Fiscal Impact:	\$0.
Stakeholders:	Towing industry, private property owners, tenants, guests, customers, public.
OAR 750-010-001 (3) "As soon as practicable"	
Proposed rule language:	OAR 750-010-001 (3) "As soon as practicable" means: (a) At the time the vehicle is recovered by the tower.

This document provides information to facilitate discussions and solicit feedback and comments prior to adoption of proposed administrative rules.

This document does not change existing laws or requirements.

Administrative rules will be adopted only after public hearings are held and at the end of the public comment period.

	(b) No later than the end of the business day following recovery of the vehicle, if vehicle is recovered outside of business hours.
Existing Statutes/Reference:	<p>ORS 98.857 Recovery of stolen vehicle</p> <p>(1) After a motor vehicle reported as stolen is recovered by a law enforcement agency, the agency shall share the owner's contact information, including home address and telephone number, from either the Law Enforcement Data System or the stolen vehicle police report, with any tower that assumes control of the vehicle. The contact information may be used only for the purposes described in subsection (2) of this section.</p> <p>(2) As soon as is <u>practicable</u> after recovering the motor vehicle, the tower shall attempt to provide notice to the owner of the stolen motor vehicle:</p> <p>(a) That the motor vehicle has been recovered; and</p> <p>(b) Of the current location of the vehicle.</p> <p>(3) Fees charged by the tower for storage of a stolen motor vehicle may not begin to accrue until the date that the tower first attempts to notify the owner of the stolen motor vehicle under subsection (2) of this section.</p> <p>[2017 c.523 §3]</p>
Reason for rule, potential policy change:	<ul style="list-style-type: none"> • Compliance enforcement: statute stipulates requirements prior to a tower charging storage fees. • No change to current legal requirements.
Fiscal Impact:	\$0
Stakeholders:	Towing industry, law enforcement, vehicle owners.
OAR 750-010-001 (5) "Compensation"	
Proposed rule language:	OAR 750-010-001 (5) "Compensation" means: Something of value received for providing towing services including, but not limited to, direct payment, commissions, tips, donations, discounts, barter, trade, and any other economic or non-economic benefit or any other consideration in exchange for towing services.
Existing Statutes/Reference:	<p>ORS 822.200 Operating illegal towing business</p> <p>(1) A person commits the offense of operating an illegal towing business if the person does not hold a certificate issued under ORS 822.205 (Certificate) and the person does any of the following:</p> <p>(a) Engages in the towing or recovering of vehicles by any means <u>for any direct or indirect compensation</u> when the vehicle being towed or recovered is owned by a person other than the person performing the towing or recovery activity.</p>
Change/Reason for rule:	<ul style="list-style-type: none"> • Clarification of the term "compensation" for the purposes of compliance and compliance enforcement of ORS 822.200 and other laws indicating compensation for towing services. • No change to current legal requirements.
Fiscal Impact:	\$0
Stakeholders:	Towing industry, law enforcement, general public.
OAR 750-010-001 (7) "Employee"	
Proposed rule language:	OAR 750-010-001 (7) "Employee" means: any party compensated, directly or indirectly, by the tower.

This document provides information to facilitate discussions and solicit feedback and comments prior to adoption of proposed administrative rules.

This document does not change existing laws or requirements.

Administrative rules will be adopted only after public hearings are held and at the end of the public comment period.

Existing Statutes/Reference:	ORS 98.854 Prohibitions placed on tower A tower may not: (4) Tow a motor vehicle from a parking facility if the owner of the parking facility or the <u>owner's agent is an employee of a tower.</u> [2007 c.538 §3; 2009 c.622 §2; 2013 c.135 §1; 2013 c.691 §1; 2017 c.480 §7]
Reason for rule, potential policy change:	<ul style="list-style-type: none"> • Compliance enforcement: defining who is considered as an employee of a tower to ensure compliance with the intent of ORS 98.854 (4) • Remove perception or practice of towers paying or compensating third-parties to soliciting, identifying, or creating towing business for the tower. • No change to current legal requirements.
Fiscal Impact:	\$0
Stakeholders:	Private property owners, tenants, guests, public members, vehicle owners, towing industry.
OAR 750-010-001 (13) " Operator of the vehicle"	
Proposed rule language:	OAR 750-010-001 (13) "Operator of the vehicle" means a person who demonstrates physical control of a vehicle.
Existing Statutes/Reference:	ORS 98.853 (2) and (3) ORS 98.854 (1), (2), (5), (6), and (10) ORS 98.856 (1), (2), (3), (4), and (5) ORS 98.859 (1) ORS 98.861 (5) ORS 98.862 (1), (4) ORS 822.235 See attached for statute text.
Reason for rule, potential policy change:	<ul style="list-style-type: none"> • No specific definition of "operator of the vehicle" relevant to conduct of towing business are defined in law. • Clarification of the identity and rights of the operator of a vehicle in towing, recovery and impound events when the operator may not be the owner of the vehicle. • Defining the difference between a vehicle operator and vehicle owner for purposes of determining an owner's right, an operator's right, and when each are applied, allowing consistency in the towing industry. • No change to current legal requirements.
Fiscal Impact:	\$0
Stakeholders:	Private property owners, tenants, guests, public members, vehicle owner and operators, towing industry.
OAR 750-010-001 (16) "Owner of a motor vehicle "	
Proposed rule language:	OAR 750-010-001 (16) "Owner of a motor vehicle" means the owner as defined in ORS 801.375.
Existing Statutes/Reference:	ORS 801.375 "Owner." "Owner" when referring to the owner of a vehicle means: (1) The person in whose name title to a vehicle is issued, and who is entitled to possession and use of the vehicle.

This document provides information to facilitate discussions and solicit feedback and comments prior to adoption of proposed administrative rules.

This document does not change existing laws or requirements.

Administrative rules will be adopted only after public hearings are held and at the end of the public comment period.

	<p>(2) If the title and right to possession and use for a vehicle are in different persons:</p> <p>(a) The person, other than a security interest holder, who is entitled to the possession and use of the vehicle under a security agreement.</p> <p>(b) The lessor or lessee of a vehicle, as designated by the lessor on the application for title, if the lessee is entitled to possession and use of the vehicle under a lease agreement.</p> <p>ORS 98.853 (2) and (3)</p> <p>ORS 98.854 (1), (2), (5), (6), and (10)</p> <p>ORS 98.856 (1), (2), (3), (4), and (5)</p> <p>ORS 98.857 (1), (2), (3)</p> <p>ORS 98.858 (1), (2)</p> <p>ORS 98.859 (1)</p> <p>ORS 98.860 (1)</p> <p>ORS 98.861 (5)</p> <p>ORS 98.862 (4)</p> <p>ORS 822.235 (1)</p> <p>See attached for statute text.</p>
Reason for rule, potential policy change:	<ul style="list-style-type: none"> • Provide consistent language in compliance enforcement. • Clarification of rights of owners in towing, recovery and impound events. • No change to current legal requirements.
Fiscal Impact:	\$0
Stakeholders:	Private property owners, tenants, guests, public members, vehicle owners, towing industry.
OAR 750-010-001 (17) "Owner of a motor vehicle "	
Proposed rule language:	OAR 750-010-001 (17) "Owner of a parking facility" or "owner of the parking facility" means the owner of a parking facility as defined in ORS 98.805 (1).
Existing Statutes/Reference:	<p>ORS 98.805 (1) "Owner of a parking facility" means:</p> <p>(a) The owner, lessee or person in lawful possession of a private parking facility; or</p> <p>(b) Any officer or agency of this state with authority to control or operate a parking facility.</p> <p>ORS 98.854</p> <p>See attached for statute text.</p>
Reason for rule, potential policy change:	<ul style="list-style-type: none"> • Provide consistent language in compliance enforcement. • No change to current legal requirements.
Fiscal Impact:	\$0
Stakeholders:	Private property owners, tenants, guests, public members, vehicle owners, towing industry.

This document provides information to facilitate discussions and solicit feedback and comments prior to adoption of proposed administrative rules.

This document does not change existing laws or requirements.

Administrative rules will be adopted only after public hearings are held and at the end of the public comment period.

OAR 750-010-001 (18) "Person in lawful possession"	
<i>Proposed rule language:</i>	OAR 750-010-001 (18) "Person in lawful possession," "person with right to possession of the vehicle," and "person entitled to possession" means a person identified in ORS 802.240.
<i>Existing Statutes/Reference:</i>	<p>ORS 802.240 Driver and vehicle records as evidence <i>(1) In all actions, suits or criminal proceedings when the title to, or right of possession of, any vehicle is involved, the record of title, as it appears in the files and records of the Department of Transportation, is prima facie evidence of ownership or right to possession of the vehicle. As used in this section, the record of title does not include records of salvage titles unless the record itself is the salvage title. Proof of the ownership or right to possession of a vehicle shall be made by means of any of the following methods:</i></p> <p><i>(a) The original certificate of title as provided under ORS 803.010 (Proof of ownership).</i> <i>(b) A copy, certified by the department, of the title record of the vehicle as the record appears in the files and records of the department.</i></p> <p>ORS 98.856 (3), (4) ORS 98.858 (1), (2) See attached for statute text.</p>
<i>Reason for rule, potential policy change:</i>	<ul style="list-style-type: none"> • Clarification of proof of lawful ownership and right to possession requirements to recover a vehicle from a tow yard. • Consistency in recognizing DMV as the record holder in determining right of possession. • No change to current legal requirements.
<i>Fiscal Impact:</i>	\$0
<i>Stakeholders:</i>	Legal towers and illegal tow operations, law enforcement, ODOT and DMV partners
OAR 750-010-001 (19) "Purports to be engaged in"	
<i>Proposed rule language:</i>	OAR 750-010-001 (19) As used in ORS 822.200(1)(c), "purports to be engaged in" means to solicit or advertise towing services through the telephone book, business directory, newspaper, radio, television, posting on vehicles, signs, business, billboards or by any other means as defined in OAR 735-154-0000.
<i>Existing Statutes/Reference:</i>	<p>OAR 735-154-0000 (2) Definitions for the purposes of OAR 735-154-0000 through 735-154-0050 are as follows: <i>(a) As used in ORS 822.200(1)(c), "purports...to be engaged in..." means to solicit or advertise towing services through the telephone book, business directory, newspaper, radio, television, posting on vehicles, signs, business, billboards or by any other means;</i></p> <p>ORS 98.853 (2) ORS 98.854 (2) See attached for statute text.</p>
<i>Reason for rule, potential policy change:</i>	<ul style="list-style-type: none"> • Adopting DMV definition for simplicity and consistency in compliance enforcement of ORS 822.200 and other requirements to operate a tow business. • No change to current legal requirements.
<i>Fiscal Impact:</i>	\$0

This document provides information to facilitate discussions and solicit feedback and comments prior to adoption of proposed administrative rules.

This document does not change existing laws or requirements.

Administrative rules will be adopted only after public hearings are held and at the end of the public comment period.

Stakeholders:	Towers, board collaborative partners, law enforcement, general public, towing industry partners.
OAR 750-010-001 (26) " Upon request"	
Proposed rule language:	OAR 750-010-001 (26) "Upon request" means: (a) On the date and at the time the request is received by the tower. (b) If the request is outside of business hours, the document is to be provided no later than the end of the business
Existing Statutes/Reference:	ORS 98.853 (2) <i>Prior to towing a motor vehicle pursuant to ORS 98.812 (Towing of unlawfully parked vehicle), a tower shall take at least one photograph of the motor vehicle and record the time and date of the photograph. The photograph must show the motor vehicle as it was left or parked at the time the tower arrived to conduct the tow. The tower shall maintain for at least two years, in electronic or printed form, each photograph taken along with the date and time of the photograph. Upon request, the tower shall provide a copy of any photographs to the owner or operator of the motor vehicle at no additional charge.</i> Effective 01/01/2026: ORS 98.854 (2) <i>Tow a motor vehicle from a parking facility without first being contacted by the owner of the parking facility or the owner's agent at the time of the tow and receiving signed authorization from the owner of the parking facility or the owner's agent that the tower should tow the motor vehicle. The tower shall maintain for at least two years, in electronic or printed form, each signed authorization received under this subsection. Upon request, the tower shall provide a copy of the signed authorization to the owner or operator of the motor vehicle at no additional charge.</i>
Reason for rule, potential policy change:	<ul style="list-style-type: none"> • Establish consistency of the towing industry in providing information when required by law. • Provide transparency, enhance consumer protection, and expedite the recovery of vehicles and personal property in compliance with ORS 98.850. • No change to current legal requirements.
Fiscal Impact:	\$0
Stakeholders:	Towing industry, law enforcement, vehicle owners, insurance companies, parties with a financial interest in stolen vehicles.
Proposed Administrative Rules for OAR CHAPTER 750	
New OAR 750-040-0005 Administration and implementation of ORS 98.853	
Proposed rule language:	OAR 750-040-0005 Administration and Implementation of ORS 98.853 (1) The photograph(s) required in ORS 98.853 (2) will sufficiently show: (a) The vehicle as parked prior to the tow (b) The vehicle parked in violation, including photographs demonstrating: (A) When required or present, the notice affixed to the vehicle OR (B) The nearest sign showing the parking restrictions of the parking facility showing the vehicle parked in relation to the sign disclosing the parking regulations for the parking facility. (C) If not legible in the photograph, additional photograph(s) of the sign posted closest to the vehicle.

This document provides information to facilitate discussions and solicit feedback and comments prior to adoption of proposed administrative rules.

This document does not change existing laws or requirements.

Administrative rules will be adopted only after public hearings are held and at the end of the public comment period.

	<p>(2) A tower will provide the photograph(s) at the time of the request, but no later than the end of the next business day following the request.</p> <p>(3) A tower may require a request for the photographs under ORS 98.853 (2) be submitted electronically, including by completion of a form on the tower's website, by email, or through a portal only when:</p> <p>(a) The time and date of the request is documented in the tower's records.</p> <p>(b) A receipt for the request is sent upon submission of the request.</p> <p>(4) If a tower is unable to provide documents upon request in compliance with ORS 98.853 (2) the tower will provide the requester with:</p> <p>(a) A written acknowledgment of the request;</p> <p>(b) The expected date the information will be provided by the tower;</p> <p>(c) The reason for the delay in providing the information.</p> <p>(d) If the vehicle has not been released at the time of the request, a tower will not charge additional fees, including daily storage fees, from the date of request until the requested information is provided to the vehicle owner or operator.</p> <p>(A) Beginning on the same day if the request is received prior to 3:00 p.m. on a business day.</p> <p>(B) Beginning the next business day if requested after 3:00 p.m. on a business day.</p>
<i>Existing Statutes/Reference:</i>	<p>ORS 98.853 Conditions allowing towing</p> <p>(2) Prior to towing a motor vehicle pursuant to ORS 98.812 (Towing of unlawfully parked vehicle), a tower shall take <u>at least one</u> photograph of the motor vehicle and record the time and date of the photograph. The photograph must show the motor vehicle as it was left or parked at the time the tower arrived to conduct the tow.</p>
<i>Reason for rule, potential policy change:</i>	<ul style="list-style-type: none"> • Transparency • Compliance with industry standards • Compliance enforcement • No change to current legal requirements.
<i>Fiscal Impact:</i>	\$0
<i>Stakeholders:</i>	Towing industry, vehicle owners, parking facility owners, customers, tenants and guests.
OAR 750-040-0006 Administration and implementation of ORS 98.854	
<i>Proposed rule language:</i>	<p>OAR 750-040-0006 Administration and Implementation of ORS 98.854</p> <p>(1) Signs posted prohibiting or restricting public parking in a parking facility required by ORS 98.854 (1) will:</p> <p>(a) Clearly explain the parking prohibitions or restrictions using plain words or easy-to-understand graphics.</p> <p>(b) Be easily read by a driver of a vehicle from within 20 feet of the sign.</p> <p>(c) Be prominently displayed inside the parking facility.</p> <p>(d) At least one sign must be posted at each entrance to the parking facility.</p> <p>(e) Additional signs will be prominently posted in the parking facility as needed to communicate parking</p>

This document provides information to facilitate discussions and solicit feedback and comments prior to adoption of proposed administrative rules.

This document does not change existing laws or requirements.

Administrative rules will be adopted only after public hearings are held and at the end of the public comment period.

	<p>restrictions or prohibitions to vehicle owners or operators:</p> <p>(A) When the parking facility consists of 20 or more parking spaces in a common area.</p> <p>(B) When parking areas within a parking facility may be perceived as separate parking facilities or businesses.</p> <p>(f) At least one sign prohibiting or restricting public parking will disclose contact information, including, but not limited to:</p> <p>(A) The name and phone number of the tower authorized by the property owner to remove vehicles from the parking facility or</p> <p>(B) The 24-hour phone number or contact information if no tow company is disclosed on the signs posted in the parking facility.</p> <p>(2) Signs prohibiting or restricting public parking are prominently displayed inside the parking facility.</p> <p>(a) At least one sign must be posted at each entrance to the parking lot.</p> <p>(b) Additional signs will be prominently posted in the parking facility as needed to communicate parking restrictions to vehicle owner or operators when:</p> <p>(c) Parking facilities consisting of 20 or more parking spaces.</p> <p>(d) Parking areas within a parking facility are used by different businesses or may appear to be separate parking facilities.</p> <p>(3) A notice, posted a minimum of 72 hours prior to the tow of a vehicle from private property, is required when:</p> <p>(a) The vehicle is towed without the vehicle owner or operator's consent and</p> <p>(b) No signs prohibiting or restricting public parking are posted OR</p> <p>(c) The tow is conducted by a tower other than the tower disclosed on posted signs.</p> <p>(4) A 72-hour notice is not required when</p> <p>(a) Signs posted in the parking facility prohibit or restrict parking in clear language or using graphics clearly disclosing no parking, tow zones, or other parking restrictions.</p> <p>(b) The tow is authorized or requested by law enforcement or other government agencies.</p> <p>(c) The tow complies with ORS 90.485.</p> <p>(d) The tow is conducted at the request of the vehicle owner or operator.</p> <p>(5) A vehicle may be towed prior to the time disclosed on a 72-hour notice when:</p> <p>(a) Signs are posted in the parking facility in compliance with ORS 98.854 (1) and</p> <p>(b) The tow is authorized by the property owner or their agent.</p> <p>(6) As a parking sign disclosing the name and contact information of a tow company is considered an advertisement for towing services as defined in ORS 822.200 and OAR 735-154-0000, it is a violation of ORS 822.200 to:</p> <p>(a) Post a sign for a tow company without a valid business certificate; or</p> <p>(b) Continue to display a tower's name on parking signs in a parking facility after the tower's tow business certificate becomes expired, surrendered, suspended, or revoked.</p>
--	--

This document provides information to facilitate discussions and solicit feedback and comments prior to adoption of proposed administrative rules.

This document does not change existing laws or requirements.

Administrative rules will be adopted only after public hearings are held and at the end of the public comment period.

- | | |
|--|---|
| | <p>(7) A tower will post signs only with the express permission of the property owner or their agent.</p> <p>(a) A signed agreement may be entered into between the property owner and the tower at the discretion of the parties but is not required for compliance with ORS 98.854.</p> <p>(b) A signed agreement between a tower and a property owner or its agent will not:</p> <p>(A) Appoint or designate the tower or its employees to act as a property owner's agent for the purposes of identifying or authorizing vehicles to be towed.</p> <p>(B) Allow a tower to tow or tow a vehicle without a signed authorization from the owner or owner's agent of the parking facility.</p> <p>(C) Allow consideration to be provided from the tower to the property owner or its agents for the privilege of posting signs in the parking facility including, but not limited to:</p> <p>(i) Offering free parking enforcement or parking patrol services either by the tower, a tower employee, or a contractor of the tower.</p> <p>(ii) Commission or fee paid by the tower to the property owner or their agent for vehicles towed from the private parking facility.</p> <p>(8) The signed authorization required under ORS 98.854 (2) will include the following information:</p> <p>(a) The date and time of the initial tow request and authorization.</p> <p>(b) A description of the vehicle to be towed;</p> <p>(c) The street address and location of the property from which the vehicle will be towed;</p> <p>(d) The reason for the tow;</p> <p>(e) A statement that the person signing the authorization has the authority to do so; and</p> <p>(f) The legible, dated signature of the person authorizing the tow.</p> <p>(g) The tower will keep the following information on file with the signed authorization:</p> <p>(A) The date, time and manner in which the tow request was received</p> <p>(B) The date and time the tow vehicle arrived at the private parking facility.</p> <p>(C) The date and time the tow vehicle arrived at the tow lot.</p> <p>(9) The tower will have in their possession the signed authorization required in ORS 98.854 (2) prior to initiating hook up and towing of a vehicle. The following are acceptable forms of a signed authorization for the purposes of ORS 98.854 (2):</p> <p>(a) A "wet signature" signed at the origin site of the tow.</p> <p>(b) An electronic signature, signed at the time of the request or at the origin site of the tow.</p> <p>(c) An email documenting the time, date and sender email requesting and authorizing the tow, or</p> <p>(d) A request and authorization submitted by the property owner or their agent through a secure portal requiring a login and password.</p> <p>(e) A tower, or its employee or designee, cannot act as the property owner's agent for the purpose of authorizing a tow.</p> <p>(f) A signed authorization will not be signed prior to the request and authorization of the tow, or after completion of the tow.</p> <p>(10) A tower may require a request for the signed authorization under ORS 98.854 (2) be submitted electronically, including by completion of a form on the tower's website, by email, or through a portal only when:</p> <p>(a) The time and date of the request is documented in the tower's records.</p> |
|--|---|

This document provides information to facilitate discussions and solicit feedback and comments prior to adoption of proposed administrative rules.

This document does not change existing laws or requirements.

Administrative rules will be adopted only after public hearings are held and at the end of the public comment period.

	<p>(b) A receipt for the request is sent upon submission of the request.</p> <p>(c) If a tower is unable to provide documents upon request in compliance with ORS 98.854 (2) the tower will provide the requester with:</p> <p>(A) A written acknowledgment of the request;</p> <p>(B) The expected date the information will be provided by the tower;</p> <p>(C) The reason for the delay in providing the information.</p> <p>(d) If the vehicle has not been released at the time of the request, a tower will not charge additional fees, including daily storage fees, from the date of request until the requested information is provided to the vehicle owner or operator.</p> <p>(A) Beginning on the same day if the request is received prior to 3:00 p.m. on a business day.</p> <p>(B) Beginning the next business day if requested after 3:00 p.m. on a business day.</p>
<i>Existing Statutes/Reference:</i>	<p><i>ORS 90.485 Restrictions on landlord removal of vehicle</i></p> <p><i>(2)Except as provided in ORS 90.425 (Disposition of personal property abandoned by tenant) regarding abandoned vehicles, a landlord may have a motor vehicle removed from the premises without notice to the owner or operator of the vehicle only if the vehicle:</i></p> <p><i>(c) Violates a prominently posted parking prohibition;</i></p> <p><i>(5)If guest parking is allowed, the landlord shall post a sign in each designated guest parking space that is clearly readable by an operator of motor vehicle and that specifies any rules, restrictions or limitations on parking in the designated guest parking space.</i></p> <p><i>(6)A landlord may have a motor vehicle that is inoperable, but otherwise parked in compliance with an agreement between the landlord and the owner or operator of the vehicle, removed from the premises if the landlord affixes a prominent notice to the vehicle stating that the vehicle will be towed if the vehicle is not removed or otherwise brought into compliance with the agreement. The landlord must affix the notice required by this subsection at least 72 hours before the vehicle may be removed.</i></p> <p><i>ORS 98.805 Definitions for ORS 98.810 to 98.818, 98.830 and 98.840</i></p> <p><i>(4) "Proscribed property" means any part of private property:</i></p> <p><i>(a) Where a reasonable person would conclude that parking is not normally permitted at all or where a land use regulation prohibits parking; or</i></p> <p><i>(b) That is used primarily for parking at a dwelling unit. As used in this paragraph, "dwelling unit" means a single-family residential dwelling or a duplex.</i></p> <p><i>ORS 98.810 Unauthorized parking of vehicle</i></p> <p><i>A person may not, without the permission of:</i></p> <p><i>(1) The owner of a parking facility, leave or park any vehicle on the parking facility if there is a sign displayed in plain view at the parking facility prohibiting or restricting public parking on the parking facility.</i></p> <p><i>ORS 98.853 Conditions allowing towing</i></p> <p><i>(1) A tower may tow a motor vehicle if the motor vehicle:</i></p> <p><i>(d) Parks without permission in a parking facility used for residents of an apartment and:</i></p>

This document provides information to facilitate discussions and solicit feedback and comments prior to adoption of proposed administrative rules.

This document does not change existing laws or requirements.

Administrative rules will be adopted only after public hearings are held and at the end of the public comment period.

	<p>(C) There are signs posted that are clearly readable by an operator of a motor vehicle in each parking stall or at each entrance to the parking facility prohibiting or restricting public parking on the parking facility.</p> <p>ORS 98.854 Prohibitions placed on tower</p> <p>A tower may not:</p> <p>(1)</p> <p>(a) Tow a motor vehicle from a parking facility unless there is a sign displayed in plain view at the parking facility that, using clear and conspicuous language, prohibits or restricts public parking at the parking facility.</p> <p>(b) Notwithstanding paragraph (a) of this subsection, a tower may tow a motor vehicle from a parking facility with the prior consent of the owner or operator of the motor vehicle.</p>
Reason for rule, potential policy change:	<ul style="list-style-type: none"> • Provide universal consistency of tow and impound authorizations independent of the reason for the tow. • Provide guidance and consistency with sign requirements. • Protection of the public by ensuring informed consent when parking and accurate information in retrieving vehicles. • No change to current legal requirements.
Fiscal Impact:	\$0
Stakeholders:	Towing industry, vehicle owners and operators, parking facility owners, customers, tenants and guests
NEW OAR 750-040-0008 Administration and implementation of ORS 98.856	
Proposed rule language:	<p>OAR 750-040-0008 Administration and Implementation of ORS 98.856</p> <p>(1) A tower will provide proof of payment for all payments or monies received.</p> <p>(a) A receipt for payment received at the origin or drop off of a towed vehicle must be provided to the vehicle owner or operator and disclose:</p> <p>(b) The tower's business name and contact information.</p> <p>(c) The amount due.</p> <p>(d) The amount paid and form of payment.</p> <p>(e) A brief description of the service(s) provided in exchange for payment.</p> <p>(f) Exact change due, if any.</p> <p>(g) Date and time of the payment.</p> <p>(h) The person accepting payment.</p> <p>(i) A receipt does not need to be provided if the tower provides an itemized statement at the time of payment.</p> <p>(j) The tower must provide an itemized statement in addition to the receipt when a receipt does not itemize the charges paid by the vehicle owner or operator.</p> <p>(2) Once the tower has custody or control of a vehicle, an itemized statement is required upon request or at the time of payment for all vehicles towed or impounded disclosing:</p> <p>(a) The reason for the tow.</p>

This document provides information to facilitate discussions and solicit feedback and comments prior to adoption of proposed administrative rules.

This document does not change existing laws or requirements.

Administrative rules will be adopted only after public hearings are held and at the end of the public comment period.

- (b) Who authorized the tow.
- (c) The location of the origin of the tow.
- (d) The date of the tow.
- (e) Itemization of the services provided or charges incurred as a result of the towing event.
- (f) Exact change due, if any.
- (g) Any discounts or other courtesies provided by the tower.
- (h) Date and time of the payment.
- (3) A tower will not charge a rate or fee not disclosed on the written statement required under ORS 98.856 (1) without the prior consent of the vehicle owner or operator.
- (4) A tower will not charge for services not rendered or provided.
- (5) All rates and fees on the written statement required under ORS 98.856 (1) or disclosed on an itemized statement and charged to a vehicle owner or other person in lawful possession will:
 - (a) Comply with legal and consumer regulations including, but not limited to, regulations related to credit card fees, collection fees, interest.
 - (b) Comply with the statutory requirements and processes.
- (6) Nothing within these laws or rules prohibits a tower, at the tower's sole discretion, from reducing or discounting a tow bill or invoice.
- (7) A tower will not charge a vehicle owner or operator additional services or fees for a roadside assistance, motor club, or other service provider dispatched call without first providing the written statement of fees required by ORS 98.856 and obtaining the informed consent of the vehicle owner or operator to the fees and services.
- (8) A tower will not misrepresent law enforcement or other government fees on a written statement or invoice.
- (9) Itemized charges will accurately disclose sub-contracted work, including rental equipment, required for a tow or recovery.
- (10) A tower will provide the itemized statement disclosing all invoiced charges:
 - (a) Upon request of the vehicle owner or operator and
 - (b) At the time of payment for release of the vehicle.
- (c) A tower will not delay release of the vehicle for the purposes of preparing an itemized statement or other requested documents.
- (d) If the tower is unable or unwilling to provide an itemized statement, a copy of the signed authorization, or copies of the required photographs upon request, the tower will not charge additional fees, including storage or notice of lien fees, from the date of request until the information is provided.
- (A) Beginning the same day if the request is received prior to 3:00 p.m. on a business day.
- (B) Beginning the next business day if requested after 3:00 p.m. on a business day.
- (e) A receipt showing payment is sufficient to comply with the requirement when payment is made:
 - (A) For the hook up fee to release the vehicle at origin of the tow and no other fees or charges are paid or
 - (B) For flat rate tow or service upon release of the vehicle when no other fees or charges are paid or

This document provides information to facilitate discussions and solicit feedback and comments prior to adoption of proposed administrative rules.

This document does not change existing laws or requirements.

Administrative rules will be adopted only after public hearings are held and at the end of the public comment period.

	<p>(C) At the tow yard or business when:</p> <p>(i) The impound occurs outside of business hours and payment is made prior to the next business day AND</p> <p>(ii) The itemized statement is provided by the next business day.</p> <p>(11) A vehicle owner or operator has the right to refuse a tower's services except when</p> <p>(a) The impound is dispatched and authorized by a law enforcement or government agency under the agency's authority under ORS Chapter 819 or</p> <p>(b) After hookup of the vehicle is complete when the tow is conducted under the signed authorization of a property owner or their agent if the vehicle owner or operator is unable to pay the hook up fee.</p> <p>(12) A tower may assess storage charges or fees against a towed vehicle when a notice is required and the tower can demonstrate compliance with the notice of lien requirements of ORS 98.812, 819.160, and other laws or regulations.</p> <p>(13) When required, a tower will not issue a notice of lien until the tower can demonstrate notification of the local law enforcement agency in compliance with ORS 98.812 (2), or other local laws, ordinances, or regulations.</p> <p>(14) Storage fees for recovered stolen vehicles will not begin to accrue until the date the tower first attempts to notify the owner of the stolen vehicle in compliance with ORS 98.857.</p> <p>(15) A notice or other lien document is a transactional document demonstrating compliance with Oregon's laws and rules. If a notice of lien fee is itemized on the invoice or statement, and invoiced for payment to the vehicle operator or owner or their representative, upon request, the tower will provide:</p> <p>(a) A copy of the notice of lien and proof of mailing unless previously mailed to the vehicle owner's current mailing address.</p> <p>(b) A copy of the assignment of the account to a lien service, showing the date the lien was assigned, is sufficient if a copy of the lien has not been provided to the tower.</p> <p>(16) Providing inaccurate, false, or misleading information on a notice of lien or possessory lien form, or making a false affirmation on a form, is a violation of ORS 822.605, subject to investigation and disciplinary action by the Board.</p> <p>(17) A tower will provide a copy of the appraisal form of a vehicle when:</p> <p>(a) The value of the vehicle is under \$1000 and an appraisal is required by ORS 819.160, 819.215, or other laws.</p> <p>(b) When the appraisal is documented as an itemized cost on the invoice statement.</p>
<i>Existing Statutes/Reference:</i>	<p><i>ORS 98.854 A tower may not:</i></p> <p><i>(5) Charge more than a price disclosed under ORS 98.856 (Tower responsibility of disclosure to owner or operator of vehicle) when towing a motor vehicle without the prior consent or authorization of the owner or operator of the motor vehicle.</i></p> <p><i>ORS 98.858 Right of owner or person in lawful possession of vehicle to redeem or inspect vehicle</i></p> <p><i>(2) A tower may not charge the owner or person in lawful possession of the motor vehicle a fee in any amount to obtain personal property of an emergency nature or registration plates except for a gate fee between the hours of 6 p.m. and 8 a.m. on business days, or on a Saturday, a Sunday or a legal holiday. [2007 c.538 §5; 2017 c.480 §11; 2017 c.523 §8; 2019 c.13 §25; 2019 c.17 §1]</i></p> <p><i>ORS 98.862 Exceptions to requirements of ORS 98.856</i></p>

This document provides information to facilitate discussions and solicit feedback and comments prior to adoption of proposed administrative rules.

This document does not change existing laws or requirements.

Administrative rules will be adopted only after public hearings are held and at the end of the public comment period.

	<p>A tower need not provide the written information required under ORS 98.856 (Tower responsibility of disclosure to owner or operator of vehicle) if:</p> <p>(1) The motor vehicle is towed from a parking facility where the tower has provided the information on signs that are clearly readable by an operator of a motor vehicle in each parking stall or at each entrance to the parking facility. *Note: signage must disclose the tower's rates and fees, not solely the contact information of the tower. *</p> <p>(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).</p> <p>(3) The tower tows the motor vehicle under a prenegotiated payment agreement between the tower and a motor vehicle road service company or an insurance company.</p> <p>(4) The tower is hired or otherwise engaged by a business entity at the request of the owner or operator of the motor vehicle to tow the motor vehicle. [2007 c.538 §7]</p> <p>ORS 98.853 ORS 98.854 ORS 98.856 ORS 98.857 ORS 98.858 ORS 98.859</p>
Reason for rule, potential policy change:	<ul style="list-style-type: none"> • Compliance enforcement of existing requirements across the industry. • Increase public protection, transparency, and informed consent. • Address issues of fraud and possible charges for services not rendered. • No change to current legal requirements.
Fiscal Impact:	\$0
Stakeholders:	Towing industry, vehicle owners and operators, parking facility owners, consumers, tenants, and guests, state agencies and law enforcement, insurance companies, DMV.
NEW OAR 750-040-0015 Administration and implementation of ORS 822.200	
Proposed rule language:	<p>OAR 750-040-0015 - Implementation and Administration of ORS 822.200</p> <p>(1) A tower may not lease, rent, loan, or sell a tow business certificate or TW plates.</p> <p>(2) The name of the company operating the tow vehicle is restricted to the name of the business or entity listed on the tow business certificate.</p> <p>(3) Knowingly or recklessly submitting a tow business certificate application with false, misleading, or inaccurate information is a violation of ORS 822.605 including, but not limited to:</p> <p>(a) Disclosing the name of the tower on the application with the intent of leasing, loaning, selling, or otherwise allowing the use of the tow vehicle for compensation by an entity or person not named on the tow business certificate.</p>

This document provides information to facilitate discussions and solicit feedback and comments prior to adoption of proposed administrative rules.

This document does not change existing laws or requirements.

Administrative rules will be adopted only after public hearings are held and at the end of the public comment period.

	<p>(b) Disclosing an invalid, outdated, or erroneous information, including contact information and mailing address or the weight of the vehicle.</p> <p>(4) As the tow business certificate is the instrument demonstrating legal operation of a tow vehicle, the tow business certificate is to be provided upon request to verify legal operation of a towing business when:</p> <p>(a) The tow business certificate is requested by a vehicle owner or operator prior to hook up.</p> <p>(b) The tow business certificate is requested at the tow yard, storage facility, or other physical location by the vehicle owner or person in lawful possession.</p> <p>(c) Upon request when the tow vehicle is conducting towing business.</p>
<i>Existing Statutes/Reference:</i>	<p>ORS 822.605 False swearing relating to regulation of vehicle related businesses</p> <p>(1) A person commits the offense of false swearing relating to regulation of vehicle related businesses if the person knowingly makes any false affidavit or knowingly swears or affirms falsely to any matter or thing relating to the regulation of vehicle dealers, vehicle dismantlers, towing businesses, vehicle transporters, snowmobile dealers, Class I all-terrain vehicle dealers, commercial driver training schools or driver training instructors under the vehicle code.</p> <p>(2) The offense described in this section, false swearing relating to regulation of vehicle related businesses, is a Class C felony. [1983 c.338 §836; 1987 c.217 §12; 2005 c.654 §39]</p> <p>See attached for text of ORS 822.200 - 822.210</p>
<i>Reason for rule, potential policy change:</i>	<ul style="list-style-type: none"> • Consistent compliance enforcement of ORS 822.200 between DMV and Board OARs. • Consumer protection through transparency and verification of working with legal tow operations. • No change to current legal requirements. • Transparency to the towing industry of legal tow vehicle registration requirements, and consequences for non-compliance.
<i>Fiscal Impact:</i>	\$0
<i>Stakeholders:</i>	Towing industry, vehicle owners and operators, law enforcement, towing industry partners, service providers
AMEND OAR 750-060-0001 Consumer Protection and Complaints	
<i>Proposed rule language:</i>	<p>OAR 750-060-0001 (3) Every tow in Oregon is authorized</p> <p>(a) With the informed consent of the vehicle owner, operator, or the person who has legal control and custody of the vehicle. OR</p> <p>(b) under the legal authorization of law enforcement, other agency, or property owner with the legal authority to have the vehicle impounded. OR</p> <p>(c) Under the direction of the vehicle owner's service representative.</p> <p>(4) Towers cannot independently identify vehicles to be towed for the purpose of creating their own towing business or solicit business when prohibited by law.</p>

This document provides information to facilitate discussions and solicit feedback and comments prior to adoption of proposed administrative rules.

This document does not change existing laws or requirements.

Administrative rules will be adopted only after public hearings are held and at the end of the public comment period.

	(5) If the impound/tow is dispatched under the legal authorization of law enforcement, government agency, or another authorized entity the tower will provide a written statement of fees to the owner or operator of the vehicle in compliance with ORS 98.856 and the reasonable consent of the owner must be obtained when: (a) The authority releases the vehicle to the owner prior to impound. (b) The required work to tow or recover a vehicle is different from the anticipated dispatched service, including: (A) Location of the vehicle (B) Condition of the vehicle (C) Complexity of the necessary work (D) When the dispatching service provider determines the scope of work required for the vehicle exceeds the contracted assistance of the provider.
<i>Existing Statutes/Reference:</i>	ORS 90.485, 98.820, 98.830, ORS Chapter 819, other Oregon laws. ORS Chapter 819
<i>Reason for rule, potential policy change:</i>	<ul style="list-style-type: none"> • Provide universal consistency of tow and impound authorizations independent of the reason for the tow. • Protection of the public by ensuring lawful authorization and informed consent prior to towing of vehicles. • Align compliance enforcement with Oregon laws. • No change to current legal requirements.
<i>Fiscal Impact:</i>	<ul style="list-style-type: none"> • \$0
<i>Stakeholders:</i>	<ul style="list-style-type: none"> • Towing industry, vehicle owners and operators, law enforcement, towing industry partners, service providers
AMEND OAR 750-070-0020 Investigations of Violations or Complaints.	
<i>Proposed rule language:</i>	OAR 750-070-0020 (4) If a person or entity fails to comply with a subpoena issued by the Board or refuses to testify on matters on which the person lawfully may be interrogated, the procedure set out in ORS 183.440 will be followed.
<i>Reason for rule, potential policy change:</i>	<ul style="list-style-type: none"> • Remove redundant statute language from rule. • Simplify compliance process for efficiencies and reduce cost to the board, industry, and respondents.
<i>Fiscal Impact:</i>	\$0
<i>Stakeholders:</i>	Towing industry, vehicle owners and operators, complainants and respondents.
AMEND OAR 750-070-0030 Cooperation in Board Investigations.	
<i>Proposed rule language:</i>	OAR 750-070-0030 (5) Failure of a respondent, tower operator, tow business, or their representative or employee to provide information or documentation requested by the Board: (a) Will not delay or otherwise impede the Board's investigation or any related disciplinary proceedings. (b) May be deemed as a waiver of objection or waiver to engage in an investigation, and may be treated as a no contest response for purposes of the Board's investigation and disciplinary proceedings.
<i>As referenced in current tow laws:</i>	ORS 822.265

This document provides information to facilitate discussions and solicit feedback and comments prior to adoption of proposed administrative rules.

This document does not change existing laws or requirements.

Administrative rules will be adopted only after public hearings are held and at the end of the public comment period.

	ORS 822.275 ORS 822.280 ORS 822.285 ORS 822.290 ORS 822.995
<i>Reason for rule, potential policy change:</i>	<ul style="list-style-type: none">• Simplify compliance process for efficiencies and reduce cost of investigations for the board, industry, and respondents.• Removes an obstacle for proceeding with timely investigations and collection of information.
<i>Fiscal Impact:</i>	\$0
<i>Stakeholders:</i>	Towing industry, respondents, complainants and vehicle owners and operators.

Oregon State Board of Towing
INITIAL DRAFT language for drafting of proposed rules
Reference Materials

Contents

Oregon State Board of Towing	1
INITIAL DRAFT language for drafting of proposed rules	1
Reference Materials.....	1
ORS 98.853 Conditions allowing towing	2
ORS 98.854 Prohibitions placed on tower	2
ORS 98.856 Tower responsibility of disclosure to owner or operator of vehicle	3
ORS 98.857 Recovery of stolen vehicle	4
ORS 98.858 Right of owner or person in lawful possession of vehicle to redeem or inspect vehicle	4
ORS 98.859 Maximum rates for towing	4
ORS 98.860 Conditions for release of vehicle to insurance company	5
ORS 98.861 Licenses for towing.....	5
ORS 98.862 Exceptions to requirements of ORS 98.856	5
ORS 98.862 Exceptions to requirements of ORS 98.856	5
ORS 822.200 Operating illegal towing business.....	6
ORS 822.205 Certificate	6
ORS 822.210 Privileges granted by certificate	7
ORS 822.235 Recovery after theft.....	7
Notice of Lien, Lien and Appraiser Statutes.....	7
ORS 98.812 Towing of unlawfully parked vehicle	7
ORS 98.818 Preference of lien	8
ORS 98.820 Towing vehicle from fuel dispensary premises.....	8
ORS 98.830 Towing abandoned vehicle from private property.....	8
ORS 819.160 Lien for towing	8
ORS 819.480 Vehicle appraiser certificate	9
ORS 819.160 Lien for Towing.....	9
ORS 819.215 Disposal of vehicle appraised at \$500 \$1000 or less	10
ORS 819.280 Disposal of vehicle at request of person in lawful possession.....	10

ORS 98.853 Conditions allowing towing

Subparagraph (1) – Removed effective 01/01/2026, implementation of SB1036

Effective until 01/01/2026:

(1) A tower may tow a motor vehicle if the motor vehicle:

- (a) Blocks or prevents access by emergency vehicles;
- (b) Blocks or prevents entry to the premises;
- (c) Blocks a parked motor vehicle; or
- (d) Parks without permission in a parking facility used for residents of an apartment and:
 - (A) There are more residential units than there are parking spaces; and
 - (B) The landlord has issued parking tags or other devices that identify vehicles that are authorized to be parked on the premises; and
 - (C) There are signs posted that are clearly readable by an operator of a motor vehicle in each parking stall or at each entrance to the parking facility prohibiting or restricting public parking on the parking facility.

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

(3) Intentionally left blank —Ed.

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

ORS 98.854 Prohibitions placed on tower

A tower may not:

- (1)
 - (a) Tow a motor vehicle from a parking facility unless there is a sign displayed in plain view at the parking facility that, using clear and conspicuous language, prohibits or restricts public parking at the parking facility.
 - (b) Notwithstanding paragraph (a) of this subsection, a tower may tow a motor vehicle from a parking facility with the prior consent of the owner or operator of the motor vehicle.

Effective until 01/01/2026:

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

Effective 01/01/2026:

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

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

- (4) Tow a motor vehicle from a parking facility if the owner of the parking facility or the owner's agent is an employee of a tower.
 - (5) Charge more than a price disclosed under ORS 98.856 (Tower responsibility of disclosure to owner or operator of vehicle) when towing a motor vehicle without the prior consent or authorization of the owner or operator of the motor vehicle.
 - (6) Charge more than an amount set under ORS 98.859 (Maximum rates for towing) when towing a motor vehicle without the prior consent or authorization of the owner or operator of the motor vehicle.
 - (7) Solicit towing business at, or within 1,000 feet of, the site of a motor vehicle accident, unless the tower tows the motor vehicle pursuant to a prenegotiated payment agreement between the tower and a motor vehicle road service company.
 - (8) Park a tow vehicle within 1,000 feet of a parking facility for the purpose of monitoring the parking facility for towing business.
 - (9) Provide consideration to obtain the privilege of towing motor vehicles from a parking facility. For the purposes of this paragraph, the provision of:
 - (a) Signs by a tower under ORS 98.862 (Exceptions to requirements of ORS 98.856) does not constitute consideration.
 - (b) Goods or services by a tower below fair market value constitutes consideration.
 - (10) Require, as a condition of towing a motor vehicle or releasing a motor vehicle or personal property in the motor vehicle, that the owner or operator of the motor vehicle agree not to dispute:
 - (a) The reason for the tow;
 - (b) The validity or amount of charges; or
 - (c) The responsibility of the tower for the condition of the motor vehicle or personal property in the motor vehicle.
 - (11) Hold a towed motor vehicle for more than 24 hours without:
 - (a) Taking an inventory of all personal property in the motor vehicle that is visible from the exterior of the motor vehicle; and
 - (b) Holding the personal property in the motor vehicle in a secure manner.
 - (12) Accept cash as a method of payment for towing services unless the tower provides exact change not later than the end of the business day following receipt of payment.
 - (13) Operate in a city or county without a license issued by the city or county if required by ORS 98.861 (Licenses for towing).
 - (14) Charge for the hookup and release of a motor vehicle except as provided in ORS 98.853 (Conditions allowing towing).
- [2007 c.538 §3; 2009 c.622 §2; 2013 c.135 §1; 2013 c.691 §1; 2017 c.480 §7]

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;
 - (b) The location where the tower will:
 - (A) Store the motor vehicle and personal property in the motor vehicle; or
 - (B) Tow the motor vehicle, if the tower is towing the motor vehicle to a location other than a location under the control of the tower;
 - (c) The telephone number and any other means of contacting the tower, and the hours of availability at that telephone number and at the other means of contacting the tower;
 - (d) The methods of payment that the tower accepts; and
 - (e) That, if the owner or operator of the motor vehicle pays for the tow with cash, the tower will provide, in person or by mail, exact change not later than the end of the business day following receipt of payment.
- (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.
- (4) If the owner or operator of the motor vehicle is not present at the time of the tow:
 - (a) Within five business days from the date of the tow, the tower shall request the name and address of the owner of the motor vehicle from the records of the state motor vehicle agency for the state in which the motor vehicle is registered.
 - (b) The tower shall provide the information required under this section to the owner of the motor vehicle by mail by the end of the first business day following receipt of the information contained in the records of the state motor vehicle agency.

(c) If the owner of the motor vehicle or a person in lawful possession of the motor vehicle redeems the motor vehicle or contacts the tower prior to five business days after the tow, the tower is not required to contact the state motor vehicle agency.

(5) If the owner or operator of the motor vehicle is not present at the time of the tow but the owner or operator of the motor vehicle requested the tow and arranged to pay the tower directly, the tower may obtain the name and address of the owner of the motor vehicle from the owner or operator of the motor vehicle and may provide the information required under this section:

(a) Within five business days after the tow; or

(b) With a copy of the invoice for the tow or upon receipt of payment, whichever first occurs. [2007 c.538 §4; 2009 c.622 §3; 2017 c.480 §10]

ORS 98.857 Recovery of stolen vehicle

(1) After a motor vehicle reported as stolen is recovered by a law enforcement agency, the agency shall share the owner's contact information, including home address and telephone number, from either the Law Enforcement Data System or the stolen vehicle police report, with any tower that assumes control of the vehicle. The contact information may be used only for the purposes described in subsection (2) of this section.

(2) As soon as is practicable after recovering the motor vehicle, the tower shall attempt to provide notice to the owner of the stolen motor vehicle:

(a) That the motor vehicle has been recovered; and

(b) Of the current location of the vehicle.

(3) Fees charged by the tower for storage of a stolen motor vehicle may not begin to accrue until the date that the tower first attempts to notify the owner of the stolen motor vehicle under subsection (2) of this section. [2017 c.523 §3]

ORS 98.858 Right of owner or person in lawful possession of vehicle to redeem or inspect vehicle

(1) A tower in physical possession of a motor vehicle shall permit the owner or person in lawful possession of a motor vehicle the tower has towed to:

(a) Redeem or inspect the motor vehicle:

(A) Between 8 a.m. and 6 p.m. on business days;

(B) At all other hours, within 60 minutes after asking the tower to release or allow for the inspection of the motor vehicle; and

(C) Within 30 minutes of a time mutually agreed upon between the tower and the owner or person in lawful possession of the motor vehicle;

(b) Contact the tower at any time to receive information about the location of the motor vehicle and instructions for obtaining release of the motor vehicle; and

(c) Obtain all personal property of an emergency nature in the motor vehicle and the motor vehicle's registration plates within the time allowed under paragraph (a) of this subsection.

(2) A tower may not charge the owner or person in lawful possession of the motor vehicle a fee in any amount to obtain personal property of an emergency nature or registration plates except for a gate fee between the hours of 6 p.m. and 8 a.m. on business days, or on a Saturday, a Sunday or a legal holiday. [2007 c.538 §5; 2017 c.480 §11; 2017 c.523 §8; 2019 c.13 §25; 2019 c.17 §1]

ORS 98.859 Maximum rates for towing

(1) Each city or county may establish the maximum rates that a tower may charge for towing a motor vehicle, and for all related services for towing a motor vehicle, in response to a request for towing of a vehicle parked within the city or county that is made by a person other than the owner or operator of the motor vehicle. The rates for related services include charges for hookup, storage, gas mileage, pictures, unlocking the motor vehicle and any other services reasonably related to towing as determined by the city or county. Rates established by a city or county under this subsection apply in all portions of the city or county.

(2) When establishing the maximum rates under this section, the city or county shall take into consideration the size of the motor vehicle towed and the distance traveled by the tower from the location of the motor vehicle to a storage facility.

(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.

(4) If a city establishes the maximum rates under this section, the county rates do not apply to towing a vehicle that is parked within the boundaries of that city and the tower is required to comply with only the city's established maximum rates. [2013 c.691 §3]

ORS 98.860 Conditions for release of vehicle to insurance company

(1) For purposes of this section, an insurance company undertaking to adjust a claim involving a towed motor vehicle is a person in lawful possession and entitled to release of the motor vehicle if:

(a) The insurance company has obtained permission from the owner or another person in lawful possession of the motor vehicle to secure release of the motor vehicle; and

(b) The insurance company transmits to the tower by facsimile or electronic mail a document that reasonably identifies the insurance company as a person in lawful possession and directs the tower to release the motor vehicle to a person designated by the insurance company.

(2) A tower who, in good faith, releases a motor vehicle under subsection (1) of this section is not liable for damages for releasing the motor vehicle to a person designated by the insurance company or for damages that arise after release of the motor vehicle.

(3) This section does not prohibit a tower from releasing a motor vehicle to an insurance company in a manner other than that provided for in subsection (1) of this section. [2007 c.538 §6]

ORS 98.861 Licenses for towing

(1) Subject to subsection (5) of this section:

(a) A tower may not tow vehicles parked within the boundaries of a city without a license issued by the city, if the city has established the maximum rates that a tower may charge under ORS 98.859 (Maximum rates for towing).

(b) A tower may not tow vehicles parked within the boundaries of a county without a license issued by the county, if the county has established the maximum rates that a tower may charge under ORS 98.859 (Maximum rates for towing). The tower is not required to obtain a license from a county when the tower tows a vehicle that is parked within the boundaries of a city located within the county and the tower is licensed by that city.

(2) Application for a license under this section must be made in writing in the form prescribed by the city or county, and must contain the name and address of the applicant and any other information that the city or county may require.

(3) The fee for issuing a license under this section shall be established by the city or county, but may not exceed the cost of administering the licensing program and administering ORS 98.859 (Maximum rates for towing).

(4) A license issued under this section expires annually on December 31 or on a date that may be specified by the city or county by ordinance.

(5) The requirement to get a license under this section applies only to towers that tow a motor vehicle without the prior consent or authorization of the owner or operator of the motor vehicle.

(6) A city or county may suspend or revoke a license issued under this section for violation of ORS 98.853 (Conditions allowing towing), 98.854 (Prohibitions placed on tower), 98.856 (Tower responsibility of disclosure to owner or operator of vehicle) or 98.859 (Maximum rates for towing). [2013 c.691 §4; 2017 c.480 §12]

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:

(1) The motor vehicle is towed from a parking facility where the tower has provided the information on signs that are clearly readable by an operator of a motor vehicle in each parking stall or at each entrance to the parking facility.

(4) The tower is hired or otherwise engaged by a business entity at the request of the owner or operator of the motor vehicle to tow the motor vehicle. [2007 c.538 §7]

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:

(1) The motor vehicle is towed from a parking facility where the tower has provided the information on signs that are clearly readable by an operator of a motor vehicle in each parking stall or at each entrance to the parking facility.

(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).

- (3) The tower tows the motor vehicle under a prenegotiated payment agreement between the tower and a motor vehicle road service company or an insurance company.
- (4) The tower is hired or otherwise engaged by a business entity at the request of the owner or operator of the motor vehicle to tow the motor vehicle. [2007 c.538 §7]

ORS 822.200 Operating illegal towing business

- (1) A person commits the offense of operating an illegal towing business if the person does not hold a certificate issued under ORS 822.205 (Certificate) and the person does any of the following:
- (a) Engages in the towing or recovering of vehicles by any means for any direct or indirect compensation when the vehicle being towed or recovered is owned by a person other than the person performing the towing or recovery activity.
 - (b) Engages in towing or recovering by any means, as part of any business operation of the person, vehicles that are wrecked, damaged, disabled or abandoned or replacement vehicles.
 - (c) Purports in any way to be engaged in the business of performing activities described in this subsection.
- (2) This section does not apply to any of the following:
- (a) Persons operating under and within the scope of a vehicle transporter certificate issued under ORS 822.310 (Privileges granted by certificate).
 - (b) A person who provides assistance to another motorist, whether or not compensation is received, if the assistance is not provided as part of the business operation of the person providing the assistance.
 - (c) A person engaging in any activity relating to a vehicle in which that person holds a security interest.
 - (d) An employee of a person issued a towing business certificate under ORS 822.205 (Certificate) while that employee is performing official duties as an employee.
 - (e) A person who holds a valid dismantler certificate under ORS 822.110 (Dismantler certificate) who tows a vehicle described under ORS 819.280 (Disposal of vehicle at request of person in lawful possession).
- (3) The offense described in this section, operating an illegal towing business, is a Class A misdemeanor. [1983 c.338 §811; 1985 c.16 §410; 2005 c.738 §§6,6a]ORS 822.210 Privileges granted by certificate

ORS 822.205 Certificate

The Department of Transportation shall issue a towing business certificate to any person if the person meets all of the following requirements to the satisfaction of the department:

- (1) The person must complete an application in a form and in the manner established by the department by rule.
- (2) The person must maintain insurance in amounts and providing coverage of the type required for motor carriers under ORS chapter 825 and deliver a certificate of insurance to the department.
- (3) The certificate of insurance required under subsection (2) of this section must:
 - (a) Be issued by an insurance company licensed to do business in this state;
 - (b) Show that the person is insured by a policy that provides the minimum amount and limits of coverage required under ORS chapter 825;
 - (c) Contain the policy number; and
 - (d) Require the insurance company to give the department written notice of cancellation of the policy and to continue to be liable under the policy until the department receives the written notice or until the cancellation date specified in the written notice, whichever is later.
- (4) The person must maintain insurance providing \$50,000 coverage for cargo transported by the person and deliver a certificate of insurance to the department. An applicant is not required to comply with this subsection if the applicant tows or recovers only vehicles that are owned by the applicant.
- (5) The person must maintain vehicles used by the person for the purposes of towing or recovering services so that they meet minimum safety standards established by the department by rule. The department may accept the certification of the person as evidence of compliance with this subsection or may require other evidence, as the department determines appropriate.
- (6) The certificate of insurance required under subsection (4) of this section must:
 - (a) Be issued by an insurance company licensed to do business in this state;
 - (b) Show that the person is insured by a policy that provides the minimum amount and limits of coverage required under ORS chapter 825;
 - (c) Contain the policy number; and

(d) Require the insurance company to give the department written notice of cancellation of the policy and to continue to be liable under the policy until the department receives the written notice or until the cancellation date specified in the written notice, whichever is later.

(7) The person must pay the fee required under ORS 822.700 (Certification fees) for issuance of a towing business certificate. [1983 c.338 §813; 1985 c.16 §412; 1985 c.400 §7; 1993 c.751 §86; 2007 c.538 §16]

ORS 822.210 Privileges granted by certificate

(1) The holder of a current, valid towing business certificate issued under ORS 822.205 (Certificate) may exercise the following privileges under the certificate:

(a) The person and any employee of the person who is performing official duties are not subject to the prohibitions and penalties under ORS 822.200 (Operating illegal towing business).

(b) The person is entitled to receive special indicia of towing business registration. The following apply to indicia described in this paragraph:

(A) The holder of the certificate or a person in the performance of the person's official duties as an employee of the certificate holder may use the indicia:

(i) For towing and recovering vehicles; and

(ii) For towing unregistered vehicles over the highways of this state without first obtaining registration for the vehicles or trip permits required under ORS 803.600 (Trip permits).

(B) The indicia shall be of the design provided under ORS 805.200 (Plates and other devices with special designs) and are subject to payment of fees for issuance as provided under ORS 805.250 (Fees for special plates).

(2) A towing business certificate expires one year from the date of issuance unless renewed. A certificate holder may renew the certificate by payment of the fee for renewal of a towing business certificate under ORS 822.700 (Certification fees). A person whose certificate expires must qualify for a certificate in the same manner as a person who has not previously held a certificate.

(3) The holder of a towing business certificate is subject to regulation by political subdivisions as provided in ORS 801.040 (Authority to adopt special provisions) and 822.230 (City or county regulation of towing businesses), and to regulation under ORS chapter 825. [1983 c.338 §812; 1985 c.16 §411; 1987 c.765 §4; 1993 c.741 §144; 1995 c.733 §78]

**

ORS 822.235 Recovery after theft

(1) If a tower recovers a vehicle after a theft, the vehicle is totaled and the vehicle has no applicable insurance coverage, the person who is the owner of the vehicle may transfer the person's interest in the vehicle to the tower in payment or partial payment of the tower's fees for recovery and storage of the vehicle.

(2) A tower that accepts a transfer of interest in a vehicle from a person under this section may not assess fees against the person for storage of the totaled vehicle that occurs on and after the date of the transfer of interest.

(3) Notwithstanding the provisions for liens under ORS 98.812 (Towing of unlawfully parked vehicle) and 98.830 (Towing abandoned vehicle from private property), if a person transfers their interest in a vehicle under this section to a tower within 14 days of the date the person receives notice under ORS 98.857 (Recovery of stolen vehicle), the tower may not bring an action against the person for, or otherwise take any affirmative steps to collect or permit an agency or assignee to collect, any amount as compensation for towing, caring for or storing the totaled vehicle.

(4) A tower that receives title under this section is responsible for any fees imposed by the Department of Transportation for transferring title. [2017 c.523 §5; 2019 c.13 §70]

**

Notice of Lien, Lien and Appraiser Statutes

ORS 98.812 Towing of unlawfully parked vehicle

(1) If a vehicle has been left or parked in violation of ORS 98.810 (Unauthorized parking of vehicle on proscribed property prohibited), the owner of the parking facility or the owner of the proscribed property may have a tower tow the vehicle from the parking facility or the proscribed property and place the vehicle in storage at a secure location under the control of the tower.

(2) A tower is entitled to a lien on a towed vehicle and its contents for the tower's just and reasonable charges and may retain possession of the towed vehicle and its contents until the just and reasonable charges for the towage, care and

storage, subject to subsection (3) of this section, of the towed vehicle have been paid if the tower notifies the local law enforcement agency of the location of the towed vehicle within one hour after the towed vehicle is placed in storage.

(3) A tower may not assess any storage charge against the towed vehicle under subsection (2) of this section that is incurred after:

(a) If the towed vehicle is registered in Oregon, three business days after the vehicle is placed in storage unless, within that time, the tower delivers notice by mail or gives actual notice to the owner of the towed vehicle and to each person with an interest in the vehicle as indicated by the certificate of title.

(b) If the towed vehicle is not registered in Oregon:

(A) Three business days after the vehicle is placed in storage unless, within that time, the tower notifies and requests the title information from the records of the motor vehicle agency for the state in which the towed vehicle is registered.

(B) Three business days from the date of receipt of the records requested under subparagraph (A) of this paragraph unless, within that time, the tower delivers notice by mail or gives actual notice to the owner of the towed vehicle and to each person with an interest in the vehicle as indicated by the requested records.

(4) The lien created by subsection (2) of this section may be foreclosed only in the manner provided by ORS 87.172 (Time period before foreclosure allowed) (3) and 87.176 (Fees for storage of chattel) to 87.206 (Disposition of proceeds of foreclosure sale) for foreclosure of liens arising or claimed under ORS 87.152 (Possessory lien for labor or material expended on chattel). [1953 c.575 §2; 1977 c.634 §1; 1979 c.100 §4; 1981 c.861 §25; 1983 c.436 §4; 1993 c.385 §2; 2001 c.424 §1; 2007 c.538 §11; 2009 c.622 §1; 2017 c.480 §2; 2019 c.547 §1]

ORS 98.818 Preference of lien

The lien created by ORS 98.812 (Towing of unlawfully parked vehicle) shall have preference over any and all other liens or encumbrances upon the vehicle. [1953 c.575 §3; 2007 c.538 §11a]

ORS 98.820 Towing vehicle from fuel dispensary premises

(4) A towing company is entitled to a lien on a vehicle towed under this section and its contents for the just and reasonable charges of the towing company. The towing company may retain possession of the towed vehicle and its contents until the just and reasonable charges for the towing, care and storage of the towed vehicle have been paid if the towing company provides timely notice in the manner described under ORS 98.812 (Towing of unlawfully parked vehicle) (2) to local law enforcement, the owner of the vehicle and any person shown on a certificate of title to have an interest in the vehicle.

(5) The lien created by subsection (4) of this section may be foreclosed only in the manner provided by ORS 87.172 (Time period before foreclosure allowed) (3) and 87.176 (Fees for storage of chattel) to 87.206 (Disposition of proceeds of foreclosure sale) for foreclosure of liens arising or claimed under ORS 87.152 (Possessory lien for labor or material expended on chattel).

ORS 98.830 Towing abandoned vehicle from private property

(3) A vehicle towed under this section is subject to liens, possession and foreclosure by a tower under ORS 98.812 (Towing of unlawfully parked vehicle) (2) to (4). [1995 c.758 §1; 2007 c.538 §12; 2017 c.480 §4; 2019 c.547 §2]

ORS 819.160 Lien for towing

(1) Except as otherwise provided by this section, a person shall have a lien on the vehicle and its contents if the person, at the request of an authority described under ORS 819.140 (Agencies having authority to take vehicle into custody), tows any of the following vehicles:

(a) An abandoned vehicle appraised at a value of more than \$500 by a person who holds a certificate issued under ORS 819.480 (Vehicle appraiser certificate).

(b) A vehicle taken into custody under ORS 819.110 (Custody, towing and sale or disposal of abandoned vehicle) or 819.120 (Immediate custody and towing of vehicle constituting hazard or obstruction), unless it is an abandoned vehicle appraised at a value of \$500 or less by a person who holds a certificate issued under ORS 819.480 (Vehicle appraiser certificate).

(c) A vehicle left parked or standing in violation of ORS 811.555 (Illegal stopping, standing or parking) or 811.570 (Improperly positioning parallel parked vehicle).

(2) A lien established under this section shall be on the vehicle and its contents for the just and reasonable charges for the towing service performed and any storage provided. However, the storage charge is limited subject to ORS 98.812 (Towing of unlawfully parked vehicle) (3). A lien described under this section does not attach:

- (a) To the contents of any vehicle taken from public property until 15 days after taking the vehicle into custody.
- (b) To the contents of any vehicle that is taken into custody for violation of ORS 811.555 (Illegal stopping, standing or parking) or 811.570 (Improperly positioning parallel parked vehicle).
- (3) A person that tows any vehicle at the request of an authority under ORS 819.110 (Custody, towing and sale or disposal of abandoned vehicle) or 819.120 (Immediate custody and towing of vehicle constituting hazard or obstruction) shall transmit by first class mail with a certificate of mailing, no later than the third business day after the vehicle and its contents are placed in storage, written notice, approved by the authority, containing information on the procedures necessary to obtain a hearing under ORS 819.190 (Hearing to contest validity of custody and towing). The notice shall be provided to the owner, a person entitled to possession or any person with an interest recorded on the title to the vehicle. This subsection does not apply to a person that tows an abandoned vehicle that is appraised at a value of \$500 or less by a person who holds a certificate issued under ORS 819.480 (Vehicle appraiser certificate). [1983 c.338 §422; 1985 c.16 §223; 1993 c.326 §5; 1993 c.385 §6; 1995 c.79 §379; 1995 c.758 §12; 2007 c.538 §15; 2009 c.11 §99; 2009 c.371 §10; 2019 c.547 §4]

ORS 819.480 Vehicle appraiser certificate

- (1) A person who is issued a vehicle appraiser certificate by the Department of Transportation under this section is qualified to appraise any vehicle, including vehicles for sale under ORS 819.210 (Sale or disposal of vehicle not reclaimed) and 819.215 (Disposal of vehicle appraised at \$500 or less).
- (2) The department shall establish rules to provide for issuance of vehicle appraiser certificates under this section. Rules adopted by the department under this section shall provide for all of the following:
 - (a) A method of ascertaining the qualifications and competence of individuals to conduct vehicle appraisals in accordance with the rules of the department and generally accepted methods of appraisal.
 - (b) A system for issuance of vehicle appraiser certificates to persons who qualify under the rules of the department.
 - (c) Procedures and grounds for revocation or suspension of vehicle appraiser certificates issued under this section if the department determines the person holding the certificate has violated the rules adopted by the department.
 - (d) A procedure for renewal of vehicle appraiser certificates issued under this section.
- (3) The department may establish rules to adopt educational requirements for issuance or renewal of vehicle appraiser certificates.
- (4) Vehicle appraiser certificates issued under this section are subject to the following:
 - (a) A certificate shall expire three years from the date of issuance unless renewed according to the rules of the department.
 - (b) The department shall not issue a vehicle appraiser certificate to a person until the person has paid the fee for issuance of a vehicle appraiser certificate under ORS 822.700 (Certification fees).
 - (c) The department shall not renew a vehicle appraiser certificate issued under this section until the holder has paid the fee for renewal of a vehicle appraiser certificate under ORS 822.700 (Certification fees). [Formerly 819.230; 2009 c.371 §17]

LAW CHANGES EFFECTIVE January 1, 2026: SB0840

ORS 819.160 is amended to read:

ORS 819.160 Lien for Towing

- (1) Except as otherwise provided by this section, a person shall have a lien on the vehicle and its contents if the person, at the request of an authority described under ORS 819.140, tows any of the following vehicles:
 - (a) An abandoned vehicle appraised at a value of more than ~~[\$500]~~ \$1,000 by a person who holds a certificate issued under ORS 819.480.
 - (b) A vehicle taken into custody under ORS 819.110 or 819.120, unless it is an abandoned vehicle appraised at a value of ~~[\$500]~~ \$1,000 or less by a person who holds a certificate issued under ORS 819.480.
 - (c) A vehicle left parked or standing in violation of ORS 811.555 or 811.570.
- (2) A lien established under this section shall be on the vehicle and its contents for the just and reasonable charges for the towing service performed and any storage provided. However, the storage charge is limited subject to ORS 98.812
- (3) A lien described under this section does not attach:
 - (a) To the contents of any vehicle taken from public property until 15 days after taking the vehicle into custody.
 - (b) To the contents of any vehicle that is taken into custody for violation of ORS 811.555 or 811.570.
 - (3) A person that tows any vehicle at the request of an authority under ORS 819.110 or 819.120 shall transmit by first class mail with a certificate of mailing, no later than the third business day after the vehicle and its contents are placed in storage, written notice, approved by the authority, containing information on the procedures necessary to obtain a hearing under ORS 819.190. The notice shall be provided to the owner, a person entitled to possession or any person with an interest

recorded on the title to the vehicle. This subsection does not apply to a person that tows an abandoned vehicle that is appraised at a value of ~~[\$500]~~ \$1,000 or less by a person who holds a certificate issued under ORS 819.480.

ORS 819.215 is amended to read:

ORS 819.215 Disposal of vehicle appraised at ~~\$500~~ \$1000 or less

(1) If an abandoned vehicle is appraised at a value of ~~[\$500]~~ \$1,000 or less by a person who holds a certificate issued under ORS 819.480, the person that towed the vehicle shall:

- (a) Notify the registered owner and secured parties as provided in subsection (3) of this section;
 - (b) Photograph the vehicle;
 - (c) Notify the Department of Transportation that the vehicle will be disposed of; and (d) Unless the vehicle is claimed by a person entitled to possession of it within 15 days of the date of notice under subsection (3) of this section, dispose of the vehicle and its contents to a person who holds a valid dismantler certificate issued under ORS 822.110.
- (2) The authority that requests towing of an abandoned vehicle shall provide to the person that tows the vehicle, at the time of the tow or as soon as possible thereafter, a written statement that contains the name and address of the registered owner of the vehicle, as shown by records of the department, and the names and addresses of any persons claiming interests in the vehicle, as shown by records of the department.
- (3) Within 48 hours after the written statement is provided under subsection (2) of this section to a person that tows a vehicle, the person must give written notice to the persons whose names are furnished in the statement. The 48-hour period does not include Saturdays, Sundays or holidays. The notice shall state that a person that is entitled to possession of the vehicle has 15 days from the date the notice was mailed to claim the vehicle and that if the vehicle is not claimed, it will be disposed of as provided in this section.
- (4) If the authority that requests towing of an abandoned vehicle does not provide to the person that tows the vehicle the written statement within 48 hours after the vehicle is towed, the person may dispose of the vehicle as provided in ORS 819.210.
- (5) Disposal of a vehicle to a dismantler as provided in this section extinguishes all prior ownership and possessory rights.
- (6) The department shall adopt rules specifying the form in which notification to the department required by subsection (1) of this section shall be submitted and what information shall be conveyed to the department. The person that tows the vehicle may submit to the dismantler a copy of any notification submitted to the department under this section instead of submitting to the dismantler ownership or other title documents for the vehicle.

ORS 819.280 is amended to read:

ORS 819.280 Disposal of vehicle at request of person in lawful possession

- (1) A person may make a request to an authority described in ORS 819.140 (1)(b) or (c) to dispose of a vehicle that is on the private property of the person and that is appraised at a value of ~~[\$500]~~ \$1,000 or less, as determined by a holder of a certificate issued under ORS 819.480, if the person is in lawful possession of the vehicle. For the purposes of this subsection, a person need not have the certificate of title to be in lawful possession of the vehicle.
- (2) If the authority requested to dispose of a vehicle under subsection (1) of this section chooses to dispose of the vehicle, the authority shall do all of the following:
- (a) Photograph the vehicle.
 - (b) Verify that the person is in lawful possession of the vehicle.
 - (c) Provide notification to the person requesting the disposal and the Department of Transportation of all of the following:
 - (A) The name and address of the person requesting the disposal;
 - (B) The vehicle identification number;
 - (C) The appraised value of the vehicle;
 - (D) The appraiser's certificate number and signature; and
 - (E) The name and address of the authority disposing of the vehicle.
 - (d) Dispose of the vehicle and its contents to a person who holds a valid dismantler certificate issued under ORS 822.110.
- (3) The authority disposing of the vehicle may charge the person requesting the disposal a fee to dispose of the vehicle.
- (4) Disposal of a vehicle to a dismantler as provided in this section extinguishes all prior ownership and possessory rights.
- (5) The department shall adopt rules specifying the form in which notification required by subsection (2) of this section shall be submitted and what additional information shall be conveyed to the department.
- (6) In lieu of submitting ownership or other title documents for the vehicle, the authority disposing of the vehicle may submit to the dismantler a copy of the notification provided to the department under subsection (2) of this section.



Oregon State Board of Towing Public Comments and Testimony

This form is an opportunity for the public, partners, and industry members to formally submit public comments or testimony on proposed administrative rules, policies, or legislative concepts.

To submit a public comment or testimony:

- Complete this form, replacing all *[bracketed labels]* with your information
- Send the form as an email attachment to info@towboard.oregon.gov
- To be considered, the completed form must be
 - o Legible
 - o Statements are clear and concise and relevant to the proposed rule, policy, or legislative concept.
 - o Form is complete and contains all required and relevant information
- Attachments supporting and substantiating public comment and testimony are recommended.

Contact Information

Name: Christopher Drew

Organization: TowHelp LLC

Mailing address: 888 Greenwood Street, Junction City, OR 97448

Email: towhelpllc@gmail.com

Your Background (click on one checkbox): No checkbox present. "Clicking" on the below checkboxes does not "check" them. My background is in the towing industry.

Public Testimony or Comment

Select One:

- ☐ ← Proposed administrative rule No.: 750-040-0008 (18)
- ☐ Proposed legislative concept
- ☐ Proposed policy
- ☐ Other: _____

Public Comment or Testimony:

750-040-0008 (18) should say "upon request". Also, shouldn't it include ALL units that an appraisal was done on and not just ones valued under \$1000? As written, the tower must provide a copy of the appraisal to an unknown and unnamed person at an unknown time.

OREGON STATE BOARD OF TOWING

Fall 2025 Newsletter

Mission Statement:

The Oregon State Board of Towing is responsible for protection of the safety and well-being of the public through the regulation of the towing industry by administering and enforcing the laws and rules of the State of Oregon, setting professional standards and expectations of the towing industry, and ensuring fairness and continuity of towing services provided by Oregon's towing industry.



COMING JANUARY 2026 - CHANGES TO ORS 98.853 & 98.854

The 2025 Oregon Legislature passed Senate Bill 1036, clarifying the private property impound law signed authorization requirement.

Effective January 1, 2026:

1. **The exemptions under ORS 98.853 (1)**, allowing a tower to impound a vehicle without a signed authorization under specific circumstances **are removed.**
2. **A signed authorization, identifying the vehicle to be towed,** is to be signed by the property owner or designated agent **at the time of the tow** for private property impounds conducted without the vehicle owner or operator's consent. A tower cannot sign the authorization on behalf of the owner.

PROPOSED ADMINISTRATIVE RULES

1. The Board is hosting public hearings on proposed administrative rules in October and November.
2. The proposed rules do not create new regulations.
3. The focus of the rules clarify the laws regulating signage, signed authorizations, itemized statements, requests for information, and lien notices.
4. The proposed rules, hearing calendar, and other documents are available on the Board's website.

Visit the Board's website for more information
www.oregon.gov/sbot

TOW BUSINESS CERTIFICATE REQUIREMENTS

Reminder!

- Per DMV regulations: **Tow business certificates cannot be loaned, sold, rented or leased to other tow companies.** The tow company operating the tow vehicle must be named on the tow business certificate.
- Operating a tow vehicle without a valid tow business certificate may be a violation of ORS 822.200, subject to a Class A misdemeanor, impounding of the tow vehicle, and disciplinary action by the Board.

BOARD INVESTIGATION PROCESS

Most complaints can be resolved through the signed authorization, photos, and invoiced statement. To expedite investigations, requests for documents and information are:

- Sent by email to the tower.
- No response to email: the request will be sent by mail.
- No response: a Subpoena Duces Tecum may be issued.
- Failure to respond or provide requested documents or information may be considered a no-contest response or waiver to engage in investigation.

Questions? Contact the Board at: compliance@towboard.oregon.gov



UPCOMING DATES:

October 28, 2025 – Annual Board Meeting & Strategic Planning

- Proposed administrative rules discussion and public hearing
- 2026 Strategic Planning

November 18, 2025 – Proposed Rules Hearing

January 1, 2026 – Effective Date

- SB1036 Amendments to ORS 98.854
- Board Administrative Rules

Contact the Board:

Oregon State Board of Towing

info@towboard.oregon.gov

www.oregon.gov/sbot



Stay Informed!

To receive news, announcements, updates, and other information:

Send an email to:

info@towboard.oregon.org

Subject: Tower Subscription

OREGON STATE BOARD OF TOWING

ICO DMV HQ – Program Services

1905 Lana Ave., NE

Salem, Oregon 97314

Recipient Name

Street Address

City, ST ZIP Code



Oregon

Tina Kotek, Governor

Oregon State Board of Towing

1905 Lana Ave, NE

Salem, OR 97314

Email Address: info@towboard.oregon.gov

Web Site: www.oregon.gov/sbot

**NOTICE OF ANNUAL MEETING AND
PROPOSED ADMINISTRATIVE RULES HEARING
OREGON STATE BOARD OF TOWING**

Date & Time:

October 28, 2025

9:00 a.m. – 3:00 p.m.

Meeting Location:

Oregon State Police

Portland, Oregon

Board Members:

Chuck Riley (Chair)

Trent Hanson (Vice Chair)

Bruce Anderson

Kevin Baker

Chris Coughlin

Lt. Jason Lindland

Gary McClellan

Jason Shaner

Chief Cord Wood

[Join the meeting now](#)

Meeting ID: 285 655 478 304 4

Passcode: Mm6mF3TD

Dial in by phone

+1 971-277-1965,,795401233# United States, Portland

Dial directly: (971) 277-1965

Phone conference ID: 795 401 233#

CONTACT:

Torey McCullough, Oregon State Board of Towing

info@towboard.oregon.gov

TIMES AND ORDER:

The Oregon State Board of Towing Annual Meeting, Public Hearing, and Strategic Planning Session will commence at 9:00 a.m. on October 28, 2025 and end at approximately 3:00 p.m.

- MEETING TOPICS:** Refer to the Board Meeting Agenda for topics.
- ACCESSIBILITY:** Any interested person may attend the public meeting. The Board meeting will be accessible to persons with disabilities. *Please Contact Oregon Relay at 1-800-735-2900 for TTY Services.*
- Due to meeting space limitations, in-person attendance is limited to those who RSVP in advance.
- COPIES:** Copies of the board meeting materials will be available on the Board's website (www.oregon.gov/sbot) by close of business on Monday, October 27, 2025.
- EXECUTIVE SESSION:** The Board may enter Executive Session to discuss certain matters on the agenda pursuant to ORS 192.660 during the Board Meeting. The nature of and authority for holding the Executive Session will be announced by the Board Chair prior to entering Executive Session.
- PUBLIC COMMENT:** Members of the public are invited and encouraged to attend all public Board meetings and work sessions.
- The Agenda provides for public comments, and the Chair may open the floor for additional public comments if time allows.
- The Board does not discuss individual complaints or investigations during public comment periods.
- Written statements or correspondence received by the Board **by 1:00 p.m. on October 27, 2025**, will be presented to the Board during the public comment session for review.
- AGENDA ITEMS:** Requests for an item to be considered for placement on the Board Agenda must be submitted, in writing, and received in the board office no later than 3:00 p.m. on Friday, October 17, 2025. *Submission of an Agenda topic does not guarantee inclusion on the meeting agenda.*

Agenda requests, written statements, correspondence, or requests for meeting materials may be submitted by email, mailed, or delivered to the addresses above.



Oregon

Tina Kotek, Governor

State Board of Towing
DMV HQ - 1905 Lana Ave, NE
Salem, OR 97314

Email Address: info@towboard.oregon.gov
Web Site: www.oregon.gov/sbot

OREGON STATE BOARD OF TOWING Annual October 28, 2025 9:00 a.m. – 3:00 p.m.

Location:
Oregon State Police
Portland, Oregon
Advanced RSVP Required for In-Person Attendance

Microsoft Teams [Need help?](#)

[Join the meeting now](#)

Meeting ID: **285 655 478 304 4**

Passcode: **Mm6mF3TD**

Dial in by phone

+1 971-277-1965,,795401233# United States, Portland

Dial directly: (971) 277-1965

Phone conference ID: **795 401 233#**

AGENDA ITEM	PRESENTER	Time Est.
1. Call Meeting to Order	Chair	9:00 a.m.
2. Welcome & Introductions <i>(Board Member, Staff, Partners)</i>	All	
3. Board Administrator – Executive Session	Board	
a. Annual evaluation		
b. Position Description		
c. Goal Planning		
4. DMV – Board Inter-Agency Agreement		
5. Draft Proposed Administrative Rules		
a. Board discussion		
b. Public Hearing, comment and testimony <i>Comments related to proposed administrative rules, only</i>		10:00 a.m.
BREAK		
Strategic Planning Session		
6. Legislative Concepts Review and Discussion		
a. ORS Chapters		
a. List of additional towing ORS to consider		

Mission Statement: The Oregon State Board of Towing is responsible for protection of the safety and well-being of the public through the regulation of the towing industry by administering and enforcing the laws and rules of the State of Oregon, setting professional standards and expectations of the towing industry, and ensuring fairness and continuity of towing services provided by Oregon's towing industry.

b.	HB3186		
	a. Other amendments to ORS 822.250		
c.	Tow Business License		
d.	Regulation of Repo Business		
e.	Pre-tow Notification to Law Enforcement		
f.	Receipt at time of payment		
g.	Itemized Invoice/Statement of Fees at time of payment		
h.	Roadside Assistance		
i.	Review of additional ORSs		
LUNCH			
7.	2025 Annual Report & Strategic Plan Review		
8.	Complaint and Investigation Review		
9.	ORS 822.200 - implementation and administration		
	a. Title and Registration of vehicles		
	b. Engaging and partnering with Law Enforcement		
	c. Tow business certificate = proof of licensing		
10.	2026 Strategic Planning		
	a. Discussion: Unfinished business, goals, priorities, work		
	b. Identify: Primary Quarterly Goals and metrics		
	c. Additional 2026 Objectives and Goals		
	d. Public Comments		
	<i>Comments related to strategic planning only</i>		
BREAK			
	e. Final review, comments, discussion and consensus		
	f. Identify Stakeholders		
	g. 2026 Meeting Schedule		
11.	Public Comment		
12.	Updates/Next Steps/Work Assignments		
	a. November Proposed Rules Hearing		
	b. Press Release - changes to towing laws		
	c. OTTA Quarterly Meeting - December 6 (Grants Pass)		
	d. Other Business - Discussions		
	e. Assignments		
Public Comment (time permitting) - General comments to the Board			
13.	Adjourn Board Meeting		3:00 pm*

*Or upon completion of Board business.

OFFICE OF THE SECRETARY OF STATE
TOBIAS READ
SECRETARY OF STATE

MICHAEL KAPLAN
DEPUTY SECRETARY OF STATE



ARCHIVES DIVISION
STEPHANIE CLARK
DIRECTOR

800 SUMMER STREET NE
SALEM, OR 97310
503-373-0701

NOTICE OF PROPOSED RULEMAKING INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 750 STATE BOARD OF TOWING

FILED

09/29/2025 11:42 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Proposed rules and rule amendments for clarity and compliance enforcement.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 11/18/2025 1:25 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.

CONTACT: Torey McCullough
503-871-5481
torey.mccullough@towboard.oregon.gov

ICO DMV HQ - PROGRAM SERVICES
1905 Lana Avenue, NE
Salem, OR 97314

Filed By:
Torey McCullough
Rules Coordinator

HEARING(S)

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

DATE: 10/28/2025

TIME: 10:00 AM - 10:30 AM

OFFICER: Torey McCullough

REMOTE HEARING DETAILS

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

PHONE NUMBER: 971-277-1965

SPECIAL INSTRUCTIONS:

Teams Login Information:

Meeting ID: 285 655 478 304 4

Passcode: Mm6mF3TD

DATE: 11/18/2025

TIME: 1:00 PM - 1:25 PM

OFFICER: Torey McCullough

IN-PERSON HEARING DETAILS

ADDRESS: Oregon DMV HQ, ICO DMV HQ, 1905 Lana Avenue, NE, Salem, OR 97314

SPECIAL INSTRUCTIONS:

RSVP for in-person attendance required by 3:00 p.m. on 11/07/2025.

REMOTE HEARING DETAILS

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

PHONE NUMBER: 971-277-1965

SPECIAL INSTRUCTIONS:

Teams Login Information:

NEED FOR THE RULE(S)

Adopt and amend administrative rules to align with Oregon statutes, compliance enforcement needs.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

ORS 90.485, 98.805, 98.820, 98.830, 98.853 - 98.862, 801.375, 802.240 , 803.540, 822.200, 822.210, 822.235, OAR 735-154-0000 and 735-154-0060, ORS Chapter 819, OAR Chapter 257 Division 50, board public meeting minutes and public work session notes and materials.

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

No impact or affect.

FISCAL AND ECONOMIC IMPACT:

No impact.

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).

The proposed rules do not represent a change in policy or regulation. All regulations and legal requirements in the proposed rules reflect current requirements under existing laws. Towers complying with current laws and business practices will see no additional reporting, recordkeeping, or administrative responsibilities. There is no economic impact for state agencies, the industry, or the public. Providing the guidelines within administrative rules will streamline the Board processes and investigations, making processes more efficient and economical.

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

Board meetings and work sessions are open to the public; towers are small business owners. The board actively engaged towers and small businesses in meetings, information gathering, and discussions. Updates, information, and materials were also sent to property management companies, property owners, tenant advocates, and others with an interest in the towing laws. The Board worked closely with the industry association, Oregon Tow Truck Association, in identifying needs and drafting proposed rules.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

The proposed rules clarify existing laws, and do not define new policies or regulations.

Due to lack of staff and financial resources, the Board does not have the resource to sustain a formal rules advisory committees at this time.

The Board will create and utilize rules advisory committees once the scope of proposed rules development moves beyond identifying procedures and requirements of current laws.

To maintain transparency, encourage engagement, and solicit input and public comment the Board regularly corresponds through

1. An email subscription group of approximately 200 individuals.

2. Two active policy and rule advisory groups:

- a. Towing industry members (approximately 80 on the voluntary email subscription list) and
- b. A public advisory group of approximately 160 individuals who have expressed interest in the Board's policies and rules process.

3. Regular communication with Board collaborative partners and advisors.

RULES PROPOSED:

750-010-0001, 750-040-0005, 750-040-0006, 750-040-0008, 750-040-0015, 750-060-0001, 750-070-0020, 750-070-0030

AMEND: 750-010-0001

RULE SUMMARY: Adding additional definitions to incorporate new rules, terms, and provisions.

CHANGES TO RULE:

750-010-0001

Definitions.

As used in OAR Chapter 750:

(1) "Administrator" means the Board Administrative Officer appointed under ORS 822.260.

(2) "Agent" or "Owner's agent" means:

(a) A person authorized by the property owner to lawfully act as the property owner's agent in identifying or authorizing a vehicle to be towed in ORS 98.853 (Conditions allowing towing) to 98.854 (Prohibitions placed on tower)

(b) A tower, its employee, sub-contractor, representative or delegate cannot act as a property owner's agent for the purposes of identifying or authorizing a vehicle to be towed without the consent of the vehicle owner or operator.

(3) "As soon as practicable" means:

(a) At the time the vehicle is recovered by the tower.

(b) No later than the end of the business day following recovery of the vehicle, if vehicle is recovered outside of business hours.

(4) "Board", "SBOT", "Tow Board", or "Towing Board" means the State Board of Towing.

~~(35) "Compensation" means: Something given or of value received as payment for providing towing services including, but not limited to bartering, direct payment, commissions, tips, and donations, discounts, barter, trades, donations, or~~
and any other economic or non-economic benefit or any other consideration in exchange for towing services.

~~(46)~~ "DMV" means the Oregon Department of Transportation, Driver and Motor Vehicle Services.

~~(57)~~ "Employee" means: any party compensated, directly or indirectly, by the tower.

~~(8)~~ "Industry" means the collective tow operators, tow businesses, and other entities working in the tow and recovery professions.

~~(69)~~ "Law" means a written statute passed by the Oregon Legislature.

~~(710)~~ "Non Preference Towing" means the rotational list of towing businesses established by Oregon State Police under ORS 181A.350.

~~(811)~~ "OAR" means an Oregon Administrative Rule adopted by the Board and filed with the Oregon Secretary of State.

~~(912)~~ "ODOT" means Oregon Dept. of Transportation.

~~(103)~~ "Operator of the vehicle" means a person who demonstrates physical control of a vehicle.

~~(14)~~ "ORS" mean Oregon Revised Statute, written laws passed by the Oregon Legislature.

~~(145)~~ "OSP" means Oregon State Police.

~~(126)~~ "Owner of a motor vehicle" means the owner as defined in ORS 801.375.

~~(17)~~ "Owner of a parking facility" or "owner of the parking facility" means the owner of a parking facility as defined in ORS 98.805 (1).

~~(18)~~ "Person in lawful possession," "person with right to possession of the vehicle," and "person entitled to possession" means a person identified in ORS 802.240.

~~(19)~~ As used in ORS 822.200(1)(c), "purports to be engaged in" means to solicit or advertise towing services through the telephone book, business directory, newspaper, radio, television, posting on vehicles, signs, business, billboards or by any other means as defined in OAR 735-154-0000.

~~(20)~~ "Respondent" means the person or entity to whom a formal enforcement action is issued.

~~(213)~~ "Special Committee" or "Subcommittee" means a standing, special, ad hoc, or other committee comprised of no more than three Board Members created to assist with the work of the Board as assigned.¶

~~(1422)~~ "Tower" or "Tow Operator" means an individual who operates a tow or recovery vehicle for compensation, which may include, but is not limited to, the impounding, transporting, or storage of unauthorized vehicles, or the disposal of abandoned vehicles.¶

~~(1523)~~ "Towing Business" means an individual, partnership, corporation, or other business entity that owns or operates a tow or recovery vehicle for commercial purposes.¶

~~(1624)~~ "Tow Certificate" or "Towing Business Certificate" means a towing or recovery vehicle business certificate issued by DMV under ORS 822.205.¶

~~(1725)~~ "Tow Truck" means a motor vehicle operated for compensation equipped with equipment designed and intended for towing or the recovery of wrecked, disabled, or abandoned vehicles or other objects creating a hazard on the public roadways. If a tow operator, or tow truck owner business, profits, benefits, or is compensated for operation of the vehicle in towing or recovery, the vehicle must be considered a tow truck under OAR Chapter 750.¶

~~(26)~~ "Upon request" means:¶

~~(a)~~ On the date and at the time the request is received by the tower.¶

~~(b)~~ If the request is outside of business hours, the document is to be provided no later than the end of the business day.

Statutory/Other Authority: ORS 822.265, ORS 822.260, ORS 822.275, ORS 822.280, ORS 822.290, ORS 822.995

Statutes/Other Implemented: ORS 822.265, ORS 822.260, ORS 822.275

ADOPT: 750-040-0005

RULE SUMMARY: The rule provides expectations and guidelines for required photos for the industry, vehicle owners, the public, and for compliance enforcement.

CHANGES TO RULE:

750-040-0005

Administration and Implementation of ORS 98.853

(1) The photograph(s) required in ORS 98.853 (2) will sufficiently show:¶

(a) The vehicle as parked prior to the tow.¶

(b) The vehicle parked in violation, including photographs demonstrating:¶

(A) When required or present, the notice affixed to the vehicle OR¶

(B) The nearest sign showing the parking restrictions of the parking facility showing the vehicle parked in relation to the sign disclosing the parking regulations for the parking facility.¶

(C) If not legible in the photograph, additional photograph(s) of the sign posted closest to the vehicle.¶

(2) A tower will provide the photograph(s) at the time of the request, but no later than the end of the next business day following the request.¶

(3) A tower may require a request for the photographs under ORS 98.853 (2) be submitted electronically, including by completion of a form on the tower's website, by email, or through a portal only when:¶

(a) The time and date of the request is documented in the tower's records.¶

(b) A receipt for the request is sent upon submission of the request.¶

(4) If a tower is unable to provide documents upon request in compliance with ORS 98.853 (2) the tower will provide the requester with:¶

(a) A written acknowledgment of the request;¶

(b) The expected date the information will be provided by the tower;¶

(c) The reason for the delay in providing the information.¶

(d) If the vehicle has not been released at the time of the request, a tower will not charge additional fees, including daily storage fees, from the date of request until the requested information is provided to the vehicle owner or operator.¶

(A) Beginning on the same day if the request is received prior to 3:00 p.m. on a business day.¶

(B) Beginning the next business day if requested after 3:00 p.m. on a business day.

Statutory/Other Authority: ORS 822.265, ORS 98.853, ORS 822.275, ORS 822.280, ORS 822.285, ORS 822.290, ORS 822.995

Statutes/Other Implemented: ORS 822.265

RULE SUMMARY: New rule for implementation of legal requirements under SB1036, and to clarify compliance expectations of ORS 98.854 for the towing industry, public, and for compliance enforcement.

CHANGES TO RULE:

750-040-0006

Administration and Implementation of ORS 98.854.

(1) Signs posted prohibiting or restricting public parking in a parking facility required by ORS 98.854 (1) will:

(a) Clearly explain the parking prohibitions or restrictions using plain words or easy-to-understand graphics.

(b) Be easily read by a driver of a vehicle from within 20 feet of the sign.

(c) Be prominently displayed inside the parking facility.

(d) At least one sign must be posted at each entrance to the parking facility.

(e) Additional signs will be prominently posted in the parking facility as needed to communicate parking restrictions or prohibitions to vehicle owners or operators:

(A) When the parking facility consists of 20 or more parking spaces in a common area.

(B) When parking areas within a parking facility may be perceived as separate parking facilities or businesses.

(f) At least one sign prohibiting or restricting public parking will disclose contact information, including, but not limited to:

(A) The name and phone number of the tower authorized by the property owner to remove vehicles from the parking facility or

(B) The 24-hour phone number or contact information if no tow company is disclosed on the signs posted in the parking facility.

(2) Signs prohibiting or restricting public parking are prominently displayed inside the parking facility.

(a) At least one sign must be posted at each entrance to the parking lot.

(b) Additional signs will be prominently posted in the parking facility as needed to communicate parking restrictions to vehicle owner or operators when:

(c) Parking facilities consisting of 20 or more parking spaces.

(d) Parking areas within a parking facility are used by different businesses or may appear to be separate parking facilities.

(3) A notice, posted a minimum of 72 hours prior to the tow of a vehicle from private property, is required when:

(a) The vehicle is towed without the vehicle owner or operator's consent and

(b) No signs prohibiting or restricting public parking are posted OR

(c) The tow is conducted by a tower other than the tower disclosed on posted signs.

(4) A 72-hour notice is not required when

(a) Signs posted in the parking facility prohibit or restrict parking in clear language or using graphics clearly disclosing no parking, tow zones, or other parking restrictions.

(b) The tow is authorized or requested by law enforcement or other government agencies.

(c) The tow complies with ORS 90.485.

(d) The tow is conducted at the request of the vehicle owner or operator.

(5) A vehicle may be towed prior to the time disclosed on a 72-hour notice when:

(a) Signs are posted in the parking facility in compliance with ORS 98.854 (1) and

(b) The tow is authorized by the property owner or their agent.

(6) As a parking sign disclosing the name and contact information of a tow company is considered an advertisement for towing services as defined in ORS 822.200 and OAR 735-154-0000, it is a violation of ORS 822.200 to:

(a) Post a sign for a tow company without a valid business certificate; or

(b) Continue to display a tower's name on parking signs in a parking facility after the tower's tow business certificate becomes expired, surrendered, suspended, or revoked.

(7) A tower will post signs only with the express permission of the property owner or their agent.

(a) A signed agreement may be entered into between the property owner and the tower at the discretion of the parties but is not required for compliance with ORS 98.854.

(b) A signed agreement between a tower and a property owner or its agent will not:

(A) Appoint or designate the tower or its employees to act as a property owner's agent for the purposes of identifying or authorizing vehicles to be towed.

(B) Allow a tower to tow or tow a vehicle without a signed authorization from the owner or owner's agent of the parking facility.

(C) Allow consideration to be provided from the tower to the property owner or its agents for the privilege of posting signs in the parking facility including, but not limited to:

(i) Offering free parking enforcement or parking patrol services either by the tower, a tower employee, or a contractor of the tower.¶

(ii) Commission or fee paid by the tower to the property owner or their agent for vehicles towed from the private parking facility.¶

(8) The signed authorization required under ORS 98.854 (2) will include the following information:¶

(a) The date and time of the initial tow request and authorization.¶

(b) A description of the vehicle to be towed:¶

(c) The street address and location of the property from which the vehicle will be towed:¶

(d) The reason for the tow:¶

(e) A statement that the person signing the authorization has the authority to do so; and¶

(f) The legible, dated signature of the person authorizing the tow.¶

(g) The tower will keep the following information on file with the signed authorization:¶

(A) The date, time and manner in which the tow request was received¶

(B) The date and time the tow vehicle arrived at the private parking facility.¶

(C) The date and time the tow vehicle arrived at the tow lot.¶

(9) The tower will have in their possession the signed authorization required in ORS 98.854 (2) prior to initiating hook up and towing of a vehicle. The following are acceptable forms of a signed authorization for the purposes of ORS 98.854 (2):¶

(a) A "wet signature" signed at the origin site of the tow.¶

(b) An electronic signature, signed at the time of the request or at the origin site of the tow.¶

(c) An email documenting the time, date and sender email requesting and authorizing the tow, or¶

(d) A request and authorization submitted by the property owner or their agent through a secure portal requiring a login and password¶

(e) A tower, or its employee or designee, cannot act as the property owner's agent for the purpose of authorizing a tow.¶

(f) A signed authorization will not be signed prior to the request and authorization of the tow, or after completion of the tow.¶

(10) A tower may require a request for the signed authorization under ORS 98.854 (2) be submitted electronically, including by completion of a form on the tower's website, by email, or through a portal only when:¶

(a) The time and date of the request is documented in the tower's records.¶

(b) A receipt for the request is sent upon submission of the request.¶

(c) If a tower is unable to provide documents upon request in compliance with ORS 98.854 (2) the tower will provide the requester with:¶

(A) A written acknowledgment of the request:¶

(B) The expected date the information will be provided by the tower:¶

(C) The reason for the delay in providing the information.¶

(d) If the vehicle has not been released at the time of the request, a tower will not charge additional fees, including daily storage fees, from the date of request until the requested information is provided to the vehicle owner or operator.¶

(A) Beginning on the same day if the request is received prior to 3:00 p.m. on a business day.¶

(B) Beginning the next business day if requested after 3:00 p.m. on a business day.

Statutory/Other Authority: ORS 822.265, ORS 98.854, ORS 822.275, ORS 822.280, ORS 822.285, ORS 822.290, ORS 822.995

Statutes/Other Implemented: ORS 822.265

ADOPT: 750-040-0008

RULE SUMMARY: New rule to clarify compliance expectations of towing rates and fees, include in the towing administrative rules the legal requirements of other statutes prior to issuing a notice of lien, for the industry, public, and for compliance enforcement.

CHANGES TO RULE:

750-040-0008

Administration and Implementation of ORS 98.856

(1) A tower will provide proof of payment for all payments or monies received.¶

(a) A receipt for payment received at the origin or drop off of a towed vehicle must be provided to the vehicle owner or operator and disclose:¶

(b) The tower's business name and contact information.¶

(c) The amount due.¶

(d) The amount paid and form of payment.¶

(e) A brief description of the service(s) provided in exchange for payment.¶

(f) Exact change due, if any.¶

(g) Date and time of the payment.¶

(h) The person accepting payment.¶

(i) A receipt does not need to be provided if the tower provides an itemized statement at the time of payment.¶

(j) The tower must provide an itemized statement in addition to the receipt when a receipt does not itemize the charges paid by the vehicle owner or operator.¶

(2) Once the tower has custody or control of a vehicle, an itemized statement is required upon request or at the time of payment for all vehicles towed or impounded disclosing:¶

(a) The reason for the tow.¶

(b) Who authorized the tow.¶

(c) The location of the origin of the tow.¶

(d) The date of the tow.¶

(e) Itemization of the services provided or charges incurred as a result of the towing event.¶

(f) Exact change due, if any.¶

(g) Any discounts or other courtesies provided by the tower.¶

(h) Date and time of the payment.¶

(3) A tower will not charge a rate or fee not disclosed on the written statement required under ORS 98.856 (1) without the prior consent of the vehicle owner or operator.¶

(4) A tower will not charge for services not rendered or provided.¶

(5) All rates and fees on the written statement required under ORS 98.856 (1) or disclosed on an itemized statement and charged to a vehicle owner or other person in lawful possession will:¶

(a) Comply with legal and consumer regulations including, but not limited to, regulations related to credit card fees, collection fees, interest.¶

(b) Comply with the statutory requirements and processes.¶

(6) Nothing within these laws or rules prohibits a tower, at the tower's sole discretion, from reducing or discounting a tow bill or invoice.¶

(7) A tower will not charge a vehicle owner or operator additional services or fees for a roadside assistance, motor club, or other service provider dispatched call without first providing the written statement of fees required by ORS 98.856 and obtaining the informed consent of the vehicle owner or operator to the fees and services.¶

(8) A tower will not misrepresent law enforcement or other government fees on a written statement or invoice.¶

(9) Itemized charges will accurately disclose sub-contracted work, including rental equipment, required for a tow or recovery.¶

(10) A tower will provide the itemized statement disclosing all invoiced charges:¶

(a) Upon request of the vehicle owner or operator and¶

(b) At the time of payment for release of the vehicle.¶

(c) A tower will not delay release of the vehicle for the purposes of preparing an itemized statement or other requested documents.¶

(d) If the tower is unable or unwilling to provide an itemized statement, a copy of the signed authorization, or copies of the required photographs upon request, the tower will not charge additional fees, including storage or notice of lien fees, from the date of request until the information is provided.¶

(A) Beginning the same day if the request is received prior to 3:00 p.m. on a business day.¶

(B) Beginning the next business day if requested after 3:00 p.m. on a business day.¶

(e) A receipt showing payment is sufficient to comply with the requirement when payment is made:¶
(A) For the hook up fee to release the vehicle at origin of the tow and no other fees or charges are paid or¶
(B) For flat rate tow or service upon release of the vehicle when no other fees or charges are paid or¶
(C) At the tow yard or business when:¶
(i) The impound occurs outside of business hours and payment is made prior to the next business day AND¶
(ii) The itemized statement is provided by the next business day.¶
(11) A vehicle owner or operator has the right to refuse a tower's services except when¶
(a) The impound is dispatched and authorized by a law enforcement or government agency under the agency's authority under ORS Chapter 819 or¶
(b) After hookup of the vehicle is complete when the tow is conducted under the signed authorization of a property owner or their agent if the vehicle owner or operator is unable to pay the hook up fee.¶
(12) A tower may assess storage charges or fees against a towed vehicle when a notice is required and the tower can demonstrate compliance with the notice of lien requirements of ORS 98.812, 819.160, and other laws or regulations.¶
(13) When required, a tower will not issue a notice of lien until the tower can demonstrate notification of the local law enforcement agency in compliance with ORS 98.812 (2), or other local laws, ordinances, or regulations.¶
(14) Storage fees for recovered stolen vehicles will not begin to accrue until the date the tower first attempts to notify the owner of the stolen vehicle in compliance with ORS 98.857.¶
(15) A notice or other lien document is a transactional document demonstrating compliance with Oregon's laws and rules. If a notice of lien fee is itemized on the invoice or statement, and invoiced for payment to the vehicle operator or owner or their representative, upon request, the tower will provide:¶
(a) A copy of the notice of lien and proof of mailing unless previously mailed to the vehicle owner's current mailing address.¶
(b) A copy of the assignment of the account to a lien service, showing the date the lien was assigned, is sufficient if a copy of the lien has not been provided to the tower.¶
(16) Providing inaccurate, false, or misleading information on a notice of lien or possessory lien form, or making a false affirmation on a form, is a violation of ORS 822.605, subject to investigation and disciplinary action by the Board.¶
(17) A tower will provide a copy of the appraisal form of a vehicle when:¶
(a) The value of the vehicle is under \$1000 and an appraisal is required by ORS 819.160, 819.215, or other laws.¶
(b) When the appraisal is documented as an itemized cost on the invoice statement.
Statutory/Other Authority: ORS 822.265, ORS 98.812, ORS 98.853, ORS 98.854, ORS 98.856, ORS 98.857, ORS 822.605, ORS 822.995
Statutes/Other Implemented: ORS 822.265

ADOPT: 750-040-0015

RULE SUMMARY: This new rule clarifies the tow business certificate and application requirements, prohibits the lending, renting, and allowing the use of an active certificate by anyone but the business named on the tow business certificate application as required in ORS 822.200.

CHANGES TO RULE:

750-040-0015

Implementation and Administration of ORS 822.200

(1) A tower may not lease, rent, loan, or sell a tow business certificate or TW plates.¶

(2) The name of the company operating the tow vehicle is restricted to the name of the business or entity listed on the tow business certificate.¶

(3) Knowingly or recklessly submitting a tow business certificate application with false, misleading, or inaccurate information is a violation of ORS 822.605 including, but not limited to:¶

(a) Disclosing the name of the tower on the application with the intent of leasing, loaning, loaning, selling, or otherwise allowing the use of the tow vehicle for compensation by an entity or person not named on the tow business certificate.¶

(b) Disclosing an invalid, outdated, or erroneous information, including contact information and mailing address or the weight of the vehicle.¶

(4) As the tow business certificate is the instrument demonstrating legal operation of a tow vehicle, the tow business certificate is to be provided upon request to verify legal operation of a towing business when:¶

(a) The tow business certificate is requested by a vehicle owner or operator prior to hook up. ¶

(b) The tow business certificate is requested at the tow yard, storage facility, or other physical location by the vehicle owner or person in lawful possession.¶

(c) Upon request when the tow vehicle is conducting towing business.

Statutory/Other Authority: ORS 822.265, ORS 822.275, ORS 822.280, ORS 822.285, ORS 822.290, ORS 822.995, ORS 822.200, ORS 822.205, ORS 822.210, ORS 822.605

Statutes/Other Implemented: ORS 822.265

AMEND: 750-060-0001

RULE SUMMARY: Amending consumer protection statement to include that every vehicle towed is towed under required authorization for clarity, compliance with existing laws, and protection of the public.

CHANGES TO RULE:

750-060-0001

Consumer Protection and Complaints.

(1) The objective of the State Board of Towing is to safeguard the health, safety, and public welfare of the people of Oregon by:

- (a) Providing education to the public and the towing industry;
- (b) Establishing professional industry standards;
- (c) Investigating complaints and concerns of the public regarding the towing industry; and
- (d) Enforcing the laws and administrative rules regulating the towing industry in Oregon.

(2) Considerations for the protection of the safety and wellbeing of the public include:

(a) Standards and classifications for professional tow trucks and equipment used for commercial towing and recovery operations is essential.

(b) Encouragement of a competitive and trained professional towing industry by establishing a uniform and equitable system for the standardization and regulation of the tow industry.

(c) The use of nonqualified tow truck companies or private motor vehicles to tow or recover for hire or compensation.

(d) A private citizen, a tower, or tow truck company responding in good faith to life-threatening emergency situations.

(3) Every tow in Oregon is authorized

(a) With the informed consent of the vehicle owner, operator, or the person who has legal control and custody of the vehicle.

OR

(b) under the legal authorization of law enforcement, other agency, or property owner with the legal authority to have the vehicle impounded.

OR

(c) Under the direction of the vehicle owner's service representative.

(4) Towers cannot independently identify vehicles to be towed for the purpose of creating their own towing business or solicit business when prohibited by law.

(5) If the impound/tow is dispatched under the legal authorization of law enforcement, government agency, or another authorized entity the tower will provide a written statement of fees to the owner or operator of the vehicle in compliance with ORS 98.856 and the reasonable consent of the owner must be obtained when:

(a) The authority releases the vehicle to the owner prior to impound.

(b) The required work to tow or recover a vehicle is different from the anticipated dispatched service, including:

(A) Location of the vehicle

(B) Condition of the vehicle

(C) Complexity of the necessary work

(D) When the dispatching service provider determines the scope of work required for the vehicle exceeds the contracted assistance of the provider.

Statutory/Other Authority: ORS 822.265, ORS 98.853, ORS 98.854, ORS 98.856, ORS 822.275, ORS 822.285, ORS 822.290, ORS 822.995

Statutes/Other Implemented: ORS 822.265

AMEND: 750-070-0020

RULE SUMMARY: Remove redundant language provide better transparency and clarity to the towing industry and public, streamline board's compliance and investigation processes and procedures for efficiencies and increased customer service.

CHANGES TO RULE:

750-070-0020

Investigations of Violations or Complaints.

(1) The State Board of Towing may delegate its investigative powers and authority for purposes of initiating and carrying out investigations.¶

(2) In the conduct of investigations, the Board may:¶

(a) Take evidence.¶

(b) Take the depositions of witnesses.¶

(c) Compel the appearance of witnesses before the Board.¶

(d) Compel the production of documents or other information deemed necessary to carry out the investigation.¶

(3) In exercising its authority under ORS 822.275 and subsection (2) of this section, the Board may issue subpoenas over the signature of the board Chairperson, Vice Chairperson or to the Board Administrator as delegated by the Board.¶

~~(4) If a person or entity fails to comply with a subpoena issued by the Board or refuses to testify on matters on which the person lawfully may be interrogated, the procedure set out in ORS 183.440 will be followed.~~

Statutory/Other Authority: ORS 822.265, ORS 822.275, ORS 822.280, ORS 822.285, ORS 822.290, ORS 822.995

Statutes/Other Implemented: ORS 822.265, ORS 822.275, ORS 822.280

AMEND: 750-070-0030

RULE SUMMARY: Amend rule to clarify participation in investigations, lack of response to request for information may be considered a no-contest response, waiver of right to participate in the investigation.

CHANGES TO RULE:

750-070-0030

Cooperation in Board Investigations.

(1) Every Tow Operator, Tow Business, and their representatives and employees, regardless of tow business certificate status, having information regarding a possible violation of the administrative rules or laws governing the towing industry in Oregon must cooperate with the State Board of Towing investigations in furnishing such information in order that appropriate investigative, corrective, or disciplinary action may be taken.¶¶

(2) Failure by a Tow Operator, a Tow Business, their representative or employee to cooperate with a Board investigation is grounds for disciplinary action.¶¶

(3) Cooperation in a Board investigation includes but is not limited to:¶¶

(a) Submitting client or business records relevant to the investigation, excepting confidential information protected by law;¶¶

(b) Being available for a personal interview in support of a Board investigation during reasonable hours;¶¶

(c) Responding and directly answering questions asked during an interview or investigation;¶¶

(d) Verbally providing information reasonably known at the time of the interview or investigation; and¶¶

(e) Allowing access, during business hours, of the business premises and equipment for inspection if required to conduct a Board investigation into the allegations of a complaint.¶¶

(4) Respondents named in a complaint, or their representatives, may be personally interviewed or may be given an opportunity to provide a written response to the complaint as part of a Board investigation.¶¶

(a) Written responses, records, and other information requested by or on behalf of the Board must be provided to the Board office within 21 calendar days after the Board request is personally served, mailed by USPS regular, or sent by electronic mail, unless an extension is authorized by the Board Administrator.¶¶

(b) Written responses, records, or other information requested but not received at the Board's office within 21 calendar days may not be considered in the Board's investigation.¶¶

(5) Failure of a respondent, tow operator, tow business, or their representative or employee to provide information or documentation requested by the Board:¶¶

(a) Will not delay or otherwise impede the Board's investigation or any related disciplinary proceedings.¶¶

(b) May be deemed as a waiver of objection or waiver to engage in an investigation, and may be treated as a no contest response for purposes of the Board's investigation and disciplinary proceedings.

Statutory/Other Authority: ORS 822.265, ORS 822.275, ORS 98.853, ORS 98.854,, ORS 98.856, 822.280, ORS 822.285, ORS 822.290, ORS 822.995

Statutes/Other Implemented: ORS 822.265, ORS 822.275, ORS 98.853