



# Oregon

Tina Kotek, Governor

**State Board of Towing**  
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## **OREGON STATE BOARD OF TOWING** **Board Work Session Notes** **April 23, 2024**

### ***Work Session Location:***

Oregon DMV HQ  
1905 Lana Avenue  
Salem, OR 97314

### ***Attending Board Member:***

Chuck Riley, Chair  
Bruce Anderson  
Kevin Baker  
Chris Coughlin  
Chief Michael Iwai  
Lt. Jason Lindland  
Gary McClellan  
Jason Shaner

### ***Board Staff:***

Torey McCullough, Board Administrator

### ***Absent:***

Trent Hanson, Vice Chair

### ***Meeting Called to Order:***

Chair Riley called the meeting to order at 1:07 p.m.  
Self-introductions were made.

Agenda approved by consensus.

### ***Business Updates:***

#### ***Bylaws***

The Board reviewed Bylaws incorporating the comments and amendments from the March work session. Jason Shaner moved to accept the Bylaws; Bylaws adopted by consensus of the Board members.

#### ***Case Management System***

McCullough is working with the Dept. of Administrative Services and ODOT/DMV IT to approve a case management system through IT. McCullough is

working with a software vendor to get DAS and ODOT the information they need. Cost per year is \$1188. McCullough will update the Board as the request moves forward.

***Complaint Review:***

The Board reviewed approximately 70 complaints from the first quarter with the following trends:

- Approximately 20% of complaints were incomplete.
- Approximately 20% of complaints were not under the jurisdiction of the Board.
- Approximately 30% of complaints were Private Property Impounds with reasonable grounds for investigation for violation of ORS 98.853 and 98.854.
- Common themes in the complaints were:
  1. Towing rates, fees, and billing practices and
  2. Lawful ownership and general access to personal belongings in a towed vehicle.

The Board found:

1. The substantiated Private Property Impound (PPI) complaints were against a small number of towers, less than 1% of the known tow companies.
2. Current law requires a signature authorization for each tow, obtained at the time of tow.
3. Towers are not to tow vehicles without authorization; there is no intent or provision in the law allowing towers to determine if a vehicle should be towed or not.
4. Towers cannot confirm if either a tenant or parking facility owner has violated or complied with the requirements of ORS 90.485 and cannot tow a vehicle without confirmation from the parking facility owner or their agent.
5. A parking facility owner or their agent (i.e., employees, managers, or a hired third-party) must verify the vehicle is to be towed; as towers are prohibited from acting as the owner's agent when authorizing or towing a vehicle, the tower or its employees cannot independently authorize a tow.
6. The signed PPI authorization must include the name, legible printed name, time, date, reason for tow and vehicle description. The photographs must show where the vehicle was parked prior to the tow, and how the vehicle violated the parking facility rules.
7. As the towers do not know the number of rented units and parking spaces in a residential unit, do not have access to tenant lease or rental agreements, and cannot independently verify if a vehicle is in violation or a lease, rental, or parking agreement, no vehicle can be towed from a residential parking facility without authorization from the property owner or their agent with personal

knowledge of if the vehicle is in violation of the parking facility rules at the time of tow.

8. Removing towers as the decision makers authorizing a tow protects the tower from risk and liability of towing a vehicle that is not in violation of the parking facility rules, and provides the public with clearer options for resolution and recourse.
9. The Board discussed creating templates and forms for towers to use; these forms and templates may be adapted by a tower for use, but must contain the required information on a signed authorization as defined in the Board's policy.
10. Signed authorizations can be signed in person, electronically, or within an email as long as the email includes the required authorization information, identifies the sender and receiver, and has a date and time stamp.
11. Due to the lack of a date and time stamp, authorizations by phone or text cannot be used for the purpose of authorizing a PPI tow.
12. Copies of pre-signed authorizations are not acceptable.
13. Towers may not rely on Tow Contract Agreements for authorization; each tow must be authorized at the time of tow.
14. Initials are not acceptable as a signed authorization for a PPI tow.
15. Illegible names, or missing, incomplete or ineligible information will result in the authorization being invalid for the purposes of PPIs.
16. The parking facility owner is responsible for designating who may act as their agent for the purpose of authorizing PPIs and ensuring that the tower has the information on file.
17. The authorized signature and tow request may be collected by dispatch or by the tow operator; however, a tow operator may not hook up to a vehicle for a PPI tow until the signed authorization is received.
18. For the purposes of PPI tows: a tow operator may not hook up a vehicle if a person is in the vehicle.
19. Hook ups and PPIs:
  - a. For passenger vehicles, a tower must stop hook up and release the vehicle if the driver owner or operator are present and can move the vehicle so it is in compliance with the parking facility requirements.
  - b. A tower cannot begin to hook up a vehicle for a PPI tow if the vehicle owner or driver arrives at the vehicle and can move the vehicle so it is in compliance with the parking facility requirements.
  - c. The Board will hold discussions and further define "complete hook up" in the upcoming months.
  - d. Discussions defining when a big rig, rv, or other large vehicle should be released without charge, and when a tower may be able to charge for time and effort prior to full hook up of a big rig is tabled as a separate discussion.

20. Discussions related to rates, fees, and billing practices is tabled while the Board continues to collect complaints, invoices, and billing statements over the next few months to provide more data and documentation for the Board to consider.

### **Public Comments**

Ash Le' Penn introduced herself to the Board, asking questions regarding:

Suggestion: The Board should consider increasing tow requirements.

*Response: While the Board continues to discuss possible requirements for tow companies and tow lots, legislative changes to statutes is required before the Board has the authority to pursue additional requirements.*

Question: What is the jurisdiction when a vehicle is towed from a city address but outside the city limits.

*Response: Jurisdiction for the tow requirements is determined on if the vehicle is within the city limits or outside the city limits; if within the city limits, the city has jurisdiction. If outside the city limits, the county has jurisdiction.*

Suggestion: the Board awarding damages and costs to Complainants.

*Response: The Board's authority is limited to what is authorized to do in statute. The Board has the authority to assess civil penalties under ORS 822.995; the Board does not have the authority to represent individual consumers in complaints or actions against a tower, and does not have the authority to require towers to reimburse or pay damages to consumers in a disciplinary action.*

Question: Why is complaint and investigation information not available to the public.

*Response: Complaint and investigation information is kept confidential until the Board reviews and votes to pursue a disciplinary action. When a Board votes for disciplinary actions, the information relevant to the complaint and investigation is included in the disciplinary documents and is made available to the public.*

*The Board is working with DOJ to ensure the personal and confidential information of all parties are kept appropriately confidential, as well as to protect towers from false allegations made by disgruntled consumers or from a complainant's misunderstanding or misapplication of Oregon's laws, rules, and requirements.*

### **May Work Session**

The Board will meet May 14, 2024

- To review and discuss an Initial Concept Summary draft identifying the topics discussed at the April work session.

- Accept public comments.
- Begin drafting the official Board policy related to PPI authorizations.

***Adjourned:***

There being no further business before the Board, and no public comments, Chair Riley adjourned the meeting at 2:55 p.m.

***Documents Considered by the Board***

- Agenda
- Memo re: Case Management System
- Bylaws: Final Draft
- Tow Certificate Registration Information
- First Quarter Complaint Summary
- Initial Concept Summary Template
- Work Session Worksheet (discussion of intent of ORS 98.853 and 98.854)
- ORS 90.485

*Minutes prepared by Torey McCullough*

*Minutes APPROVED by Board vote:*