



Oregon

Tina Kotek, Governor

State Board of Towing
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OREGON STATE BOARD OF TOWING **Board Work Session Notes** **May 14, 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 1:00 p.m.
Self-introductions were made.

Agenda approved by consensus.

Concept Discussion – OAR 98.853 and 98.854:

The Board discussed the provisions of the first draft of the Initial Concept Summary related to ORS 98.853 and 98.854 as it specifically relates to the requirement of a property owner's authorization prior to the tow from private parking lot facilities.

The Board discussed:

1. Some of the possible private property impound (PPI) compliance issues demonstrated in complaints submitted to the Board:

- No authorized signature from the owner or owner's agent prior to PPI tow.
 - Tow operator, dispatch, or another employee of the tower acting as the owner's agent in identifying or authorizing a vehicle to be towed.
 - No photograph clearly showing the towed vehicle parked in violation of the parking facility rules prior to hook up.
 - Failure to stop or cease hook up procedures when the vehicle owner or operator is present at the time of the tow.
2. Per statute:
- Towers are prohibited from acting as an owner's agent in PPI tows.
 - Towers do not have the legal authority to authorize tows under any statute.
 - Towers can only tow vehicles when the tow is requested or authorized from a person granted the legal authority to do so in statute.
3. For the purposes of ORS 98.854 (2) – (4)
- The tower must obtain an authorized signature from the parking facility owner, or owner's agent, affirming and verifying that the authorization to tow the vehicle is in compliance with the parking facility rules and Oregon's laws and regulations.
 - The parking facility owner, or its agent, has the responsibility and accountability to confirm authorized tows are conducted in compliance with the parking facility rules and Oregon's laws and regulations.
 - A tow company, its employees, affiliates, or any person or business associated with the tower cannot act as an owner's agent to authorize a tow when there exists an actual or potential financial benefit to the tower, its principals, affiliate, its employees, or family members when the authorization creates an actual or potential conflict of interest for the tower.
4. The Board's different roles in:
- Adopting public policy and rules to define the requirements of the laws the Board is charged with administering.
 - Adopting recommended best practices as options, tools, and resources for towers to address and mitigate potential complaints not under the jurisdiction of the Board.
 - Educating the general public on the responsibilities, expectations, and recourse of parking in a private parking facility.
5. Public outreach and opportunities for public and industry comments.
- Coughlin and McCullough will coordinate outreach to additional advocates.
 - McCullough will contact rental owner and property management advocates across the state.

- McCullough will work with the tow truck association (on 06/22/2024 in Bend) and the Portland Tow Advisory Committee and the possibility of having a public comment and input session on the Initial Concept Summary and public policy, during upcoming regular meetings for both organizations.
- The Board is creating a separate email distribution list for complainants and other individuals interested in the Board's public policy and administrative rules process.

The email distribution list will be used to update subscribers on current drafts of the Board's proposed policies and provide information on public comment opportunities.

Anyone interested in

Adjourned:

Chair Riley adjourned the meeting at 2:30 p.m.

Documents Considered by the Board

- Agenda
- First Draft: Initial Concept Summary
- First Quarter PPI Complaints
- ORS 90.485
- ORS SB 117 (2017)
- April 23, 2024 Work Session Notes
- Work Session Objectives

Minutes prepared by Torey McCullough

Minutes APPROVED by Board vote: