



State Board of Towing January 14, 2025 - Work Session Notes Tow Rates and Fees

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

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

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.

Board's authority:

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 \(Exceptions to requirements of ORS 98.856\)](#).*

ORS 822.285 Additional powers of board

(2) If the board has reason to believe that any person has been engaged or is engaging in any 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), 98.858 (Right of owner or person in lawful possession of vehicle to redeem or inspect vehicle, contact tower and obtain property of emergency nature), 181A.350 (Eligibility of towing business to be placed on department list), 822.200 (Operating illegal towing business), 822.215 (Grounds for denial, suspension, revocation or refusal of certificate), 822.225 (Failure to remove injurious substance), 822.230 (City or county regulation of towing businesses), 822.235 (Recovery after theft), 822.250 (State Board of Towing) to 822.290 (Denial of participation on Department of State Police tow rotation), 822.605 (False swearing relating to regulation of vehicle related businesses) or 822.995 (Civil penalties for violations related to towing) or any rule adopted under those statutes, or any order issued by the board, the board may, without bond, bring suit in the name and on behalf of the State of Oregon in the circuit court of any county of this state to enjoin the acts or practices and to enforce compliance with ORS 98.853 (Conditions allowing towing), 98.854 (Prohibitions placed on tower), 98.856 (Tower responsibility of disclosure to owner or operator of vehicle), 98.858 (Right of owner or person in lawful possession of vehicle to redeem or inspect vehicle, contact tower and obtain property of emergency nature), 181A.350 (Eligibility of towing business to be placed on department list), 822.200 (Operating illegal towing business), 822.215 (Grounds for denial, suspension, revocation or refusal of certificate), 822.225 (Failure to remove injurious substance), 822.230 (City or county regulation of towing businesses), 822.235 (Recovery after theft), 822.250 (State Board of Towing) to 822.290 (Denial of participation on Department of State Police tow rotation), 822.605 (False swearing relating to regulation of vehicle related businesses) or 822.995 (Civil penalties for violations related to towing) or any rule adopted under those statutes, or any order issued by the board. Upon a proper showing, a permanent or temporary injunction, restraining order or writ of mandamus shall be granted.

ORS 822.995 Civil penalties for violations related to towing

(1) In addition to any other penalty provided by law, any person who violates any provision 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), 98.858 (Right of owner or person in lawful possession of vehicle to redeem or inspect vehicle, contact tower and obtain property of emergency nature), 181A.350 (Eligibility of towing business to be placed on department list), 822.200 (Operating illegal towing business), 822.215 (Grounds for denial, suspension, revocation or refusal of certificate), 822.225 (Failure to remove injurious substance), 822.230 (City or county regulation of towing businesses), 822.235 (Recovery after theft) or 822.605 (False swearing relating to regulation of vehicle related businesses) or any rule adopted by the State Board of Towing is subject to payment of a civil penalty to the board.

ORS 98.853 (3) (a) and (b) – hook up fees.

(3)

(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).

(b) For purposes of this subsection, a hookup is complete if the motor vehicle to be towed has been loaded onto a tow vehicle, or if any part of the motor vehicle has been placed on or connected to an assembly that is part of a tow vehicle, such that the tow vehicle is capable of being in motion with the motor vehicle in tow.

- The Board may further defining the statute as part of its proposed administrative rule drafting and Board's legislative review processes.
- At this time, the requirement for a PPI tow is reasonable compliance with: ORS 98.853 (3) (b): the impounded vehicle be secured to the towing vehicle in a manner that the towing vehicle can safely remove the impounded vehicle from the private parking facility.
- The hook up requirement under ORS 98.853 (3) (b) is for removal of an impounded vehicle from a private parking area only; the requirements under ORS 98.853 (3) (b) do not meet the hook up requirements for a vehicle towed on public roadways. The tower must comply with the state and federal hook up requirements before entering a public roadway.

ORS 98.854 Prohibitions placed on tower

(5) – towing charges.

A tower may not ... 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.

- The requirement under this statute is clear as written.
- Consumer complaints submitted to DOJ are forwarded to the Board for review and resolution.
- If the tow is authorized by law enforcement or a government agency then a disputed invoice will be forwarded to the authorizing agency for an audit.
- The Board may review the disputed invoices against the contracted rates. The Board (a) will consider tow services rendered independent of the cost sheet (b) refer and defer to the agency for a final decision and (c) will not dispute the findings of the authoritative agency.

ORS 98.854 (6) and (14) – prohibition of charges

(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.

(14) Charge for the hookup and release of a motor vehicle except as provided in ORS 98.853 (Conditions allowing towing).

- The requirement under this statute is clear as written.
- Statewide rate setting will require changes in statute. The Board is not proposing a change to legislation regulating rates and is not aware of any proposed legislation requiring rate setting.
- Consumer complaints submitted to DOJ are forwarded to the Board for review and resolution.
- Maximum rates for towing established: Complaints will be forwarded to the appropriate agency.

- No maximum rates established: the Board may review the disputed invoices against the tower's written statement of fees and costs and consider services rendered, reasonable and customary costs, and transparency of invoicing.
- The maximum rates established by a local authority are applicable to the towing circumstances and jurisdiction of that authority, only.
- Maximum or allowed rates established by one jurisdiction do not apply to another jurisdiction.

ORS 98.856 (1)

(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.

Hello,

Are towing companies required to give you a full breakdown of their costs such as the hookup fee, towing fee, and vehicle release fee?

Thank You,

- The requirement under this statute is clear as written.
- Clarification:
Yes: towers must provide a breakdown of their fees and charges.
No: towers do not have to provide a breakdown of their costs.
- Complaints submitted to DOJ are forwarded to the Board for resolution.
- The Board will conduct an audit against the disputed invoice and the tower's written statement of fees and charges and determine compliance.
- Exception:
 - If a tow is conducted under a non-preference or rotational tow contract authorized by law enforcement or another government agency, release of the tow rate sheet is through the authorizing agency.
 - If there is no rate sheet provided to the authorizing agency, then the Board may conduct an audit using the written statement required under ORS 98.856 (1) and collaborate any decisions with the authorizing agency.
- Towers may have more than one rate sheet (e.g., motor or other contract, LE rotation, private tow). Only the rate sheet relevant to the towing incident should be considered when reviewing an invoice.

- Requirement under (1) (a): “all” may be overly burdensome and may not encompass all fees and expenses associated with a tow. The Board will consider actual services rendered and the circumstances of the tow when reviewing or auditing any disputed invoices.

ORS 98.856 (2) and (3)

(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.

- The requirement under this statute is clear as written.
- An insurance company paying for the release of the vehicle or towing charges is entitled to the conspicuous written statement prior to payment. A tower is not required to waive or discount storage and other fees while an insurance company reviews the written statement.
- A vehicle owner or insurance company should first request clarification of any questions on a tow bill, compare charges from the invoice with the services rendered and rate sheet, and consider the towing services provided prior to filing a complaint with a state or local agency.

ORS 98.856 (5)

(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.

- The requirement under this statute is clear as written.
- Failure to provide a written statement as required under ORS 98.856 (5) is grounds for disciplinary action.
- A written bid or quote complies with this statute for an contracted or pre-authorized tow in lieu of the tower providing a full list of the tower’s fees and charges.

ORS 98.856 (6)

The Board has tabled “personal property of an emergency nature” for future discussion.

ORS 98.852 (6) “Personal property of an emergency nature” includes, but is not limited to, prescription medication, eyeglasses, hearing aids, clothing, identification, a wallet, a purse, a credit card, a checkbook, cash and child safety car and booster seats.

- Clarifications:
 - At the tower’s discretion, a non-vehicle owner may remove emergency personal items from a vehicle. The gate fee restrictions apply.
 - Uniforms, legal documents, keepsakes, electronics, and other items not specified under ORS 98.852 (6) are not required to be released from the tower without payment of the tow fee.

ORS 98.862 Exceptions to requirements of ORS 98.856

ORS 98.856 (1) A tower need not provide the written information required under ORS 98.856 ... 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.

- The requirement under this statute is clear as written.
- To comply with the exception, the sign must show:
 - (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.*

The remainder of the work session discussion points are tabled for future work sessions.

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