



June 12, 2025 Board Meeting
Work Session Materials

*Documents prepared to facilitate discussions only and do not
represent official board policy or reflect
Changes to existing laws, regulations or requirements.*



Oregon State Board of Towing Signage Work Session - Objectives June 12, 2025

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.

Objectives:

Address questions and concerns represented in Complaints submitted to the Board.

General Discussion:

ORS 90.485 Restrictions on landlord removal of vehicle

(3) A landlord may have a motor vehicle removed from the premises under subsection (2)(f) of this section only if the landlord: (b) Provides a tenant with parking tags or other devices to be used on a vehicle other than the tenant's primary vehicle if the tenant wants to park a vehicle on the premises in lieu of the tenant's primary vehicle; **and**

(c) Enters into written agreements with the owners or operators of vehicles authorized to park on the premises that:

(B) **Unless the information is disclosed on prominent signs posted on the premises, disclose to the owners or operators of authorized vehicles the name, address and contact information of the tow company that is authorized to remove vehicles from the premises; and**

ORS 90.485 Restrictions on landlord removal of vehicle

(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.

ORS 98.810 Unauthorized parking of vehicle on proscribed property prohibited

A person may not, without the permission of:

(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.**

ORS 98.853 (1)A tower may tow a motor vehicle if the motor vehicle:

(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;

(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.

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.

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.

Questions:

1. If posted signs in a private parking facility identify a tow company as contact for the tow, another tower may not impound a vehicle from the parking facility unless:
 - a. There is a 72-hour notice posted on the vehicle. OR
 - b. The vehicle is impounded to the tow yard as listed on the signs (Tower A subcontracts with Tower B – who has its own tow business certificate – to assist with PPI or other towing scenarios)
2. Other questions or clarifications from complaint reviews:



Oregon State Board of Towing Rates and Fees - Objectives June 12, 2025

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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.

Objectives:

Address questions and concerns represented in Complaints submitted to the Board.

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:

- Necessary for the administration of the laws that the board is charged with administering.
- 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.

General Discussion:

1. Is a verbal quote over the phone binding on the tower?

2. Is there any grace period for daily storage fee?

If a vehicle owner calls the tow company while the impound is in transit to the tow yard, and meets the tower at the tow yard - is a daily storage fee appropriate?

3. Charging for a tow when the tow was cancelled by the vehicle owner before the tower arrived on scene.

The Board is receiving complaints that some websites/towers are requiring pre-payment from the vehicle owner with a no-refund policy for cancellation.

4. Other questions or clarifications from complaint reviews:



Oregon State Board of Towing Signed Authorization - Objectives June 12, 2025

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Address questions and concerns represented in Complaints submitted to the Board.

ORS 98.805 Definitions

(4) "Proscribed property" means any part of private property:

(a) Where a reasonable person would conclude that parking is not normally permitted at all or where a land use regulation prohibits parking; or

ORS 98.810 Unauthorized parking of vehicle on proscribed

A person may not, without the permission of:

(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.

(2) The owner of proscribed property, leave or park any vehicle on the proscribed property whether or not there is a sign prohibiting or restricting parking on the proscribed property.

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.

(2) ... tow a motor vehicle from a parking facility without ... 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.

1. Would blocking a gated entry be considered "proscribed property", and would signs be necessary? Does it matter if the property does not have a parking lot (i.e., a field or road)
2. How can the safety and well-being of the tenant-owner of an assigned parking spot be protected in PPI tows?
3. Other questions or clarifications from complaint reviews:



State Board of Towing
ORS 822.200 Operating illegal towing business - Objectives
June 12, 2025

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Objectives:

Address questions and concerns represented in Complaints submitted to the Board.

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:

- 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.
- 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]

OAR 735-154-0010

Requirements for Towing Business Certificate

(1) In addition to meeting the requirements for an application for a towing business certificate under ORS 822.200 (Operating illegal towing business) to 822.215 (Grounds for denial, suspension, revocation or refusal of certificate) or a renewal under 822.210 (Privileges granted by certificate), an applicant for a towing vehicle certificate must submit the following to the DMV for each tow vehicle:

- A completed and signed Application for Tow or Recovery Vehicle Business Certificate (DMV Form 735-387);
- An application for title and registration, if titling and registering a vehicle;
- An application for registration, if only registering a vehicle; and
- All applicable fees.

(2) At the time that a tow or recovery vehicle is transferred or no longer operates as a tow or recovery vehicle, the towing business certificate, plates and stickers issued to the vehicle must be surrendered to DMV.

OAR 735-154-0060 Lessee as Owner on Leased Tow or Recovery Vehicle

Notwithstanding ORS 801.375 ("Owner")(1)(b) and 803.050 (Application), the lessee shall appear as owner on the Certificate of Title for a vehicle when:

- (1) Application for a towing business certificate is made and the vehicle is engaged in any towing or recovery business operation; and
- (2) Special tow or recovery plates or identification devices are issued in conjunction with the vehicle registration.

History:

DMV 5-2006, f. & cert. ef. 5-25-06

Renumbered from 735-071-0105, MV 21-1991, f. & cert. ef. 9-18-91

MV 15-1982, f. & ef. 9-23-82, MV 14-1981, f. 10-30-81, ef. 11-1-81

At issue:

The Board is seeing a number of tow companies renting or leasing their tow trucks to another company, without a change to the tow business certificate. The requirement has been in law since 2005.

Some of these “leases” span tow business certificate renewal periods.

1. Tow business certificate legal requirements are:

PER DMV: The tow company operating the tow vehicle must qualify for a tow business certificate, and must be listed on the tow business certificate.

When is it reasonable that a tower can rent or borrow from another tow company?

(Is being a holder of an Oregon tow business certificate sufficient for short term lease/rental – for instance, a tower’s truck is in the shop, and the tower is borrowing/renting/leasing a vehicle from another tower in the short term?)

Possible exceptions to the tow business certificate?

- The tow business certificate is issued to the owner of the tow business.
- “Doing business as” – tow business certificate is issued to either the principal business or the dba, relationship recorded in SOS records.
- Short-term lease of the vehicle (tower leasing vehicle is a tow business certificate holder)

2. Does the badging on the tow vehicle have to match the tow business certificate and the company providing the towing service?

3. What are the requirements for board review of the complaints, when should an investigation be open?



Oregon State Board of Towing Truck and Equipment Safety - Objectives June 12, 2025

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Objectives:

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Civil penalty authority under ORS 822.995 for violation of:

ORS 181A.350 Eligibility of towing business to be placed on department list

The Superintendent of State Police may make rules governing the eligibility of towing businesses to be placed and remain on any list of such businesses used by the Department of State Police when it requests towing services on behalf of any person.

ORS 822.215 Grounds for denial, suspension, revocation or refusal of a certificate

(1) The Department of Transportation may deny or refuse to issue any towing business certificate under ORS 822.205 (Certificate) or may suspend, revoke or refuse to renew any towing business certificate issued upon proof that the applicant for or holder of the certificate has done any of the following:

(c) Used vehicles for the purposes of towing or recovering services that did not meet the minimum safety standards established by the department. (of transportation)

1. What is the Board's role in complaints alleging:

A. Tow vehicles not meeting minimum safety standards of ODOT

B. Tow vehicle unsafely or overloaded?

C. Oversized loads requiring a permit (but not issued one)?