



OREGON STATE BOARD OF TOWING
INITIAL DRAFT
Language for draft proposed
Administrative Rules

Oregon State Board of Towing
INITIAL DRAFT of language for draft proposed rules
FOR DISCUSSION PURPOSES ONLY

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

Administrative rules will be adopted only after the proposed administrative rules are drafted and hearings are held for public comments and testimony.

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

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INITIAL DRAFT language for drafting of proposed rules
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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:

- *To ensure that definitions used to conduct board business are defined and publicly available.*
- *Provide context and clarity to vehicle owners, towing industry, the public, and agency partners.*

Definitions related to vehicle ownership

Owner of the motor vehicle

<i>Proposed rule language:</i>	<p>“Owner” of a motor vehicle means</p> <ul style="list-style-type: none"> • the owner as defined under ORS 801.375, or • a person identified as the lawful owner in a formal document issued by a recognized authority, including, but not limited to, a written notice, letter, or order issued by a court, government agency, or law enforcement agency.
<i>As referenced in current tow laws:</i>	<p>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 98.857 (1), (2), (3) ORS 98.858 (1), (2) ORS 98.859 (1) ORS 98.860 (1) ORS 98.861 (5) ORS 98.862 (4) ORS 822.235 (1)</p>
<i>Related statutes:</i>	<p>ORS 801.375 “Owner.” “Owner” when referring to the owner of a vehicle means:</p> <p>(1) The person in whose name title to a vehicle is issued, and who is entitled to possession and use of the vehicle.</p> <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>

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	<p>ORS 98.856 (4) If the owner or operator of the motor vehicle is not present at the time of the tow:</p> <p>(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.</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 changes to state laws or existing policy.
Fiscal Impact:	\$0.
Stakeholders/Interested Parties:	Towing industry, law enforcement, vehicle owners.
Stakeholders/Interested Parties	Towing industry, law enforcement, vehicle owners.
Person in lawful possession, right to possession, or entitled to possession	
Proposed rule language:	<p>“Person in lawful possession,” “ person with right to possession of the vehicle,” and “person entitled to possession” means:</p> <ul style="list-style-type: none"> • A person identified under ORS 802.240 or • A person identified in a formal document, including, but not limited to, a written notice, letter, or order issued by a court, government agency, or law enforcement agency.
As referenced in current tow laws:	<p>ORS 98.856 (3), (4)</p> <p>ORS 98.858 (1), (2)</p>
Existing Statutes/Reference:	<p>ORS 802.240 Driver and vehicle records as evidence</p> <p>(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 <u>ownership or right to possession of the vehicle</u>. As used in this section, the record of title does not include records of salvage titles unless the record itself is the salvage title. <u>Proof of the ownership or right to possession of a vehicle shall be made by means of any of the following methods:</u></p> <p>(a) The original certificate of title as provided under ORS 803.010 (Proof of ownership).</p>

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	<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>
<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 in policy.
<i>Fiscal Impact:</i>	\$0
<i>Stakeholders/Interested Parties</i>	Towing industry, law enforcement, vehicle owners.
Operator of the vehicle	
<i>Proposed rule language:</i>	“Operator of the vehicle” means a person who demonstrates physical control of a vehicle.
<i>As referenced in current tow laws:</i>	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
<i>Existing Statutes/Reference:</i>	
<i>Change/Reason for rule:</i>	<ul style="list-style-type: none">• 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 changes in policy.
<i>Fiscal Impact:</i>	\$0

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Stakeholders/Interested Parties	Towing industry, law enforcement, vehicle owners.
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DEFINITIONS RELATED TO PARKING FACILITIES AND AGENTS	
Owner of a parking facility	
<i>Proposed rule language:</i>	"Owner of a parking facility" or "owner of the parking facility" means the owner of a parking facility as defined by ORS 98.805 (1).
<i>As referenced in current tow laws:</i>	ORS 98.854 (2), (3) and (4)
<i>Related statutes:</i>	ORS 98.805 (1) "Owner of a parking facility" means: (a) The owner, lessee or person in lawful possession of a private parking facility; or (b) Any officer or agency of this state with authority to control or operate a parking facility.
<i>Reason for rule, potential policy change:</i>	<ul style="list-style-type: none"> • Provide consistency in definitions and terminology used in towing compliance enforcement. • No policy change.
<i>Fiscal Impact:</i>	\$0
<i>Stakeholders/Interested Parties:</i>	Private property owners, tenants, guests, public members, vehicle owners, towing industry.
Owner's agent	
<i>Proposed rule language:</i>	<ul style="list-style-type: none"> • "Agent" or "Owner's agent" means 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 under ORS 98.854. • 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 under ORS 98.854.
<i>As referenced in current tow laws:</i>	ORS 98.854 (2), (3), and (4)

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<i>Related statutes:</i>	
<i>Reason for rule, potential policy change:</i>	<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. • Clarify the obligations of an "owner's agent" for the purposes of ORS 98.854 are limited to the identification of vehicles to be towed. • No changes to policy.
<i>Fiscal Impact:</i>	\$0
<i>Stakeholders/Interested Parties:</i>	Private property owners, tenants, guests, public members, vehicle owners, towing industry.
Employee	
<i>Proposed rule language:</i>	<p>For the purposes of ORS 98.854 (4), "Employee" means any party compensated, directly or indirectly, by the tower for</p> <ul style="list-style-type: none"> • Authorizing a vehicle to be towed or • Identifying a vehicle or vehicles to be towed by the tower.
<i>As referenced in current tow laws:</i>	ORS 98.854 (4)
<i>Related statutes:</i>	
<i>Reason for rule, potential policy change:</i>	<ul style="list-style-type: none"> • Compliance enforcement: identifying an employee of a tower for clarity • Define and ensure compliance with the intent of ORS 98.854 (4) • Remove perception or practice of soliciting or creating towing business
<i>Fiscal Impact:</i>	\$0
<i>Stakeholders/Interested Parties:</i>	Private property owners, tenants, guests, public members, vehicle owners, towing industry.

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OTHER DEFINITIONS	
Compensation	
Proposed rule language:	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 that confers value in exchange for towing services.
As referenced in current tow laws:	ORS 822.200
Statute:	ORS 822.200 <i>Operating illegal towing business</i> (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.
Reason for rule, potential policy change:	Clarification of the term “compensation” for the purposes of compliance and compliance enforcement.
Fiscal Impact:	\$0
Stakeholders/Interested Parties:	Legal towers and illegal tow operations, law enforcement, ODOT and DMV partners
Upon request	
Proposed rule language:	“Upon request” means: 1. At the time the request is made to the tower. 2. No later than the end of the business day following receipt of the request if the request is made outside of business hours.
As referenced in current tow laws:	ORS 98.853 (2) ORS 98.854 (2)
Statute:	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</i>

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	<p>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.</p> <p>Effective 01/01/2026: ORS 98.854 (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.</p>
Similar legal requirements:	ORS 98.854 (12) Accept cash as a method of payment for towing services unless the tower provides exact change <u>not later than the end of the business day following receipt of payment.</u>
Reason for rule, potential policy change:	Compliance Enforcement: setting the standards and expectations of the meaning "upon request", removing the "confusion" of the term, and in response to demonstrated complaints regarding public safety and wellbeing
Fiscal Impact:	\$0
Stakeholders/Interested Parties:	Towers, vehicle owners, vehicle operators, parking facility owners
As soon as is practicable	
Proposed rule language:	<p>"As soon as practicable" means:</p> <ul style="list-style-type: none">• At the time the vehicle is recovered by the tower.• No later than the end of the business day following recovery of the vehicle, if vehicle is recovered outside of business hours.
As referenced in current tow laws:	ORS 98.857
Related statutes:	ORS 98.857 Recovery of stolen vehicle (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

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	<i>(b) Of the current location of the vehicle.</i>
<i>Reason for rule, potential policy change:</i>	Compliance Enforcement and industry standards: setting the standards and expectations of the when a tower must provide notice to the owner of the vehicle.
<i>Fiscal Impact:</i>	\$0
<i>Stakeholders/Interested Parties:</i>	Towing industry, law enforcement, vehicle owners, insurance companies, parties with a financial interest in stolen vehicles.

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DRAFT LANGUAGE FOR PROPOSED RULES FOR IMPLEMENTATION AND ADMINISTRATION OF THE ORS CHAPTERS ASSIGNED TO THE BOARD OAR CHAPTER 750

Implementation and administration of ORS 98.853 (2)

<i>Proposed rule language:</i>	<p>The photographs will sufficiently demonstrate:</p> <ul style="list-style-type: none"> • The vehicle as parked prior to the tow • The vehicle parked in violation. <ol style="list-style-type: none"> 1. Posted notice, if applicable 2. The nearest sign showing the parking restrictions of the parking facility, taken adjacent to the vehicle; 3. If not legible in the photo, a second photograph adjacent to the nearest sign demonstrating the proximity of the vehicle to the sign and a photo of the sign
<i>As referenced in current tow laws:</i>	ORS 98.853 (2)
<i>Related statutes:</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 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.</p>
<i>Related statutes or legal requirements:</i>	<p>ORS 90.485 Restrictions on landlord removal of vehicle</p> <p>(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.</p> <p>ORS 98.830 Towing abandoned vehicle from private property</p>

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	<p>(1) A person who is the owner, or is in lawful possession, of private property on which a vehicle has been abandoned may have a towed the vehicle from the property if:</p> <p>(a) <u>The person affixes a notice to the vehicle stating that the vehicle will be towed if it is not removed;</u></p> <p>(b) The notice required by paragraph (a) of this subsection remains on the vehicle for at least 72 hours before the vehicle is towed;</p> <p>ORS 98.854 Prohibitions placed on towed</p> <p>A towed may not:</p> <p>(1) (a) Tow a motor vehicle from a parking facility <u>unless there is a sign displayed in plain view at the parking facility</u> that, using clear and conspicuous language, prohibits or restricts public parking at the parking facility.</p>
Reason for rule, potential policy change:	<ul style="list-style-type: none"> • Transparency • Compliance with industry standards • Compliance enforcement
Fiscal Impact:	\$0
Stakeholders/Interested Parties:	Towing industry, vehicle owners, parking facility owners
Implementation and administration of ORS 98.854 (1)	
Proposed rule language:	<p>Signs displayed in compliance with ORS 98.85 (1):</p> <ul style="list-style-type: none"> • Prohibit or restrict public parking in the parking facility in plain and clear language or using clear images. • Are in plain view and clearly readable by an operator of a motor vehicle from within ## feet of the sign. • Are posted at each entrance to the parking facility • Are prominently posted within the parking facility • At least one posted sign must disclose to the owners or operators of vehicles <p>1. The name and contact information of the tow company authorized to remove vehicles from the premises; or</p>

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	<p>2. At the property owner or agent’s sole discretion, the 24-hour contact information if there is not a designated tow company disclosed on the signs posted in the parking facility.</p> <ul style="list-style-type: none"> • Are legible, in good repair, and are not faded, damaged, vandalized, hidden, or otherwise obscured from the sight of an operator of a motor vehicle. • Only a tower whose contact information is posted on signs within the parking facility may tow a vehicle without the consent of the vehicle owner or operator without a 72-hour notice. • Nothing within this rule prevents a parking facility owner from authorizing a vehicle towed with a 72-hour notice by any lawful tower. • Nothing within this rule restricts or prevents the impounding of vehicles under the request and authorization of law enforcement or government agencies using a tower on the agency’s rotation list. • Signs posted in a parking facility disclosing the name and contact information of the tower constitutes advertising tow services and require that the disclosed tower has an active tow business certificate. Posting a tow sign without an active tow business certificate, or failing to remove a tow sign after the expiration of tow business certificates, is a violation of ORS 822.200. • Disclosure of the state law or ordinance need not be posted unless required. However, a state law or local ordinance disclosed on a sign must be applicable to the parking prohibition or restrictions of the parking facility. • Signs restricting parking are not required in specific areas of a parking facility where a parked vehicle would block or prevent access by emergency vehicles, blocks or prevents entry to the premises, in areas not intended for motor vehicle parking, or on proscribed property as defined in ORS 98.840.
<i>As referenced in current tow laws:</i>	ORS 98.854 (1)
<i>Related statutes:</i>	ORS 98.853 Conditions allowing towing

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	<p>(1) A tower may tow a motor vehicle if the motor vehicle:</p> <p>(d) Parks without permission in a parking facility used for residents of an apartment and:</p> <p>(C) <u>There are signs posted that are clearly readable by an operator of a motor vehicle</u> in each parking stall or <u>at each entrance to the parking facility</u> 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><u>(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.</u></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>
Similar legal requirements:	<p>ORS 98.805 Definitions for ORS 98.810 to 98.818, 98.830 and 98.840</p> <p>(4) "Proscribed property" means any part of private property:</p> <p>(a) Where a reasonable person would conclude that parking is not normally permitted at all or where a land use regulation prohibits parking; or</p> <p>(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.</p> <p>ORS 98.810 Unauthorized parking of vehicle</p> <p>A person may not, without the permission of:</p> <p>(1) The owner of a parking facility, leave or park any vehicle on the parking facility <u>if there is a sign displayed in plain view at the parking facility prohibiting or restricting public parking on the parking facility.</u></p>
Reason for rule, potential policy change:	<ul style="list-style-type: none">• Provide consistent sign requirements.• Protection of the public by ensuring informed consent when parking and accurate information in retrieving vehicles.
Fiscal Impact:	\$0
Stakeholders:	Towing industry, vehicle owners, parking facility owners

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Implementation of SB1036 – Signed Authorization under ORS 98.854 (2)	
Proposed rule language:	<ul style="list-style-type: none"> • The authorization signed by the owner of the parking facility or the owner’s agent must include: <ol style="list-style-type: none"> (a) The date and time of the tow request. (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; and (e) A statement that the person signing the authorization has the authority to do so • The tower will keep a record of: <ol style="list-style-type: none"> (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. • The tower must have in their possession an authorization, identifying the vehicle to be towed, signed and dated by the private parking facility owner or their agent, prior to initiating hook up and towing of a vehicle. <ol style="list-style-type: none"> 1. A “wet signature” signed at the origin of the tow is not required. 2. An electronic signature, signed by the parking facility owner or their agent at the time of the request, 3. An email documenting the time, date and sender email, or 4. A request submitted through a secure portal requiring a login and password • A signed authorization for a tow is valid for 24 hours. • A tower, or its employee or designee, cannot act as the property owner’s agent for the purposes of authorizing a tow.
As referenced in current tow laws:	ORS 98.854 (2)

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<i>Related statutes:</i>	<p><i>Effective 01/01/2026:</i></p> <p><i>ORS 98.854 (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.</i></p>
<i>Similar legal requirements:</i>	<p><i>ORS 98.830 Towing abandoned vehicle from private property</i></p> <p><i>(1) A person who is the owner, or is in lawful possession, of private property on which a vehicle has been abandoned may have a tower tow the vehicle from the property if:</i></p> <p><i>(a) The person affixes a notice to the vehicle stating that the vehicle will be towed if it is not removed;</i></p> <p><i>(b) The notice required by paragraph (a) of this subsection remains on the vehicle for at least 72 hours before the vehicle is towed; and</i></p> <p><i>(c) The person fills out and signs a form that includes:</i></p> <p><i>(A) A description of the vehicle to be towed;</i></p> <p><i>(B) The location of the property from which the vehicle will be towed; and</i></p> <p><i>(C) A statement that the person has complied with paragraphs (a) and (b) of this subsection.</i></p> <p><i>(2) A tower who tows a vehicle pursuant to this section is immune from civil liability for towing the vehicle if the tower has a form described in subsection (1) of this section, filled out by a person purporting to be the owner or a person in lawful possession of the private property from which the vehicle is towed. This subsection does not grant immunity for any loss, damage or injury arising out of any negligent or willful damage to, or destruction of, the vehicle that occurs during the course of the towing.</i></p> <p><i>ORS 98.820 Towing vehicle from fuel dispensary premises</i></p> <p><i>(2) An owner, operator or employee of a fuel dispensary may have a vehicle towed from the fuel dispensary premises if:</i></p> <p><i>(c) An owner, operator or employee of the fuel dispensary affixes a notice to the windshield of the vehicle or, if the vehicle lacks a windshield, in another prominent location on the vehicle, stating the date and time the notice was affixed and that the vehicle may be towed if it is not removed within two hours after the date and time stated on the notice;</i></p> <p><i>(d) The notice described in paragraph (c) of this subsection remains on the vehicle for at least two hours before the vehicle is towed; and</i></p> <p><i>(e) The owner, operator or employee provides the towing company with a signed statement that:</i></p> <p><i>(A) Describes the vehicle to be towed;</i></p> <p><i>(B) Identifies the property from which the vehicle is to be towed; and</i></p>

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	<p>(C) States that the vehicle is preventing or hindering access to a fuel dispensing device in a manner that is interfering with business activity at the fuel dispensary.</p> <p>(3) A towing company that tows a vehicle pursuant to this section is immune from civil liability for towing the vehicle if the towing company possesses a signed statement described in subsection (2)(e) of this section. This subsection does not grant immunity for any loss, damage or injury arising out of any negligent or willful damage to, or destruction of, the vehicle that occurs during the course of the towing.</p>
<i>Reason for rule, potential policy change:</i>	<ul style="list-style-type: none">• Compliance enforcement.• Public protection• Universal consistency of tow and impound authorizations independent of the reason for the tow
<i>Fiscal Impact:</i>	\$0
<i>Stakeholders:</i>	Towing industry, vehicle owners, parking facility owners
Implementation and administration of “upon request” - ORS 98.853 (2) and 98.854 (2)	
<i>Proposed rule language:</i>	<p>ORS 750-040-00**</p> <p>Implementation of ORS 98.853 (2) and ORS 98.854 (2)</p> <p>If a tower is unable to provide documents upon request in compliance with [ORS 98.853 (2), or ORS 98.854 (2) as applicable], the tower must provide the requester with</p> <ul style="list-style-type: none">• A written acknowledgment of the request• The date the information will be provided• The reason for the delay in responding to the request.
<i>As referenced in current tow laws:</i>	<p>ORS 98.853 (2)</p> <p>ORS 98.854 (2)</p>
<i>Related statutes:</i>	<p>ORS 98.853 (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.</p>

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	Effective 01/01/2026: ORS 98.854 (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.
Reason for rule, potential policy change:	<ul style="list-style-type: none"> • Establish compliance expectation • Compliance enforcement • Consumer protection
Fiscal Impact:	\$0
Stakeholders:	Towing industry, vehicle owners
Consumer Protection statement under OAR Chapter 750, Division 60	
<p>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.</p> <p>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.</p> <p>OR</p> <p>(c) Under the direction of the vehicle owner's service representative.</p> <p>Towers cannot independently identify their own towing business or solicit business when prohibited by law.</p> <p>If the impound/tow is dispatched, but not completed under the legal authorization of another entity: A written statement of fees must be provided to the owner or operator of the vehicle in compliance with ORS 98.856 and the consent of the owner must be obtained.</p>	

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ORS 822.200 – Implementation and administration - definitions	
Adopt the provisions of OAR Chapter 735, Division 154	
<u>735-154-0000</u>	<p>(2) Definitions for the purposes of OAR 735-154-0000 through 735-154-0050 are as follows:</p> <p>(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;</p> <p>(b) A “towing or recovery vehicle” means any motor vehicle used by any person(s) for the purpose of towing or recovering of vehicles;</p> <p>(c) “Towing business certificate” or “certificate” means the vehicle registration card containing distinctive language indicating it is a certificate issued in conjunction with the vehicle registration, for towing or recovery services;</p> <p>(d) “Distinctive plate” means the prescribed Oregon registration plate format with a five-digit identification number and two letter prefix “TW” indicating a tow or recovery vehicle; and</p> <p>(e) “Stickers” means month and year stickers of a type in current use by the Driver and Motor Vehicle Services Division of the Department of Transportation to indicate staggered registration dates.</p>
<u>735-154-0060</u>	<p>Lessee as Owner on Leased Tow or Recovery Vehicle</p> <p>Notwithstanding ORS 801.375(1)(b) and 803.050, the lessee shall appear as owner on the Certificate of Title for a vehicle when:</p> <p>(1) Application for a towing business certificate is made and the vehicle is engaged in any towing or recovery business operation; and</p> <p>(2) Special tow or recovery plates or identification devices are issued in conjunction with the vehicle registration.</p>
ORS 803.540 Failure to display plates	<p>(1) A person commits the offense of failure to display registration plates if the person operates, on the highways of this state, any vehicle or camper that has been assigned registration plates by this state and the registration plates assigned to the vehicle or camper are displayed in a manner that violates any of the following:</p> <p>(a) The plate must be displayed on the rear of the vehicle, if only one plate is required.</p> <p>(b) Plates must be displayed on the front and rear of the vehicle if two plates are required.</p> <p>(c) The plates must be in plain view and so as to be read easily by the public.</p> <p>(d) The plate must not be any plate that does not entitle the holder thereof to operate the vehicle upon the highways.</p> <p>(2) A person is not in violation of this section if the person is operating a vehicle or camper under and in accordance with the requirements for any of the following:</p> <p>(a) A temporary application permit issued under ORS 803.615 (Temporary permit for registration applicant).</p> <p>(b) An agent temporary registration permit issued under ORS 803.625 (Temporary registration permits issued by dealers).</p>

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	(c) Provisions established under ORS 826.007 (Authority for proportional registration agreements), 826.009 (Proportional registration of commercial vehicles) or 826.011 (Proportional fleet registration) for the display of registration plates or other evidence of registration on vehicles that are proportionally registered under ORS 826.009 (Proportional registration of commercial vehicles) or 826.011 (Proportional fleet registration). (3) The offense described in this section, failure to display registration plates, is a Class D traffic violation. [1983 c.338 §261; 1985 c.668 §13; 1989 c.43 §28; 1995 c.383 §6]
ORS 822.200 – Implementation and administration – demonstration of legal operation	
<i>Proposed rule language:</i>	As the tow business certificate is the instrument demonstrating legal operation of a towing business, if requested by the vehicle owner or operator, the tow business certificate is to be provided to verify legal operation of a towing business prior to hook up.
<i>As referenced in current tow laws:</i>	ORS 822.200, ORS 822.210
<i>Related statutes:</i>	See attached for text of ORS 822.200 and 822.210
<i>Reason for rule, potential policy change:</i>	<ul style="list-style-type: none">• Public protection and transparency• Compliance enforcement
<i>Fiscal Impact:</i>	\$0
<i>Stakeholders:</i>	Towing industry, vehicle owners, law enforcement, general public
Implementation of ORS 98.853 (3) (a), ORS 98.854 (12)	
<i>Proposed rule language:</i>	A written receipt will be provided for any payment received by a tower itemizing: <ol style="list-style-type: none">1. The amount due.2. The amount paid and form of payment.3. Exact change due, if any.4. Date and time of the payment.5. Location of the payment

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	A written receipt is not required if a tower provides an itemized invoice or statement at the time of payment.
<i>As referenced in current tow laws:</i>	
<i>Related statutes:</i>	<p>ORS 98.853 Conditions allowing towing (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).</p> <p>ORS 98.854 A tower may not: (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.</p>
<i>Reason for rule, potential policy change:</i>	<ul style="list-style-type: none"> • Transparency • Public protection • Documentation of towing processes
<i>Fiscal Impact:</i>	Minimal; cost of a receipt book.
<i>Stakeholders:</i>	Towing industry, vehicle owners, law enforcement, general public
Implementation and Administration of ORS 98.856 Written Statement of Fees	
<i>Proposed rule language:</i>	<p>Require an itemized statement of the invoiced charges and fees prior to payment for release of the vehicle.</p> <p>Exception: if the vehicle is impounded after business hours, and the vehicle owner or operator retrieves the vehicle prior to the next business day, the tower may provide a written receipt documenting the payment made to release the vehicle as long as the itemized statement is provided to the vehicle operator or owner by the end of the next business day.</p> <p>Itemized statement requirements:</p>

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	<ol style="list-style-type: none">1. Contact information of the tower, including business address, phone number, and other contact information available to the public.2. Itemization of all fees and charges incurred and paid.3. Date and time of tow.4. The total amount due.5. Date and method of the payment.6. Amount of payment made. <p>A tower cannot charge a rate or fee not disclosed on the written statement required under ORS 98.856 without the prior consent of the vehicle owner or operator.</p> <p>A tower cannot charge for services not rendered.</p> <p>All rates and fees on the written statement required under ORS 98.856, or charged to a vehicle owner or operator with consent, must comply with legal regulations including, but not limited to, regulations related to the charging of credit card fees, collection fees, interest, and government or law enforcement fees.</p> <p>A tower cannot 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.</p> <p>A vehicle owner or operator has the right to refuse towing services except when</p> <ol style="list-style-type: none">1. The impound is dispatched and authorized by a law enforcement or government agency under the agency's authority under ORS Chapter 819 or2. After hookup of the vehicle is complete when the tow is conducted under the signed authorization of the property owner or their agent if the vehicle owner or operator is unable to pay the hook up fee.
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	<p>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, a copy of the notice of lien and proof of mailing is to be provided at the time of payment; unless previously mailed to the vehicle owner's current mailing address.</p> <p>If an appraisal of a vehicle is required by law to be conducted by a person who holds a certificate issued under ORS 819.480 (Vehicle appraiser certificate), the appraisal will be available to the vehicle owner or person with financial interest or lawful interest upon request.</p> <p>If a vehicle owner or person in lawful possession requests to meet or schedule an appointment for a date later than the same business day, the tower must provide the person with:</p> <ul style="list-style-type: none">• the tower's daily storage fees• Any additional fees, including lien fees, which may be assessed and required to be paid.• Any statutory deadlines or requirements which may impact the rights of the vehicle owner, including notice of lien, disposal or sale of the vehicle, or the right to obtain personal property. <p>If a tower requires or demands a vehicle owner or person in lawful possession schedules an appointment later than the same day of the request, or reschedules an appointment, the tower will not assess storage or other fees until the date of the appointment scheduled at the request of the tower.</p> <ul style="list-style-type: none">• This includes assessment of daily charges or associated fees until the tower can and is able to comply with the requirements of ORS 98.856.• This applies only to charges incurred on or after the date of the request of the vehicle owner until the tower complies with the requirements of ORS 98.858 (1)
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	<p>For vehicles towed without the informed consent of the owner, the tower cannot charge additional fees, including storage fees, 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 of the vehicle owner or operator prior to payment of the statement.</p> <p>Exception: The hand-written receipt is sufficient to comply with the requirement when payment is made:</p> <ul style="list-style-type: none">• For the hook up fee at origin of the tow or• At the tow yard or business when:<ul style="list-style-type: none">○ The impound occurs outside of business hours and payment is made to retrieve the vehicle prior to the next business day AND○ The itemized statement is provided by the next business day. <p>A tower may not assess storage charges or fees against a towed vehicle unless the tower can demonstrate compliance with the notice of lien requirements of ORS 98.812, 819.160, and other applicable laws.</p> <p>A tower may not issue a notice of lien unless the tower can demonstrate notification of the local law enforcement agency in compliance with ORS 98.812 (2), or as required by local laws, ordinances, or regulations.</p> <p>Nothing within these laws or rules prohibits a tower, at the tower's discretion, from reducing or discounting a tow bill or invoice.</p> <p>Stolen Vehicles:</p> <ul style="list-style-type: none">• Storage fees will not begin to accrue until after the date the tower can demonstrate attempted notice to the owner of the stolen vehicle in compliance with ORS 98.857.
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	<ul style="list-style-type: none"> In the event the owner's contact information provided by law enforcement agency differs from the owner information on file with DMV, the tower will provide notice to both.
<i>As referenced in current tow laws:</i>	ORS 98.853 ORS 98.854 ORS 98.856 ORS 98.857 ORS 98.858 ORS 98.859
<i>Related statutes:</i>	<p>ORS 98.854 A tower may not:</p> <p>(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.</p> <p>ORS 98.858 Right of owner or person in lawful possession of vehicle to redeem or inspect vehicle</p> <p>(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]</p> <p>See attached for related lien laws.</p>
<i>Reason for rule, potential policy change:</i>	<ul style="list-style-type: none"> Transparency Public protection Compliance with professional and consumer expectations.
<i>Fiscal Impact:</i>	\$0
<i>Stakeholders:</i>	Towing industry, vehicle owners, law enforcement, general public

Additional terms to consider:

Towing	"Towing" means the act of removing, pulling, transporting or otherwise moving a motor vehicle from one location to another by means of another vehicle, with or without
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	the consent of the vehicle owner, including, but not limited to, if the vehicle is operational, disabled, abandoned, illegally parked, or otherwise subject to removal under applicable law or authority.
Recovery	<p>“Recovery” means:</p> <ul style="list-style-type: none">• The act of repositioning, recovering, or removing a motor vehicle that is damaged, overturned, wrecked, or otherwise not in a condition allowing the vehicle to be towed from its current position by standard means.• Recovery services may require specialized equipment, techniques, and expertise to stabilize, extract, or secure the vehicle for transport.• Recovery services are distinct from standard towing due to the complexity, hazard, or condition of the vehicle or its location.
Roadside Assistance	<p>“Roadside Assistance” means:</p> <ul style="list-style-type: none">• Emergency support, assistance, or service for disabled vehicles, including services such as towing, battery jump-starts, fuel delivery, flat tire replacement, lockout assistance, and minor mechanical repairs performed at the roadside.• Roadside assistance may include towing when a vehicle is disabled and cannot be safely or effectively repaired or restarted at the scene with specific conditions and limitations of the provider.

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

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Attachment 1:

Vehicle and Operator Statutes

ORS 98.853 Conditions allowing towing

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

(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)

(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.

~~(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.

(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.

(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.

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.

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.

ORS 98.861 Licenses for towing

(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.

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 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.

Attachment 2: Parking Facility, Owner and Agent Statutes

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.

~~(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.

~~(8) Park a tow vehicle within 1,000 feet of a parking facility for the purpose of monitoring the parking facility for towing business. payment agreement between the tower and a motor vehicle road service company.~~

(8) Park a tow vehicle in a location that is 1,000 feet or less from 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.

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.

Attachment 3:

ORS 822.200 and 822.210

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]

Attachment 4:

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.

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.

(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. [1953 c.575 §1; 1979 c.100 §3; 1981 c.861 §24; 1983 c.436 §3; 2007 c.538 §10]

(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.