

<p style="text-align: center;">Oregon State Board of Towing 2027 Proposed Legislative Concepts & Administrative Rules <i>The Board's legislative concepts and formal proposals will: consider the fiscal impact to the industry, consumers, and partners, and include estimated cost and identify funding sources.</i></p>	
1. ORS Review	<ul style="list-style-type: none"> • Identify ORS related to towing and business operations. • Combine under one ORS Chapter. • Address gray areas, repetitive laws and requirements, and edit verbiage for consistency in terms and meanings. • Align Oregon's requirements with federal regulations. • Correct inconsistencies in legal requirements, including notice deadlines and conflicting regulations. • Review statutes for enforceability, effectiveness, and practical application.
2. HB3186	<ul style="list-style-type: none"> • Definition of relationship between DMV and the Board to comply with statutes. • Clarification of board member criteria: insurance representative and Chief of Police/County Sheriff
3. Business License	<ul style="list-style-type: none"> • Professional business license issued to the tow company similar to other trade licensing in Oregon, replacing the current system of "tow business certificate" issued to vehicles for regulation of the industry. • Provides contact information for official state business. • Allows towers to conduct office state business under single registration. • Higher degree of compliance enforcement, consumer protection, industry protection in alignment with federal regulations. • Allows greater flexibility for business operations under existing laws.
4. Regulation of Repo Businesses	<ul style="list-style-type: none"> • Allows regulation of the repossession business by a state agency, ensures compliance enforcement of federal laws and regulations; • Would regulate only the tower and towing practices, not lenders, debts, or collection actions.
5. Notification to law enforcement	<p>Make law enforcement notification required for all non-consensual tows (excluding law enforcement or other government agency impounds), subject to local jurisdiction ordinances and regulations.</p> <p>ORS 98.812 Towing of Unlawfully Parked vehicle <i>(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.</i></p>

	<p>(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.</p>
6. Receipt for payment	<ul style="list-style-type: none"> Physical receipt for any payment made to a tower, at the time of the payment, showing the amount due, amount paid, and the exact change due. Payment receipt for release of a vehicle prior to completion of hook up required. A tower cannot increase the amount due to release the vehicle to avoid the exact change requirement. <p>ORS 98.854 A tower shall 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>
7. Itemized statement/invoice of fees for towing services	<ul style="list-style-type: none"> Itemized statement of the invoiced charges and fees prior to payment for release of the vehicle. A tower cannot delay release of the vehicle or charge additional fees to avoid the itemized statement requirement. Fees cannot be charged unless work is completed; fees are to be lawful and align with agreements and regulations.
8. Recovery of Costs and Fees	Allow the Board to be reimbursed reasonable costs and fees in successful disciplinary actions with appropriate notice and due process.
9. Roadside Assistance	<ul style="list-style-type: none"> Allow oversight and compliance enforcement of individuals providing roadside assistance services through apps, insurance, and independently. Ensure all individuals offering roadside assistance have appropriate training, knowledge, and minimum qualifications.
Public Suggestions	
1. "Emergency possessions"	<ul style="list-style-type: none"> Review of "emergency possessions" list to consider: Legal documents, electronics, work-related items, keys, etc. Allow passengers or other third-parties to remove emergency Personal possessions from the vehicle with identification. What is the requirement when the identification necessary to prove ownership is in the vehicle? Title, registration, ID, etc. <p>ORS 98.852 Definitions for ORS 98.853 to 98.862 (6) "Personal property of an emergency nature" includes, but is not limited to, prescription medication, eyeglasses, hearing aids, clothing,</p>

	<p>identification, a wallet, a purse, a credit card, a checkbook, cash and child safety car and booster seats.</p> <p>ORS 98.858 Right of owner or person in lawful possession of vehicle to redeem or inspect vehicle (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.</p>
2. Definition of "Abandoned Vehicle"	<p><u>Request:</u> Please define "abandoned vehicle" somewhere in statute/ rule. Some companies treat impounds/wrecks that don't get picked up as abandoned vehicles in context with ORS 819.215. ie, they dispose of the vehicles to scrappers instead of auctioning them in accordance with the law.</p> <p>OAR 257-050-0050- Definitions (1) "Abandoned Auto" or "Abandoned Vehicle" – A vehicle which may be taken into custody, as defined in ORS 819.110.</p> <p>ORS 819.110 Custody, towing and sale or disposal of abandoned vehicle (1) After providing notice required under ORS 819.170 (Notice prior to taking vehicle into custody and towing) and, if requested, a hearing under ORS 819.190 (Hearing to contest validity of custody and towing), an authority described under ORS 819.140 (Agencies having authority to take vehicle into custody) may take a vehicle into custody and tow the vehicle if: (a) The authority has reason to believe the vehicle is disabled or abandoned; and (b) The vehicle has been parked or left standing upon any public way for a period in excess of 24 hours without authorization by statute or local ordinance.</p> <p>ORS 819.215 Disposal of vehicle appraised at \$500 or less (1) If an abandoned vehicle is appraised at a value of \$500 or less by a person who holds a certificate issued under ORS 819.480 (Vehicle appraiser certificate), 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 (Dismantler certificate). (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</p>

	<p>department, and the names and addresses of any persons claiming interests in the vehicle, as shown by records of the department.</p> <p>(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.</p> <p>(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 (Sale or disposal of vehicle not reclaimed).</p> <p>(5) Disposal of a vehicle to a dismantler as provided in this section extinguishes all prior ownership and possessory rights.</p> <p>(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.</p> <p>ORS 98.830 Towing abandoned vehicle from private property (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...</p> <p>ORS 90.425 Disposition of personal property abandoned by tenant (2) A landlord is responsible for abandoned personal property and shall store, sell or dispose of abandoned personal property as provided by this section. This section governs the rights and obligations of landlords, tenants and any lienholders or owners in any personal property abandoned or left upon the premises by the tenant or any lienholder or owner in the following circumstances: (a) The tenancy has ended by termination or expiration of a rental agreement or by relinquishment or abandonment of the premises and the landlord reasonably believes under all the circumstances that the tenant has left the personal property upon the premises with no intention of asserting any further claim to the premises or to the personal property; (b) The tenant has been absent from the premises continuously for seven days after termination of a tenancy by a court order that has not been executed...</p>
3. Inventory	<p>OAR 98.854: Prohibitions placed on tower A tower may not (11) Hold a towed motor vehicle for more than 24 hours without: (a) Taking an inventory of all personal property in the motor vehicle that is visible from the exterior of the motor vehicle; and (b) Holding the personal property in the motor vehicle in a secure manner.</p>
4. Law enforcement/ local government contracts	<ul style="list-style-type: none"> Establish minimum requirements or guidelines for non preference towing rotation or contracts, hearings, lien notice requirements.

and non preference tows, ORS 819.	<ul style="list-style-type: none"> Rate sheets/rate sheet review?
5. Definition of “proof of ownership”	Not currently defined in law; what is the documentation that the tower can verify, purpose is to reduce the risk of liability of the tower, designate the appropriate authority for accountability and responsibility for proof of ownership required to release the vehicle.
6. Appraisers	Training, certification and verification.
7. Event Towing	Policy or rules for temporary signage for special events: Game Day, fairs and festivals, parking lot maintenance, etc.
8. Commercial vs. residential PPI	Possible separation of parking facilities used for commercial business (to accommodate specific operation hours of the business) vs. residential complexes which have 24 access to parking.
9. Compliance enforcement for authorizations to impound a vehicle	<ul style="list-style-type: none"> Oversight of persons authorizing impounds to ensure compliance with legal requirements. Recourse for unlawfully towed vehicles other than civil action?
10. Tow hearings & disputes	<ul style="list-style-type: none"> Review of current hearing requirements under ORS Chapter 819. Should all entities authorizing the tow of the vehicle – i.e., organizations (campuses) and parking facilities in addition to law enforcement and local government - have a dispute process.
11. Tow Agreements	<ul style="list-style-type: none"> Requirement that tow agreements to include a tower’s current rate schedule, the location of the storage facility, hours, amount of mileage to be charged to a vehicle towed from the parking facility. Should the parking facility owner be required to provide a copy of the signed authorization for the tow - required by ORS 98.854 (2) - during regular office hours.
Collaborative Projects	
1. Maximum Rates <i>Is “unlocking a motor vehicle” a towing service or a roadside assistance service?</i> <i>Locksmiths are regulated under CCB.</i> <i>**How will this requirement be funded?</i> <i>Law enforcement/ government agency impounds have a</i>	Change “may” to will in ORS 98.856: ORS 98.856 Maximum rates for towing <i>(1) Each city or county may will 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.</i> <i>(3) Each city or county that establishes maximum rates under this section</i>

<p><i>complaint process and hearing requirement.</i></p>	<p><i>shall also establish a process by which the city or county will receive and respond to complaints relating to violations of this section.**</i></p> <p>Other considerations for ORS 98.856 – when a local jurisdiction establishes rates and fees:</p> <ul style="list-style-type: none"> • Board review of maximum rate agreements prior to implementation. • Local jurisdiction requires public process requires work groups of towers, small business owners, and jurisdiction economist/budget experts. • Two year review or – automatic Cost of Living or Consumer Price Index increases required • Possible funding for dispute process: complaint and respondent fees (\$25 - \$50, equal amount not waivable for either party). Penalties for violation used to fund program; Added benefit: assist in reducing unwarranted complaints and increase compliance and mediation.
<p>2. “Emergency possessions”</p>	<ul style="list-style-type: none"> • Review of “emergency possessions” list to consider: Legal documents, electronics, work-related items, keys, etc. • Allow passengers or other third-parties to remove emergency Personal possessions from the vehicle with identification. • What is the requirement when the identification necessary to prove ownership is in the vehicle? Title, registration, ID, etc. <p>ORS 98.852 Definitions for ORS 98.853 to 98.862 <i>(6) “Personal property of an emergency nature” includes, but is not limited to, prescription medication, eyeglasses, hearing aids, clothing, identification, a wallet, a purse, a credit card, a checkbook, cash and child safety car and booster seats.</i></p> <p>ORS 98.858 Right of owner or person in lawful possession of vehicle to redeem or inspect vehicle <i>(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.</i></p>
<p>3. Stolen Vehicle tow fees</p>	<ul style="list-style-type: none"> • Possible funding through crime victim assistance programs? • Enhance accountability and responsibility of insurance for payment of the towing fees when insured vehicles are recovered.
<p>4. Title and ownership</p>	<ul style="list-style-type: none"> • Recommend solutions to “skip title” issue – including solutions to establish chain of ownership in possessory lien and auction. • Recommend solutions for efficiencies in recording of titles after vehicle private sales.

5. Payment for services	<ul style="list-style-type: none"> • Recommend solutions to the high rate of unpaid abandoned vehicle and uninsured/underinsured tows. • Insurance payments made directly to the tower • Increased visibility of tower fees and charges for insurance tows, i.e., tower's current rate and fee sheet on file with the Board; dispute process with civil penalties and possible other sanctions for inflated insurance claims.
6. Notice of Lien	<ul style="list-style-type: none"> • Extend the notice to 5 - 7 - 10 business days for better consumer protection, reduction of fees. • Lien fees accurately reflect work required to process notice of lien; not a profit maker for the tower. • Verification of Notice of Lien required when lien is required by law.