



State Board of Towing Draft administrative rules discussion

This document does not represent formal Board decisions or policy; the document facilitates board discussion to better define and clarify ambiguity in Oregon law and to ensure ownership of vehicles is consistent in application amongst partner agencies.

ORS 98.850 Legislative findings and declaration

(2) The Legislative Assembly declares that: (a) Statutes that assist members of the public in avoiding involuntary loss of use of motor vehicles and in expediting recovery of motor vehicles and the personal property in the motor vehicles promote the safety and welfare of members of the public.

Definition of terms:

- **Lawful owner: as defined by ORS 801.375.**

ORS 801.375 "Owner." "Owner" when referring to the owner of a vehicle means:

(1) The person in whose name title to a vehicle is issued, and who is entitled to possession and use of the vehicle.

(2) If the title and right to possession and use for a vehicle are in different persons:

(a) The person, other than a security interest holder, who is entitled to the possession and use of the vehicle under a security agreement.

(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.

- **Proof of Ownership as defined by ORS 803.010**

ORS 803.010 Proof of ownership

(3) The department records as provided under ORS 802.240

- **Person in lawful possession, person with right to possession of the vehicle, person entitled to possession as defined by ORS 802.240**

ORS 802.240

Driver and vehicle records as evidence (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 ownership or right to possession of the vehicle.

As used in this section, the record of title does not include records of salvage titles unless the record itself is the salvage title. Proof of the ownership or right to possession of a vehicle shall be made by means of any of the following methods:

(a) The original certificate of title as provided under ORS 803.010 (Proof of ownership).

(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.

- **Operator of the vehicle:** a person who demonstrates physical control of a vehicle.
- **Property owner: as defined in ORS 98.805**

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.

(2) "Owner of proscribed property" means the owner, lessee or person in lawful possession of proscribed property.

(3) "Parking facility" means any property used for vehicle parking.

- **Property owner's agent:**

"Property owner's agent" means a person authorized by the property owner to lawfully act as the property owner's agent in identifying a vehicle to be towed under ORS 98.854 (2).

A tower or its employees cannot act as a property owner's agent in identifying a vehicle to be towed under ORS 98.854 (2).

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ORS 98.853 (2) and 98.854 (2)

Upon Request means: at the time the request is made to the tower, but no later than 5:00 p.m. on the first business day following the request.

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ORS 98.853 (2) pretow photo

- A minimum of one photo.
- For vehicles towed from private property or parking facility without the consent of the owner, at least one clear and legible photo of signage restricting parking at the parking facility or of the 72 hour posted notice.

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Related to the implementation of SB1036:

ORS 98.854 (2)

The signed authorization required by ORS 98.854 (2):

The authorization signed by the owner of the parking facility or the owner's agent must include:

(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 record:

- (a) The date, time and manner of the signed request.
- (b) The date and time the tow vehicle arrived at the private parking facility.

Other requirements:

- A “wet signature” signed at the location of the tow is not required. An electronic signature, signed by the parking facility owner or their agent at the time of the request, an email documenting the time, date and sender email, or a request submitted through a secure portal requiring a login and password are acceptable.
- An authorization for a tow is valid for 24 hours.
- The tower must have in their possession an authorization, signed and dated by the private parking facility owner or their agent, prior to initiating hook up and towing of a vehicle.
- Copies of pre-signed authorizations to tow are not acceptable.
- Each tow must be conducted under a separate signed authorization identifying the vehicle.
- A tower, or its employee or designee, cannot act as the property owner’s agent.

Should:

1. A tow agreement for a private parking facility require the towers rate and fee schedule to be attached to the agreement?
2. Should the property owner/representative be required to provide a copy of the signed authorization upon request during business hours?
3. Should the property manager/owner/agent be required to provide any information to the vehicle owner?

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Every tow in Oregon is authorized

(a) With the informed consent of the vehicle owner

OR

(b) under the legal authorization of law enforcement, other agency, or property owner with the legal authority to have the vehicle impounded.

OR

(c) Under the direction of the vehicle owner’s service representative (motor club, roadside assistance, insurance)

Towers cannot independently identify their own towing business. If the impound/tow is dispatched, but not conducted under the legal authorization of another entity: Consent of the owner must be in writing.

Lawful possession for agency tows: if the government/law enforcement representative is at the scene when the vehicle operator is at the scene:

The agency determines if the vehicle should be impounded under the agency's authority, or released to the owner/operator. If under the agency's authority, the vehicle owner has the right to a hearing to contest the reason for the tow and the towing charges.

If the agency releases the vehicle to the owner, the tower must provide the written statement of fees and obtain the owner's consent prior to conducting the tow (ORSS 98.856).

Owner has the right to refuse service.

If dispatched by roadside assistance, insurance, or motor club:

While the Board understands that some "roadside assistance" tows are, in fact, accident recoveries and are outside of a roadside assistance agreement, towers cannot independently convert a dispatched call from a covered roadside assistance to a recovery tow without reasonable consent of the vehicle owner.

Either

- A. Roadside assistance/motor club/insurance agrees to cover the tow under the vehicle owner's service agreement or,
- B. If roadside assistance/motor club/insurance does not agree to make the payment, towers must provide the vehicle owner with the written statement of fees, and the vehicle owner must approve the towing service.
- C. Vehicle owners have the right to refuse service.

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TW plates –

- The legal requirement to properly display current plates;
- displaying expired plates;
- selling, renting or loaning TW plates and tow business certificate to another company.

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State Board of Towing Amended Proposed Administrative Rule Schedule

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ORS 98.850 Legislative findings and declaration

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September 9, 2025: Board review and discussion: Proposed rules and definitions concepts and expectations.

September 22, 2025: Fall Newsletter mailed to towing industry members

September 29, 2025: Proposed Rules filed with Oregon Secretary of State
Proposed Rules posted on Board website.

October 14, 2025: Board review and discussion of Proposed Rules
Public comments and testimony

November 18, 2025: 1:00 – 1:30, Public Hearing on Proposed Rules
Board vote on adoption of Proposed Rules

January 1, 2026: Implementation of SB1036
Implementation of proposed administrative rules



Oregon State Board of Towing Public Comments and Testimony

This form is an opportunity for the public, partners, or industry members to formally submit public comments or testimony on proposed administrative rules, policies, or legislative concepts.

To submit a public comment or testimony:

- Complete this form, replacing all *[bracketed labels]* with your information
- Send the form as an email attachment to info@towboard.oregon.gov
- To be considered, the completed form must be
 - Legible
 - Statements are clear and concise and relevant to the proposed rule, policy, or legislative concept.
 - Form is complete and contains all required and relevant information
- Attachments supporting and substantiating public comment and testimony are recommended.

Contact Information

Name: *[Your Name]*

Organization: *[Name of business, organization, or agency]*

Mailing address: *[Provide phone number]*

Email: *[Provide email]*

Your Background (click on one checkbox):

Public Testimony or Comment

Select One:

- ☐ Proposed administrative rule No.:
- ☐ Proposed legislative concept
- ☐ Proposed policy
- ☐ Other: _____

Public Comment or Testimony: