



OREGON STATE BOARD OF TOWING

2025 Amended Proposed Rules

Filed: October 1, 2025

Amended: October 28, 2025

Oregon State Board of Towing
AMENDED Proposed Rules

Administrative rules will be adopted only after proposed rules hearings are held for public comments and testimony and the Board members vote to adopt the proposed rules.

Information on the adoption of the proposed rules will be sent to every active tow business certificate holder with an active tow business in effect 11/01/2025 per DMV official records via mail, and through the Board's usual electronic methods.

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



Oregon

Tina Kotek, Governor

Oregon State Board of Towing

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Salem, OR 97314

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Web Site: www.oregon.gov/sbot

OREGON STATE BOARD OF TOWING AMENDED PROPOSED ADMINISTRATIVE RULES

November 18, 2025

***Hearing: 1:00 p.m. – 1:30 p.m.,
or until completion of public testimony and comments***

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Mission Statement: The Oregon State Board of Towing is responsible for protection of the safety and well-being of the public through the regulation of the towing industry by administering and enforcing the laws and rules of the State of Oregon, setting professional standards and expectations of the towing industry, and ensuring fairness and continuity of towing services provided by Oregon's towing industry.

How to Attend:

Location:

DMV HQ – Rm 122
1904 Lana Ave., NE
Salem, OR 97304
Public seating is limited. RSVP required.

Join from Web Browser: <https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting>

Meeting ID: **223 466 580 146 7**

Passcode: **tq9D6Y3P**

Dial in by phone

[+1 971-277-1965](tel:+19712771965), [60432061#](tel:+160432061) United States, Portland

Phone conference ID: **604 320 61#**

Written Testimony:

Written testimony will be accepted until 1:25 p.m. on November 18, 2025

Public comments and testimony may be submitted by email to info@towboard.oregon.gov

In-person or by mail to:

Oregon State Board of Towing
ICO DMV Programs
1904 Lana Ave., NE
Salem, OR 97304

History and Authority:

Proposed Rules Filed:	10/01/2025
First Amended:	10/17/2025 for grammar, consistency, and clarity 10/28/2025 (no substantive amendments)
Scheduled proposed rules hearing:	11/18/2025: 1:00 p.m. – 1:30 p.m.
Proposed Effective Date:	01/01/2026
Legal Authority:	<ul style="list-style-type: none"> • ORS 822.265 Rulemaking Authority • ORS 822.275 Administration of oaths • ORS 822.280 Denial, suspension, revocation or refusal of towing business certificate • ORS 822.285 Additional powers of board • ORS 822.290 Denial of participation on Department of State Police tow rotation • ORS 822.995 Civil penalties for violations related to towing

Summary of amendments:

Amendments of the proposed administrative rules based on the discussion, comments and suggestions from the 10/28/2025 proposed rules hearing:

Rule	
Grammatical Changes:	Per the best practices suggested by Oregon Secretary of State and Dept. of Justice, the term “will” is replaced by “may,” “must” or “is required” when appropriate.
OAR 750-010-001 (7) “Employee”	Added: <i>including, but not limited to, contractors or sub-contractors paid or reimbursed by the tower to identify towing business for the tower.</i> This language may be necessary to address the tower compensating or hiring security companies or other entities from patrolling private parking facilities to identify towing business for the tower; address the “bonus” or compensation paid to property managers for referring PPI business to the tower.
OAR 750-040-0006 Administration and Implementation of ORS 98.854	Added: (1) (g) <i>When applicable, posted signs must comply with ordinances and regulations related to parking as determined by the city, county, or agency of jurisdiction.</i> Added for clarity for those readers who may not understand the legal authority or requirement of compliance when a local jurisdiction establishes a rule, ordinance, or policy incorporating requirements above the minimum requirements of law.
OAR 750-040-0006 Administration and Implementation of ORS 98.854	(2): removed paragraph (2) in its entirety as it is redundant to subparagraph (1). Remaining paragraphs renumbered to reflect the deletion.
OAR 750-040-006	Added: (2) (d) <i>When required by the city, county, or other person with authority to determine notice requirements prior to the tow of a vehicle.</i> Added for clarity and in deference of local authorities and the rights to establish parking restrictions.

OAR 750-040-006	Add (3) subparagraphs (D) and (E) for better protection of small business owners in ensuring the safety of their costumers and the public: (D) The vehicle is parked in an area not designated as a parking space within the parking facility. (E) Except for the notice required under ORS 98.820, the parked vehicle interrupts normal business operations.
OAR 750-040-006	Paragraphs 6, 7, and 8 separated into different paragraphs for clarity. (6) A tower may post a sign in a parking facility only with the written consent of the parking facility owner. (7) Clarifies the requirement of a written agreement, listing terms and conditions, between the property owner and tower. (8) Clarifies prohibited terms of a written agreement between the tower and the property owner. These prohibitions address the substantiated violations of current laws by some PPI towers.
OAR 750-040-0008 Administration and Implementation of ORS 98.856	(12) Added text to confirm that the tower must comply with local jurisdiction requirements in notifying law enforcement of the tow.
OAR 750-040-0008 Administration and Implementation of ORS 98.856	Sub-paragraph (14) was removed as duplicative of sub-paragraph 12.
OAR 750-040-0008 Administration and Implementation of ORS 98.856	Sub-paragraph (18) was removed in its entirety given (a) the complexity of the requirement and wording in the law and (b) DMV's interest in reviewing the appraiser program. Towers are still required to comply with the appraisal requirements within Oregon's laws, and may be subject to Board or other agency investigations and disciplinary actions for violations.

Text of Proposed Amended Rules – effective 10/28/2025

Black text, no underline: Current OAR.

Black text, with underline: Text of proposed OAR

OAR 750-010-001 Definitions.

As used in OAR Chapter 750:

"Administrator" means the Board Administrative Officer appointed under ORS 822.260.

(2) "Agent" or "Owner's agent" means:¹

(a) 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 in ORS 98.853 (Conditions allowing towing) to 98.854 (Prohibitions placed on tower).

(b) 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 without the consent of the vehicle owner or operator.

(3) "As soon as practicable" means:²

¹ Added to clarify the intent of the "agent" for the purposes of identifying the vehicle to be towed under ORS 98.854 (2) – (4) from other definitions of "owner's agent" in other statutes, including, but not limited to, the definitions in landlord-tenant laws.

² Added for consistency and clarity in notice requirements. The term "as soon as practicable" as used in ORS 98.857 is inconsistent with the tower's notice requirements in other statutes. The Board will be looking at this statute for possible revisions for consistency.

(a) At the time the vehicle is recovered by the tower.

(b) No later than the end of the business day following recovery of the vehicle, if vehicle is recovered outside of business hours.

(4) "Board", "SBOT", "Tow Board", or "Towing Board" means the State Board of Towing.

(5) "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 or any other consideration in exchange for towing services.

(6) "DMV" means the Oregon Department of Transportation, Driver and Motor Vehicle Services.

(7) "Employee" means: any party compensated, directly or indirectly, by the tower, including contractors or sub-contractors paid or reimbursed by the tower to identify towing business for the tower.³

(8) "Industry" means the collective tow operators, tow businesses, and other entities working in the tow and recovery professions.

(9) "Law" means a written statute passed by the Oregon Legislature.

(10) "Non Preference Towing" means the rotational list of towing businesses established by Oregon State Police under ORS 181A.350 or another other law enforcement or government agency.⁴

(11) "OAR" means an Oregon Administrative Rule adopted by the Board or other state agency or board⁵ and filed with the Oregon Secretary of State.

(12) "ODOT" means Oregon Dept. of Transportation.

(13) "Operator of the vehicle" means a person who demonstrates physical control of a vehicle.⁶

(14) "ORS" means Oregon Revised Statute, written laws passed by the Oregon Legislature.

(15) "OSP" means Oregon State Police.

(16) "Owner of a motor vehicle" means the owner as defined in ORS 801.375.⁷

(17) "Owner of a parking facility" or "owner of the parking facility" means the owner of a parking facility as defined in ORS 98.805 (1).⁸

(18) "Person in lawful possession," " person with right to possession of the vehicle," and "person entitled to possession" means a person identified in ORS 802.240.⁹

³ Definition necessary for clarity of the intent of the statute, protection of the public, and compliance enforcement.

⁴ Added for clarity to include all non-preference and rotational tows authorized by a public entity.

⁵ Added for clarity and consistency with Oregon statutes and definitions.

⁶ Added for clarity of plain text of the law for towers and the public.

⁷ Added for definition consistency with existing Oregon laws.

⁸ Added for definition consistency with existing Oregon laws.

⁹ Added for definition consistency with existing Oregon laws.

(19) 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 as defined in OAR 735-154-0000 (2) (a).¹⁰

(20) "Respondent" means the person or entity to whom a formal enforcement action is issued.

(21) "Special Committee" or "Subcommittee" means a standing, special, ad hoc, or other committee comprised of no more than three Board Members created to assist with the work of the Board as assigned.

(22) "Tower" or "Tow Operator" means an individual who operates a tow or recovery vehicle for compensation, which may include, but is not limited to, the impounding, transporting, or storage of unauthorized vehicles, or the disposal of abandoned vehicles.

(23) "Towing Business" means an individual, partnership, corporation, or other business entity that owns or operates a tow or recovery vehicle for commercial purposes.

(24) "Tow Certificate" or "Towing Business Certificate" means a towing or recovery vehicle business certificate issued by DMV under ORS 822.205.

(25) "Tow Truck" means a motor vehicle operated for compensation equipped with equipment designed and intended for towing or the recovery of wrecked, disabled, or abandoned vehicles or other objects creating a hazard on the public roadways. If a tow operator, or tow truck owner business, profits, benefits, or is compensated for operation of the vehicle in towing or recovery, the vehicle must be considered a tow truck under OAR Chapter 750.

(26) "Upon request" means:¹¹

(a) On the date and at the time the request is received by the tower.

(b) If the request is outside of business hours, the document is to be provided no later than the end of the business day.

OAR 750-040-005 Administration and Implementation of ORS 98.853.¹²

(1) The photograph(s) required in ORS 98.853 (1) must sufficiently show:¹³

(a) The vehicle as parked prior to the tow and

(b) The vehicle parked in violation, including photographs demonstrating:

(A) When required or present, the notice affixed to the vehicle OR

(B) When required, the parked vehicle in relation to the nearest sign disclosing the parking facility's prohibitions or restrictions.¹⁴

(C) If not legible in the photograph, additional photograph(s) of the sign showing the disclosed prohibitions or restrictions.

(2) A tower is required to provide the photograph(s) at the time of the request, but no later than the end of the next business day following the request.¹⁵

¹⁰ Added for definition consistency with existing Oregon laws and administrative rules.

¹¹ Added for definition consistency with existing Oregon laws, business practices, and the plain definition of "upon request" to eliminate arbitrary definitions by the public and the towers.

¹² Added to reflect the purpose and intent of the photograph requirement.

¹³ Best practices include additional photographs for the protection of the tower; the Board has determined not to require these additional photographs under Oregon Administrative Rules.

¹⁴ Added for clarification, verify compliance with ORS 98.854 (1), and protection of the public. The Board will continue to monitor complaints for best practices and identify any remaining gray areas of the intent of the statute.

¹⁵ Added for evidence of compliance under the Board's definition of "upon request."

(3) A tower may require a request for the photographs under ORS 98.853 (2) be submitted electronically, including by completion of a form on the tower's website, by email, or through a portal only when:¹⁶

(a) The time and date of the request is documented in the tower's records.

(b) A receipt sent upon submission of the request.

(4) If a tower is unable to provide documents upon request in compliance with ORS 98.853 (2) the tower will provide the requester with:¹⁷

(a) A written acknowledgment of the request;

(b) The expected date the information will be provided by the tower; and

(c) The reason for the delay in providing the information.

(d) If the vehicle has not been released at the time of the request, a tower may not charge additional fees, including daily storage fees, from the date of request until the requested information is provided to the vehicle owner or operator.¹⁸

(A) Beginning on the same day if the request is received prior to 3:00 p.m. on a business day.

(B) Beginning the next business day if requested after 3:00 p.m. on a business day.

OAR 750-040-0006 Administration and Implementation of ORS 98.854.¹⁹

(1) Signs posted prohibiting or restricting public parking in a parking facility required by ORS 98.854 (1) must:

(a) Clearly disclose the parking prohibitions or restrictions using plain words or easy-to-understand graphics.²⁰

(b) Be easily read by a driver of a vehicle from within 20 feet of the sign.

(c) Be prominently displayed inside the parking facility.

(d) At least one sign prohibiting or restricting public parking is required to disclose contact information, including, but not limited to:²¹

(A) The name and phone number of the tower authorized by the property owner to remove vehicles from the parking facility or

(B) The 24-hour phone number or contact information vehicle owners or operators may call if their vehicle is towed when no tow company is disclosed on the signs posted in the parking facility.

¹⁶ Added at the requests of members of the towing community. Towers may, but are not required to, accept a request for photographs in writing, in person, or by electronic means. Based on verified allegations that towers may take days, or weeks, to provide requested photographs, the Board identified parameters when the request is made via electronic means to protect both the public and the tower.

¹⁷ Added at the requests of members of the towing community. The Board recognizes that there are a large number of reasons and circumstances when a tower may not be able to provide the information at the time of the request. This provision allows protection of the public by requiring a tower to explain why the information cannot be provided "upon request," and allows protection of the tower when the tower cannot reasonably provide the photographs due to circumstances beyond the tower's control. The Board will consider the reason the photographs were not provided and the tower's reasonable compliance with the intent of the law when reviewing complaints and investigation reports.

¹⁸ Compliance with standard business practices and consumer protection laws. As towers are required to provide the photos "upon request," it is not reasonable that a vehicle owner not be provided the photographs prior to payment of release of the vehicle.

¹⁹ The Board will continue monitoring complaints regarding signs and sign usage. At this time: the expectation is that the sign(s) clearly disclose parking prohibitions and restrictions to a vehicle owner. It is not the intent that the signage address every hypothetical situation or interpretation, only that the prohibitions and restrictions are reasonably communicated, and a reasonable person can make an informed parking decision.

²⁰ Bilingual messaging is not required. Towers should not rely on posting (solely) signs that are cluttered with service information that the parking prohibition is unclear.

²¹ The vehicle owner must be provided information on who to contact if the vehicle has been towed. The Board can suggest that at least one sign disclosing the tower information be posted at the entrance and near the office of the facility, the Board cannot require a property owner to post a sign identifying the tower. The Board can require that at least one sign include the 24-hour contact information for the vehicle operator.

(e) At least one sign disclosing parking prohibitions and the contact information required under subparagraph (d) of this section must be posted at each entrance to the parking facility.²²

(f) Additional signs will be prominently posted in the parking facility as needed to communicate parking restrictions or prohibitions to vehicle owners or operators.²³

(A) When the parking facility consists of 20 or more parking spaces in a common area.

(B) When parking areas within a parking facility may be reasonably perceived as separate parking facilities or businesses.

(g) When applicable, posted signs must comply with ordinances and regulations related to parking as determined by the city, county, or other person with authority to determine requirements.

~~(2) Signs prohibiting or restricting public parking are prominently displayed inside the parking facility.~~

~~(a) At least one sign must be posted at each entrance to the parking lot.~~

~~(b) Additional signs will be prominently posted in the parking facility as needed to communicate parking restrictions to vehicle owner or operators when:~~

~~(A) Parking facilities consisting of 20 or more parking spaces.~~

~~(B) Parking areas within a parking facility are used by different businesses or may appear to be separate parking facilities.~~

(2) A notice²⁴ affixed²⁵ to a motor vehicle a minimum of 72 hours prior to the tow of a vehicle²⁶ from private property is required when:²⁷

(a) The vehicle is towed without the vehicle owner or operator's consent AND

(b) No signs prohibiting or restricting public parking are posted OR

(c) The tow is conducted by a tower other than the tower disclosed on posted signs.²⁸

(d) When required by the city, county, or other person with authority to determine notice requirements prior to the tow of a vehicle.²⁹

(3) A 72-hour notice affixed to the motor vehicle is not required when:

(a) Signs posted in the parking facility prohibit or restrict parking in clear language or using graphics clearly disclosing no parking, tow zones, or other parking prohibitions and restrictions.

(b) The tow is authorized or requested by law enforcement or other government agencies.

(c) The tow is authorized by a landlord in compliance with the prohibitions, requirements and conditions of ORS 90.485.

(d) The tow is authorized by the property owner or their agent and the vehicle:

(A) Blocks or prevents access by emergency vehicles.

²² This is a requirement under previous ORS 98.853 (1). Signs are not required to be posted at the exit of a facility. For gated or closed communities and parking facilities, the entrance sign may be the only signage required.

²³ Complaints will be monitored and evaluated by the Board for communication needs, protection of the public and tower, and the rights of the property owner.

²⁴ There is no legal requirement that the notice affixed to the vehicle be professionally printed, only that the notice reasonably informs the vehicle operator that the vehicle is unlawfully parked and may be towed at the vehicle owner's expense if not removed from the property.

²⁵ "Affixed" has not been defined by the Board. Property owners may "affix" a notice by physically attaching the notice by adhesive, tape, under a windshield wiper, etc. If a vehicle is tarped, affixing the notice to the tarp is acceptable; a property owner should not be required to move the tarp.

²⁶ The property owner or their agent is responsible for (a) identifying the vehicle to be towed, (b) affixing the notice to the vehicle and complying with the requirements of ORS 98.830, and (c) authorizing the vehicle to be towed under the 72-hour notice.

²⁷ Added to reflect the intent of the 72 hour affixed notice based on consumer complainants demonstrating the public may not understand the 72-hour notice requirement.

²⁸ Added (a) for public protection: the sign disclosed whom a vehicle owner can contact to retrieve the vehicle and (b) to address solicitation of towing business by towers when it is not the tower's sign posted.

²⁹ Provision added to address the authority of local jurisdictions to impose requirements greater than the requirements administered by the Board.

(B) Blocks or prevents entry to the premises.

(C) Blocks a parked motor vehicle.

(D) The vehicle is parked in an area not designated as a parking space within the parking facility.

(E) Except as provided under ORS 98.820³⁰, the parked vehicle interrupts normal business operations.

(e) The tow is conducted at the request of the vehicle owner or operator.

(4) A vehicle may be towed prior to the time disclosed on a 72-hour notice when:

(a) Signs are posted in the parking facility in compliance with ORS 98.854 (1) and

(b) The tow is authorized by the property owner or their agent.

(c) The tow is conducted at the request of the vehicle owner or operator.

(5) As a parking sign disclosing the name and contact information of a tow company is considered an advertisement for towing services as defined in ORS 822.200 and OAR 735-154-0000, it is a violation of ORS 822.200 to:

(a) Post a sign disclosing a tow company operating without a valid business certificate; or

(b) Continue to display a tower's name on parking signs in a parking facility after the tower's tow business certificate expires, or is surrendered, suspended, or revoked.

(6) A tower may post signs at a parking facility only with the express written permission of the property owner or their agent.³¹

(7) A signed agreement disclosing terms, conditions, and business arrangement may be entered into between the property owner and the tower at the discretion of the parties, but is not required for compliance with ORS 98.854.

(8) A signed agreement between a tower and a property owner or its agent may not:³²

(a) Appoint or designate the tower, its employee(s) or contracted agent(s) to act as a property owner's agent for the purposes of identifying or authorizing vehicles to be towed.

(b) Allow a tower to tow a vehicle without written authorization, signed at or prior to the time of tow, by the owner or owner's agent of the parking facility authorizing the vehicle to be towed.

(c) Allow consideration or compensation be provided from the tower to the property owner or its agents for the privilege of posting signs in the parking facility including, but not limited to:

(A) Free parking enforcement or parking patrol services either by the tower, a tower employee, or a contractor of the tower.

(B) Commission or fee paid by the tower to the property owner or their agent for vehicles towed by the tower from the parking facility.

(d) Allow vehicles to be towed in violation of landlord-tenant laws.

(9) The signed authorization required under ORS 98.854 (2) is required to include the following information:³³

(a) The date and time the initial tow request and authorization was received by the tower;

³⁰ ORS 98.820 Towing vehicle from fuel dispensary premises(2) An owner, operator or employee of a fuel dispensary may have a vehicle towed from the fuel dispensary premises if: (a)The vehicle is preventing or hindering access to a pump, hose, nozzle or other parts of a fuel dispensing device; (b)The prevention or hindering of access to the fuel dispensing device is interfering with the business activities of the fuel dispensary; (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;

³¹ Added to address the business practice of a tower posting signs independently, and without the permission of the parking facility owner, allowing a tower to independently create their own towing business.

³² The provisions listed under this subsection are the most common substantiated violations in consumer complaints. An agreement between a tower and a property owner cannot violate Oregon's laws.

³³ Required to implement the changes to ORS 98.854 (2). Signed authorization requirements in this sub-section echo the signed authorization requirements of ORS 98.854 (2), and ORS 98.820 and 98.830., and

- (b) A description of the vehicle to be towed;
- (c) The street address or location of the property from which the vehicle will be towed;
- (d) The reason for the tow;
- (e) A statement that the person signing the authorization has the authority to do so; and
- (f) The legible, dated signature of the person authorizing the tow.

(10) The tower must have in their possession the signed authorization required in ORS 98.854 (2) prior to initiating hook up and towing of a vehicle. The following are acceptable forms of a signed authorization for the purposes of ORS 98.854 (2):³⁴

- (a) A "wet signature" signed at the origin site of the tow.
- (b) An electronic signature, signed at the time of the request or at the origin site of the tow, showing the time stamp of the signature of the property owner or their agent.
- (c) An email documenting the time, date and sender email requesting and authorizing the tow, or
- (d) A request and authorization submitted by the property owner or their agent through a secure portal requiring a login and password.
- (e) A tower, or its employee or designee, cannot act as the property owner's agent for the purpose of authorizing a tow.

(10) A tower may require a request for the signed authorization under ORS 98.854 (2) be submitted electronically, including by completion of a form on the tower's website, by email, or through a portal only when:³⁵

- (a) The time and date of the request is documented in the tower's records.
- (b) A receipt is sent upon submission of the request.
- (c) If a tower is unable to provide documents upon request in compliance with ORS 98.854 (2) the tower must provide the requester with:
 - (A) A written acknowledgment of the request;
 - (B) The expected date the information will be provided by the tower;
 - (C) The reason for the delay in providing the information.
- (d) If the vehicle has not been released at the time of the request, a tower may not charge additional fees, including daily storage fees, from the date of request until the requested information is provided to the vehicle owner or operator.
 - (A) Beginning on the same day if the request is received prior to 3:00 p.m. on a business day.
 - (B) Beginning the next business day if requested after 3:00 p.m. on a business day.

OAR 750-040-0008 Administration and Implementation of ORS 98.856.³⁶

- (1) A tower must provide proof of payment for all payments or monies received.
 - (a) A receipt for payment received at the origin of the tow or drop off of a towed vehicle must be provided to the vehicle owner, owner or person making payment and disclose:
 - (b) The tower's business name and contact information.
 - (c) The amount due.
 - (d) The amount paid and form of payment.
 - (e) A brief description of the service(s) provided in exchange for payment.
 - (f) Exact change due, if any.

³⁴ Written signature requirements for clarity; a tower must be able to substantiate to the board during an investthat the signature was obtained at the time of the tow request. A tower cannot

³⁵ Refer to comments under OAR 750-040-005.

³⁶ Required to address payments made to tow operators at the scene or after hours. Need required due to substantiated allegations that tow companies do not track "released vehicles", and payments made via Paypal, Zelle, Apple Pay, Venmo, Bitcoin, or direct cash payments made to the tow operator and not reported to the tow company. Remove the occurrence, or perception of, tow operators requiring payment or receiving compensation for release of a vehicle prior to complete hook up.

- (g) Date and time of the payment.
 - (h) The person accepting payment.
 - (i) A receipt does not need to be provided if the tower provides an itemized statement at the time of payment.
 - (j) The tower must provide an itemized statement in addition to the receipt when a receipt does not itemize the charges paid.
- (2) Once the tower has custody or control of a vehicle, an itemized statement is required upon request or at the time of payment for all vehicles towed or impounded disclosing:
- (a) The reason for the tow.
 - (b) Who authorized the tow.
 - (c) The address or location of the origin of the tow.
 - (d) The date of the tow.
 - (e) Itemization of the services provided or charges incurred as a result of the towing event.
 - (f) Exact change due, if any.
 - (g) Any discounts or other courtesies provided by the tower.
 - (h) Date and time of the payment.
- (3) A tower may not charge a rate or fee not disclosed on the written statement required under ORS 98.856 (1) without the prior consent of the vehicle owner or operator.³⁷
- (4) A tower may not charge for services not rendered or provided.³⁸
- (5) All rates and fees on the written statement required under ORS 98.856 (1) or disclosed on an itemized statement and charged to a vehicle owner or other person in lawful possession must:³⁹
- (a) Comply with federal, state, and local regulations including, but not limited to, regulations related to credit card fees, collection fees, and interest.
 - (b) Comply with Oregon's legal requirements and processes.
- (6) Nothing within these laws or rules prohibits a tower, at the tower's sole discretion, from offering discounts, payment plans, or reducing the amount owed by the vehicle owner, operator, or person in lawful possession of the vehicle to the tower in settlement of the outstanding balance.⁴⁰
- (7) A tower may not charge a vehicle owner or operator additional services or fees for a roadside assistance, motor club, or other service provider dispatched call without:⁴¹
- (a) First offering the vehicle owner or operator the tower's written statement of fees required by ORS 98.856 AND
 - (b) Obtaining the reasonable informed consent of the vehicle owner or operator to the additional fees and services.
- (8) A tower may not misrepresent law enforcement or other government fees on a written statement or invoice.⁴²

³⁷ Requirement of ORS 98.854 (5).

³⁸ Common recognized business practice, consumer protection act.

³⁹ Common recognized business practice, consumer protection act.

⁴⁰ Added per request of members of the towing industry for clarification to the public and payors of tow bills.

⁴¹ Required to address documented and substantiated allegations of price gouging and insurance fraud by a small number of towers independently converting a roadside assistance or motor club tow to a "private" tow without the consent of the owner, and without disclosing the additional costs and fees of the towing services. This provision does not prohibit the change of provided service, but prohibits the unethical and illegal business models of a small number of towers.

⁴² Common recognized business practice, consumer protection act.

(9) Itemized charges must accurately disclose sub-contracted work, including rental equipment, required for a tow or recovery.⁴³

(10) A tower must provide the itemized statement disclosing all invoiced charges:⁴⁴

(a) Upon request of the vehicle owner or operator and

(b) At the time of payment for release of the vehicle.

(c) A tower may not delay release of the vehicle for the purposes of preparing an itemized statement or other requested documents.

(d) If the tower is unable or unwilling to provide, upon request, an itemized statement, a copy of the signed authorization, or copies of the required photographs upon request, the tower may not charge additional fees, including storage or notice of lien fees, from the date of request until the information is provided.

(A) Beginning the same day if the request is received prior to 3:00 p.m. on a business day.

(B) Beginning the next business day if requested after 3:00 p.m. on a business day.

(e) A receipt showing payment is sufficient to comply with the requirement when payment is made:

(A) For the hook up fee to release the vehicle at origin of the tow and no other fees or charges are paid to the tower or

(B) For flat rate tow or other services upon release of the vehicle when no other fees or charges are paid to the tower or

(C) At the tow yard or business when:

(i) The impound occurs outside of business hours AND

(ii) Payment is made for release of the vehicle prior to the first business day after the impound of the vehicle AND

(ii) The itemized statement is provided to the payor by the next business day.

(11) A vehicle owner or operator has the right to refuse a tower's services except when:

(a) The impound is dispatched and authorized by a law enforcement or a agency under the agency's authority under ORS Chapter 819 or

(b) After hookup of the vehicle is complete when the tow is conducted under the signed authorization of a property owner or their agent if the vehicle owner or operator is unable to pay the hook up fee.

(c) The vehicle is towed in compliance with, and under the direct authorization of, federal, state, or local laws allowing the impound of the vehicle without the owner's consent, as long as the tower is not independently identifying the vehicle to be towed.

(12) A tower may retain possession of the towed vehicle and its contents until the charges for towing and recovery of the towed vehicle have been paid:⁴⁵

(a) If the tower notifies local law enforcement of the location of the towed vehicle within one hour after the towed vehicle is placed in storage pursuant to ORS 98.812, or sooner as required by the city, county, or other jurisdiction.

(b) A tower need not notify local law enforcement under this section when the tower:

(A) Tows the motor vehicle under the direction or permission of the vehicle owner or operator.

(B) The tower is hired or otherwise engaged by an agency taking custody of a vehicle under ORS 819.140 (Agencies having authority to take vehicle into custody).

(C) The tower tows the motor vehicle under a prenegotiated payment agreement between the tower and a motor vehicle road service company or an insurance company.

(D) 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.

⁴³ Common recognized business practice, consumer protection act.

⁴⁴ Common recognized business practice, consumer protection act.

⁴⁵ Requirement under ORS 98.812.

(13) A tower may assess storage charges and fees against a towed vehicle when a notice is required and the tower can demonstrate compliance with the notice of lien requirements of ORS 98.812, 819.160, and other applicable laws or regulations.⁴⁶

~~(14) When required, a tower will not issue a notice of lien until the tower can demonstrate notification of the local law enforcement agency in compliance with ORS 98.812 (2), and other applicable local laws, ordinances, or regulations.~~

(14) Storage fees for recovered stolen vehicles may not begin to accrue until the date the tower first attempts to notify the owner of the stolen vehicle in compliance with ORS 98.857.⁴⁷

(15) A notice or other lien document is a transactional document demonstrating compliance with Oregon's laws and rules. 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, upon request, the tower is required to provide:⁴⁸

(a) A copy of the notice of lien and proof of mailing unless previously mailed to the vehicle owner's current mailing address.

(b) A copy of the assignment of the account to a lien service, showing the date the lien was assigned, is sufficient if a copy of the lien has not been provided to the tower.

(16) Providing inaccurate, false, or misleading information on a notice of lien or possessory lien form, or making a false affirmation on a form, may be a violation of ORS 822.605, subject to investigation and disciplinary action by the Board.⁴⁹

~~(18) A tower will provide a copy of the appraisal form of a vehicle when:~~

~~(a) The value of the vehicle is under \$1000 and an appraisal is required by ORS 819.160, 819.215, or other laws or regulations.~~

~~(b) When the appraisal is documented as an itemized cost on the invoice statement.~~

ORAR 750-040-0015 Implementation and Administration of ORS 822.200⁵⁰

(1) A tower may not lease, rent, loan, or sell a tow business certificate or TW plates.

(2) The company operating the tow vehicle is restricted to the name of the business or entity identified on the tow business certificate.⁵¹

(3) It is a violation of ORS 822.605 to knowingly or recklessly submit a tow business certificate application with false, misleading, or inaccurate information including, but not limited to:

(a) Disclosing the name of the tower on the application with the intent of leasing, loaning, selling, or otherwise allowing the use of the tow vehicle for compensation by an entity or person not named on the tow business certificate.

⁴⁶ Required for transparency in billing practices and compliance with state laws and requirements.

⁴⁷ Required by law; however, the notice requirement is different for ORS 98.857, added to the Board's rules for clarification and reminder of legal requirements.

⁴⁸ Consumer protection for unethical billing practices. Increases billing transparency, and reduces the opportunity for towers to charge a vehicle owner, or insurance company, for a notice of lien until service of the notice of lien.

⁴⁹ Brings notice to both the legal and illegal towing industry that falsification of a possessory lien document is a violation of ORS 822.605, subject to disciplinary action by the Board, as well as criminal prosecution as a Class C felony.

⁵⁰ Clarification of the tow business certificate requirement. Language consistent with the requirements of ORS 822.200, the tow business certificate application, DMV rules and regulations.

⁵¹ There are no current exceptions to this requirement. Once there is a tow business license issued to the tow company through the Oregon State Board of Towing, exceptions for loans and rentals between two licensed tow companies may be permitted; until then, only the company name on the tow business certificate may operate the tow vehicle for compensation.

(b) Submitting on the application invalid, outdated, or erroneous information, including, but not limited to, the tower's contact information and mailing address, or the weight of the vehicle.

(4) As the tow business certificate is the instrument demonstrating legal operation of a tow vehicle, the tow business certificate is to be provided upon request to verify legal operation of a towing business when:⁵²

(a) The tow business certificate is requested by a vehicle owner or operator prior to hook up.

(b) The tow business certificate is requested by a vehicle owner or operator at the tow yard or storage facility prior to, or at the time payment is made to release the vehicle.

(c) Upon request when the tow vehicle is conducting towing business.

OAR 750-060-0001 Consumer Protection and Complaints.

(1) The objective of the State Board of Towing is to safeguard the health, safety, and public welfare of the people of Oregon by:

(a) Providing education to the public and the towing industry;

(b) Establishing professional industry standards;

(c) Investigating complaints and concerns of the public regarding the towing industry; and

(d) Enforcing the laws and administrative rules regulating the towing industry in Oregon.

(2) Considerations for the protection of the safety and wellbeing of the public include:

(a) Standards and classifications for professional tow trucks and equipment used for commercial towing and recovery operations is essential.

(b) Encouragement of a competitive and trained professional towing industry by establishing a uniform and equitable system for the standardization and regulation of the tow industry.

(c) The use of nonqualified tow truck companies or private motor vehicles to tow or recover for hire or compensation.

(d) A private citizen, a tower, or tow truck company responding in good faith to life-threatening emergency situations.

(3) Every tow in Oregon is authorized:⁵³

(a) With the informed consent of the vehicle owner, operator, or the person who has legal control and custody of the vehicle, 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.

(4) Towers cannot independently identify vehicles to be towed for the purpose of creating their own towing business or soliciting towing business when prohibited by law.

(5) If the motor vehicle is impounded by an authority described in ORS 819.140, or the tower is dispatched to provide emergency or roadside services through the vehicle owner or operator's insurance, motor club, or other service

⁵² The tow business certificate is the license to conduct tow business under current law and therefore to be provided to verify legal operation. Board complaints and investigations demonstrate a significant number of illegal tow operations operating under active, or what appear to be active, TW plates.

⁵³ Follows the intent of the legislature under ORS 98.850, the consumer and public protection laws and acts, and the integrity and professional standards of the towing industry.

provider, the tower is required to provide a written statement of fees to the owner or operator of the vehicle in compliance with ORS 98.856 and the reasonable consent of the owner must be obtained when:⁵⁴

(a) The authority described in ORS 819.140 releases the vehicle to the vehicle owner or operator prior to completion of the hook up of the vehicle by the tower.

(b) The required work to tow or recover a vehicle exceeds the coverage of the dispatched service for reasons including, but not limited to:

(A) Location of where the vehicle is to be towed from.

(B) Condition of the vehicle to be towed.

(C) Complexity of the work necessary to recover or tow the vehicle.

(D) When the dispatching service provider determines the scope of work required for the vehicle exceeds the contracted assistance of the provider.

OAR 750-070-0020 Investigations of Violations or Complaints.

(1) The State Board of Towing may delegate its investigative powers and authority for purposes of initiating and carrying out investigations.

(2) In the conduct of investigations, the Board may:

(a) Take evidence.

(b) Take the depositions of witnesses.

(c) Compel the appearance of witnesses before the Board.

(d) Compel the production of documents or other information deemed necessary to carry out the investigation.

(3) In exercising its authority under ORS 822.275 and subsection (2) of this section, the Board may issue subpoenas over the signature of the board Chairperson, Vice Chairperson or to the Board Administrator as delegated by the Board.

~~(4) If a person or entity fails to comply with a subpoena issued by the Board or refuses to testify on matters on which the person lawfully may be interrogated, the procedure set out in ORS 183.440 will be followed.~~⁵⁵

OAR 750-070-0030 Cooperation in Board Investigations.

(1) Every tow operator, tow business, and their representatives and employees, regardless of tow business certificate status, having information regarding a possible violation of the administrative rules or laws governing the towing industry in Oregon must cooperate with the State Board of Towing investigations in furnishing such information in order that appropriate investigative, corrective, or disciplinary action may be taken.

(2) Failure by a tow operator, a tow business, their representative or employee to cooperate with a Board investigation is grounds for disciplinary action.

(3) Cooperation in a Board investigation includes but is not limited to:

(a) Submitting client or business records relevant to the investigation, excepting confidential information protected by law;

(b) Being available for a personal interview in support of a Board investigation during reasonable hours;

(c) Responding and directly answering questions asked during an interview or investigation;

(d) Verbally providing information reasonably known at the time of the interview or investigation; and

(e) Allowing access, during business hours, of the business premises and equipment for inspection if required to conduct a Board investigation into the allegations of a complaint.

⁵⁴ May be duplicative; however, included under ORS 750-060-001 to emphasis the public protection from unethical towing practices, currently one of the most prevailing complaint topics with substantiated violations received by the Board.

⁵⁵ Removed as repetitive. Already provided in ORS 822.275

(4) Respondents named in a complaint, or their representatives, may be personally interviewed or may be given an opportunity to provide a written response to the complaint as part of a Board investigation.

(a) Written responses, records, and other information requested by or on behalf of the Board must be provided to the Board office within 21 calendar days after the Board request is personally served, mailed by USPS regular, or sent by electronic mail, unless an extension is authorized by the Board Administrator.

(b) Written responses, records, or other information requested but not received at the Board's office within 21 calendar days may not be considered in the Board's investigation.

(5) Failure of a respondent, tower operator, tow business, or their representative or employee to provide information or documentation requested by the Board:⁵⁶

(a) May not delay or otherwise impede the Board's investigation or any related disciplinary proceedings.

(b) May be deemed as a waiver of objection or waiver to engage in an investigation, and may be treated as a no contest response for purposes of the Board's investigation and disciplinary proceedings.

⁵⁶ Required to address delay tactics, either deliberate or unintentional, causing significant disruptions in Board investigations, inefficiencies in the process, and towers providing some, but not all, of the requested information needed to confirm compliance or violation of Oregon's towing laws.

APENDIX OF REFERENCED LAWS AND RULES

ORS 90.485 Restrictions on landlord removal of vehicle

- (1) A landlord may have a motor vehicle removed from the premises only in compliance with this section and either ORS 98.810 (Unauthorized parking of vehicle on proscribed property prohibited) to 98.818 (Preference of lien) or ORS 98.830 (Towing abandoned vehicle from private property) and 98.840 (Towing vehicle alternative to procedure in ORS 98.810 to 98.818).
- (2) Except as provided in ORS 90.425 (Disposition of personal property abandoned by tenant) regarding abandoned vehicles, a landlord may have a motor vehicle removed from the premises without notice to the owner or operator of the vehicle only if the vehicle:
- (a) Blocks or prevents access by emergency vehicles;
 - (b) Blocks or prevents entry to the premises;
 - (c) Violates a prominently posted parking prohibition;
 - (d) Blocks or is unlawfully parked in a space reserved for persons with disabilities;
 - (e) Is parked in an area not intended for motor vehicles including, but not limited to, sidewalks, lawns and landscaping;
 - (f) Is parked in a space reserved for tenants but is not assigned to a tenant and does not display a parking tag or other device, as provided by subsection (3) of this section; or
 - (g) Is parked in a specific space assigned to a tenant, as provided by subsection (4) of this section.
- (3) A landlord may have a motor vehicle removed from the premises under subsection (2)(f) of this section only if the landlord:
- (a) Provides parking tags or other devices that identify vehicles that are authorized to be parked on the premises;
 - (b) Provides a tenant with parking tags or other devices to be used on a vehicle other than the tenant's primary vehicle if the tenant wants to park a vehicle on the premises in lieu of the tenant's primary vehicle; and
 - (c) Enters into written agreements with the owners or operators of vehicles authorized to park on the premises that:
 - (A) Authorize the landlord to have a vehicle removed from the premises without notice for failing to display the parking tag, sticker or other device;
 - (B) Unless the information is disclosed on prominent signs posted on the premises, disclose to the owners or operators of authorized vehicles the name, address and contact information of the tow company that is authorized to remove vehicles from the premises; and
 - (C) Specify whether guest parking is allowed and, if guest parking is allowed, describe methods for identifying guest parking spaces or identifying authorized guest vehicles.
- (4) If a landlord assigns a specific parking space to a tenant, the landlord may have a vehicle towed under subsection (2)(g) of this section from the assigned parking space only with the agreement of the tenant at the time of the tow. The landlord may not require the tenant to agree to towing.
- (5) If guest parking is allowed, the landlord shall post a sign in each designated guest parking space that is clearly readable by an operator of motor vehicle and that specifies any rules, restrictions or limitations on parking in the designated guest parking space.
- (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.
- (7) A landlord may not have a motor vehicle removed under this section because the vehicle's registration has expired or is otherwise invalid.
- (8) This section does not:
- (a) Apply to a landlord of a facility.
 - (b) Affect the obligations imposed on a landlord under ORS 98.810 (Unauthorized parking of vehicle on proscribed property prohibited) to 98.818 (Preference of lien) or under ORS 98.830 (Towing abandoned vehicle from private property) and 98.840 (Towing vehicle alternative to procedure in ORS 98.810 to 98.818). [2007 c.565 §2; 2009 c.622 §4; 2017 c.480 §18]

ORS 98.805 Definitions for ORS 98.810 to 98.818, 98.830 and 98.840

As used in this section and ORS 98.810 (Unauthorized parking of vehicle on proscribed property prohibited) to 98.818 (Preference of lien), 98.830 (Towing abandoned vehicle from private property) and 98.840 (Towing vehicle alternative to procedure in ORS 98.810 to 98.818):

- (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.

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.
- (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 98.820 Towing vehicle from fuel dispensary premises

- (1) As used in this section:
- (a) "Class 1 flammable liquids" has the meaning given that term in ORS 480.310 (Definitions for ORS 480.310 to 480.385).
 - (b) "Fuel dispensary" means a filling station, service station, garage or other dispensary where Class 1 flammable liquids or diesel fuel is dispensed at retail for use in vehicles.
 - (c) "Towing company" means a company holding a towing business certificate issued under ORS 822.205 (Certificate).
 - (d) "Vehicle" has the meaning given that term in ORS 801.590 ("Vehicle.").
- (2) An owner, operator or employee of a fuel dispensary may have a vehicle towed from the fuel dispensary premises if:
- (a) The vehicle is preventing or hindering access to a pump, hose, nozzle or other parts of a fuel dispensing device;
 - (b) The prevention or hindering of access to the fuel dispensing device is interfering with the business activities of the fuel dispensary;
 - (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;
 - (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
 - (e) The owner, operator or employee provides the towing company with a signed statement that:
 - (A) Describes the vehicle to be towed;
 - (B) Identifies the property from which the vehicle is to be towed; and
 - (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.
- (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.
- (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).

(6) The procedure established in this section is an alternative to any other lawful procedure available for obtaining the removal from private property of a vehicle that is abandoned or parked without authorization. [2019 c.330 §1]

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 if:

(a) The person affixes a notice to the vehicle stating that the vehicle will be towed if it is not removed;

(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

(c) The person fills out and signs a form that includes:

(A) A description of the vehicle to be towed;

(B) The location of the property from which the vehicle will be towed; and

(C) A statement that the person has complied with paragraphs (a) and (b) of this subsection.

(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.

(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 98.853 Conditions allowing towing (numbering effective 01/01/2026)

(1) 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.

(2)

(a) If the owner or operator of the motor vehicle is present at the time of the tow, the tower shall release the motor vehicle at no charge unless the hookup is complete. If the hookup is complete, the tower shall release the motor vehicle and may charge the owner or operator of the motor vehicle a fee that does not exceed the charge to hook up for that type of tow as listed in a written statement described in ORS 98.856 (Tower responsibility of disclosure to owner or operator of vehicle).

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

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.

Requirement 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.
- (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.
- (7) Solicit towing business at, or within 1,000 feet of, the site of a motor vehicle accident, unless the tower tows the motor vehicle pursuant to a prenegotiated payment agreement between the tower and a motor vehicle road service company.
- (8) Park a tow vehicle within 1,000 feet of 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.
- (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.
- (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.
- (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.
- (13) Operate in a city or county without a license issued by the city or county if required by ORS 98.861 (Licenses for towing).
- (14) Charge for the hookup and release of a motor vehicle except as provided in ORS 98.853 (Conditions allowing towing). [2007 c.538 §3; 2009 c.622 §2; 2013 c.135 §1; 2013 c.691 §1; 2017 c.480 §7]

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.

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.

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.

ORS 819.140 Agencies having authority to take vehicle into custody

(1) This section establishes which agency has the authority to take vehicles into custody under ORS 819.110 (Custody, towing and sale or disposal of abandoned vehicle) and 819.120 (Immediate custody and towing of vehicle constituting hazard or obstruction). The agency with authority to take a vehicle into custody is responsible for notice and hearings under ORS 819.110 (Custody, towing and sale or disposal of abandoned vehicle) to 819.215 (Disposal of vehicle appraised at \$500 or less). Authority to take a vehicle into custody depends on the location of the vehicle as described under the following:

- (a) If a vehicle is upon the right of way of a state highway, on an interstate highway that is part of the National System of Interstate and Defense Highways established under section 103(e), title 23, United States Code or on state property, the Department of State Police or the Department of Transportation may take the vehicle into custody and exercise the powers relating to authority over the vehicle described in this section. Action taken by the Department of State Police or the Department of Transportation under this subsection is not subject to ORS chapter 183.
- (b) If the vehicle is upon the right of way of a county road or any other highway or property within the boundaries of a county, the sheriff of the county or a county agency with appropriate authority may take the vehicle into custody and exercise the powers relating to authority over the vehicle described in this section.
- (c) If the vehicle is on a city street or alley, on an interstate highway or other highway within the boundaries of the city or on any other property within the boundaries of a city, the city police or a city agency with appropriate authority may take the vehicle into custody and exercise the powers relating to authority over the vehicle described in this section.

(2) Except as otherwise provided by this section, an agency taking custody of a vehicle 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) may:

- (a) Use its own personnel, equipment and facilities for the towing and preservation of such vehicles; or

(b) Hire or otherwise engage other personnel, equipment and facilities for that purpose. [1983 c.338 §420; 1985 c.16 §222; 1995 c.758 §10; 2003 c.819 §1; 2009 c.371 §8]

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 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:

(c) Purports in any way to be engaged in the business of performing activities described in this subsection.

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 822.265 Rulemaking authority

- (1) In accordance with applicable provisions of ORS chapter 183, the State Board of Towing may adopt rules:
 - (a) Necessary for the administration of the laws that the board is charged with administering.
 - (b) To implement ORS 98.853 (Conditions allowing towing) to 98.862 (Exceptions to requirements of ORS 98.856).

ORS 822.275 Administration of oaths

The State Board of Towing, acting through its chairperson or vice chairperson, may administer oaths, take depositions and issue subpoenas to compel the attendance of witnesses and the production of documents or other written information necessary to carry out the provisions of ORS 822.250 (State Board of Towing) to 822.290 (Denial of participation on Department of State Police tow rotation) and 822.995 (Civil penalties for violations related to towing). If any person fails to comply with a subpoena issued under this section or refuses to testify on matters on which the person lawfully may be interrogated, the procedure set out in ORS 183.440 (Subpoenas in contested cases) shall be followed to compel obedience.

ORS 822.280 Denial, suspension, revocation or refusal of towing business certificate

- (1) As used in this section:
 - (a) "Person" includes individuals, public bodies as defined in ORS 174.109 ("Public body" defined), corporations, firms, associations, partnerships, limited liability companies, joint stock companies or any other business entity created under law.
 - (b) "Relative" means an individual related within the third degree as determined by the common law, a spouse, an individual related to a spouse within the third degree as determined by the common law or an individual in an adoptive relationship within the third degree as determined by the common law.
- (2) In addition to any other penalty provided under ORS 822.215 (Grounds for denial, suspension, revocation or refusal of certificate) and subject to ORS chapter 183, the State Board of Towing may order the Department of Transportation to deny, suspend, revoke or refuse to renew a towing business certificate issued under ORS 822.205 (Certificate), if the person holding or applying for the certificate:
 - (a) Fails to comply with any rule adopted by the board;
 - (b) Violates any provision of, or rules or ordinances adopted under, ORS 98.853 (Conditions allowing towing), 98.854 (Prohibitions placed on tower), 98.856 (Tower responsibility of disclosure to owner or operator of vehicle), 98.858 (Right of owner or person in lawful possession of vehicle to redeem or inspect vehicle, contact tower and obtain property of emergency nature), 181A.350 (Eligibility of towing business to be placed on department list), 822.200 (Operating illegal towing business), 822.215 (Grounds for denial, suspension, revocation or refusal of certificate), 822.225 (Failure to remove injurious substance), 822.230 (City or county regulation of towing businesses), 822.235 (Recovery after theft) or 822.605 (False swearing relating to regulation of vehicle related businesses);
 - (c) Fails to comply with an order of the board, including but not limited to the failure to pay a civil penalty as ordered by the board;
 - (d) Has performed work as a tower without the appropriate certification or letter of appointment to participate on the rotational list of towing businesses established under ORS 181A.350 (Eligibility of towing business to be placed on department list), or has employed individuals to perform work as towers without appropriate certification or letter of appointment;
 - (e) Has advertised or otherwise held themselves out as being a certified towing business without holding the appropriate certification;
 - (f) As a, or as a relative of a, partner, officer, member or employee of a towing business, advertises or holds themselves out as a towing business that is certified if the towing business does not possess the appropriate certification;
 - (g) Has engaged 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;
 - (h) Fails to meet any condition or requirement to obtain a certificate or letter of appointment;
 - (i) Acts or has acted in a manner creating a serious danger to the public health or safety; or

(j) Has been subject to a revocation, cancellation or suspension order or to other disciplinary action related to towing or the towing industry by any other public body, as defined in ORS 174.109 ("Public body" defined), or has failed to pay a civil penalty imposed by the public body.

(3) A violation described in subsection (2) of this section for which the board orders that the department deny, suspend, revoke or refuse to renew a certificate to perform work or conduct business may be treated as a failure to be in conformance with ORS 822.250 (State Board of Towing) to 822.290 (Denial of participation on Department of State Police tow rotation) and 822.995 (Civil penalties for violations related to towing).

(4) A person subject to discipline under this section is entitled to a contested case hearing in accordance with ORS chapter 183.

(5) The board is the agency responsible for providing notice and contested case hearing rights under ORS chapter 183 to a person subject to discipline under this section. [2021 c.578 §8]

ORS 822.285 Additional powers of board

(1) In carrying out its investigative and enforcement duties, functions and powers, and notwithstanding any other provision of law, the State Board of Towing may procure services and award a contract for the personal services of a subject matter expert, on a case-by-case basis, in any manner deemed practical or convenient. The price of such contracts, including any amendments, may not exceed \$25,000.

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

(3) The board, by rule, may impose a fee on any person holding or applying for a towing business certificate. The amount of the fee shall be established to recover expenses incurred by the board in carrying out ORS 822.250 (State Board of Towing) to 822.290 (Denial of participation on Department of State Police tow rotation) and 822.995 (Civil penalties for violations related to towing). Any fees collected under this subsection shall be deposited into the State Board of Towing Account established under ORS 822.270 (State Board of Towing Account). [2021 c.578 §9]

ORS 822.290 Denial of participation on Department of State Police tow rotation

(1) As used in this section:

(a) "Person" includes individuals, public bodies as defined in ORS 174.109 ("Public body" defined), corporations, firms, associations, partnerships, limited liability companies, joint stock companies or any other business entity created under law.

(b) "Relative" means an individual related within the third degree as determined by the common law, a spouse, an individual related to a spouse within the third degree as determined by the common law or an individual in an adoptive relationship within the third degree as determined by the common law.

(2) Subject to ORS chapter 183, the State Board of Towing may order the Department of State Police to deny, suspend, condition or revoke a letter of appointment to participate on the rotational list of towing businesses established under ORS 181A.350 (Eligibility of towing business to be placed on department list), if the person holding or applying for the letter of appointment:

(a) Fails to comply with any rule adopted by the board;

(b) Violates any provision of, or rules or ordinances adopted under, ORS 98.853 (Conditions allowing towing), 98.854 (Prohibitions placed on tower), 98.856 (Tower responsibility of disclosure to owner or operator of vehicle), 98.858 (Right of owner or person in lawful possession of vehicle to redeem or inspect vehicle, contact tower and obtain property of emergency nature),

181A.350 (Eligibility of towing business to be placed on department list), 822.200 (Operating illegal towing business), 822.215 (Grounds for denial, suspension, revocation or refusal of certificate), 822.225 (Failure to remove injurious substance), 822.230 (City or county regulation of towing businesses), 822.235 (Recovery after theft) or 822.605 (False swearing relating to regulation of vehicle related businesses);

(c) Fails to comply with an order of the board, including but not limited to the failure to pay a civil penalty as ordered by the board;

(d) Has performed work as a tower without the appropriate certification or letter of appointment or has employed individuals to perform work as towers without appropriate certification or letter of appointment;

(e) Has advertised or otherwise held themselves out as being a certified tower without holding the appropriate certification;

(f) As a, or as a relative of a, partner, officer, member or employee of a towing business, advertises or holds themselves out as a towing business that is certified if the towing business does not possess the appropriate certification;

(g) Has engaged 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;

(h) Fails to meet any condition or requirement to obtain a certificate or letter of appointment;

(i) Acts or has acted in a manner creating a serious danger to the public health or safety; or

(j) Has been subject to a revocation, cancellation or suspension order or to other disciplinary action related to towing or the towing industry by any other public body, as defined in ORS 174.109 ("Public body" defined), or has failed to pay a civil penalty imposed by the public body.

(3) A violation described in subsection (2) of this section for which the board orders the department to deny, suspend, condition or revoke a letter of appointment to participate on the rotational list of towing business established under ORS 181A.350 (Eligibility of towing business to be placed on department list) may be treated as a failure to be in conformance with ORS 822.250 (State Board of Towing) to 822.290 (Denial of participation on Department of State Police tow rotation) and 822.995 (Civil penalties for violations related to towing).

(4) A person subject to discipline under this section is entitled to a contested case hearing in accordance with ORS chapter 183.

(5) The board is the agency responsible for providing notice and contested case hearing rights under ORS chapter 183 to a person subject to discipline under this section. [2021 c.578 §10]

ORS 822.605 False swearing relating to regulation of vehicle related businesses

(1) A person commits the offense of false swearing relating to regulation of vehicle related businesses if the person knowingly makes any false affidavit or knowingly swears or affirms falsely to any matter or thing relating to the regulation of vehicle dealers, vehicle dismantlers, towing businesses, vehicle transporters, snowmobile dealers, Class I all-terrain vehicle dealers, commercial driver training schools or driver training instructors under the vehicle code.

(2) The offense described in this section, false swearing relating to regulation of vehicle related businesses, is a Class C felony. [1983 c.338 §836; 1987 c.217 §12; 2005 c.654 §39]

ORS 822.995 Civil penalties for violations related to towing

(1) In addition to any other penalty provided by law, any person who violates any provision of ORS 98.853 (Conditions allowing towing), 98.854 (Prohibitions placed on tower), 98.856 (Tower responsibility of disclosure to owner or operator of vehicle), 98.858 (Right of owner or person in lawful possession of vehicle to redeem or inspect vehicle, contact tower and obtain property of emergency nature), 181A.350 (Eligibility of towing business to be placed on department list), 822.200 (Operating illegal towing business), 822.215 (Grounds for denial, suspension, revocation or refusal of certificate), 822.225 (Failure to remove injurious substance), 822.230 (City or county regulation of towing businesses), 822.235 (Recovery after theft) or 822.605 (False swearing relating to regulation of vehicle related businesses) or any rule adopted by the State Board of Towing is subject to payment of a civil penalty to the board.

(2) The board may adopt rules establishing a schedule of civil penalties that may be imposed under this section. Civil penalties imposed under this section may not exceed \$25,000 for each violation.

(3) Civil penalties under this section shall be imposed as provided in ORS 183.745 (Civil penalty procedures).

(4) In imposing a penalty pursuant to the schedule adopted under subsection (2) of this section, the board shall consider the following factors:

(a) The past history of the person incurring a penalty in taking all feasible steps or procedures necessary or appropriate to correct any violation.

(b) Any prior violations by the person incurring the penalty of statutes, rules or orders pertaining to facilities.

(c) The economic and financial conditions of the person incurring the penalty.

(d) The immediacy and extent to which a violation threatens the public health or safety. [2021 c.578 §11]

OAR 735-154-0000 Regulations Governing Towing and Recovery Businesses

(2) Definitions for the purposes of OAR 735-154-0000 (Regulations Governing Towing and Recovery Businesses) through 735-154-0050 (Inspection of Vehicles) are as follows:

(a) As used in ORS 822.200 (Operating illegal towing business)(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;