



Oregon

Tina Kotek, Governor

State Board of Towing
DMV HQ - 1905 Lana Ave, NE
Salem, OR 97314

Email Address: info@towboard.oregon.gov
Web Site: www.oregon.gov/sbot

OREGON STATE BOARD OF TOWING
Public Board Meeting
April 8, 2025
1:00 p.m. – 3:30 p.m.

Location:

KROC Community Center
1865 Bill Frey Dr., NE
Salem, OR 97301

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

Meeting ID: **251 141 298 455**

Passcode: **oE9WF9Qy**

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Direct Phone: (971) 277-1965

Phone conference ID: 631 802 548#

AGENDA ITEM	PRESENTER	Time Est.
1. Call Meeting to Order	Chair	1:00 p.m.
2. Welcome & Introductions <i>(Board Member, Staff, Partners)</i>	All	
3. Approve Agenda	Board	
4. Approve Minutes and Notes	Board	
A. January 14, 2025 Board Meeting Minutes		
B. February 11, 2025 Work Session Notes		
C. March 11, 2025 Work Session Notes		
5. Board Administrator Report	McCullough	
A. Financial Report		
B. Strategic Plan Progress		
Discussion		
6. Compliance Report	McCullough	
Discussion		
7. Legislative Report	Chair, Others	
Discussion		
8. Discussion: Rates and Fees Board Public Policy/Guidelines	Board	
9. Discussion: Collections & Repo Public Policy/Guidelines	Board	

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.

10.	Discussion: Public Records Policy	Board	
11.	Discussion: Advisory Groups & Administrative Rules process	Board	
Public Comments			
12.	Complaint Review and Discussion	Board	
13.	2025-01-006 – ORS 822.200		
	A. 2025-01-019 - Towing Rates & Fees (ODOT)		
	B. 2025-02-003 – Towing Rates & Fees (local law enforcement)		
	C. 2024-12-008 – Towing Rates & Fees (OSP)		
14.	Work Session: Signage	Board	
	A. 2025-11-010 – No signs posted		
Public Comment			
15.	Next Steps/Work Assignments recap		
16.	Next Public Work Session		
	May 13, 2025		
Final Public Comments			
17.	Adjourn Board Meeting		

*Board vote during the meeting may be either consensus or roll call vote, depending on the Agenda item for decision.
 Tower votes: Anderson/Baker, McClellan/Shaner



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OREGON STATE BOARD OF TOWING

Board Meeting Minutes

January 14, 2025

Board meeting location:

Oregon DMV HQ
1905 Lana Avenue
Salem, OR 97314

Attending Board Member:

Bruce Anderson
Kevin Baker
Chris Coughlin
Trent Hanson, Vice Chair
Lt. Jason Lindland
Gary McClellan
Chuck Riley, Chair
Jason Shaner

Board Staff:

Torey McCullough, Board Administrator

Partners and Guests:

Partners: Oregon DMV Customer Services: Byron Gross; Oregon DMV Regulation Section: Judith Ingram-Moore, Larry Purdy, Kelly Garcia; Oregon State Police: Lt. Joshua Moyes; Oregon Tow Truck Association: Tom Holt, Chelsie Kemp; Guests: 21st Century Towing, Advanced Recovery & Towing - Tyler Manthei, Roadrunner Towing Inc - Sheryl Baker, S.W.A.T Towing - Charles Richmond; Public: Bob Baker ED with American Lender Service Co., George, Jessica Rivera, Jose Guzman, Kurt Shelton, Max Kenworthy, Michael Clement, Michelle Druce - Oregon Consumer League, Mike, Moe Tangman, Richy Luker, Trevor Lee.

Meeting Called to Order:

Chair Riley called the meeting to order
Self-introductions were made.

Meeting Agenda:

Board vote to approve agenda. In favor: Anderson, Baker, Coughlin, Lindland, McClellan, Shaner, Hanson, Rile. Opposed: None. Agenda approved.

Previous Meeting Minutes and Work Session Notes:

Mr. Riley asked for a vote to approve the November 19, 2024 board meeting minutes.

In favor: Anderson, Baker, Coughlin, Lindland, McClellan, Shaner, Hanson, Rile.

Opposed: None. November 19, 2025 minutes approved.

Reports:

Administrator Report

Ms. McCullough provided a summary of the Board Administrator Report. *Report included in Board Meeting Packet.*

Compliance Report

Ms. McCullough provided a summary of the Board Compliance Report. *Report included in Board Meeting Packet.*

Lt. Lindland moved to approve the Board Administrator to continue working on the independent contractor contracts for investigators with the state. Mr. Hanson seconded the motion. In favor: Baker, Coughlin, Lindland, McClellan, Hanson, Rile. Opposed: None. Motion approved.

Board Public Policies Discussion – ORS 98.853 and 98.854

The Board discussed communication and feedback from members of the public and the towing industry expressing some confusion over the difference between policies and administrative rules, the intent of the Board's public policies regarding portions of ORS 98.853 and 98.854, and the process to adopt administrative rules.

The Board members tabled discussion to the February board meeting, allowing the Board members to review submitted materials individually, consult with the Dept. of Justice and to comply with Oregon Public Meeting law.

Work Session: Towing Rates and Fees

The Board reviewed rate and fee complaints submitted to the Board. The Board began discussing the existing statutes to define the statutes and the Board's role in regulation.

Notes from the work session are attached.

Next Board work session:

February 11, 2025

Public Comment:

The floor was open to public comments; there were no public comments offered.

Adjourned:

There being no further business before the Board, Vice Chair Hanson adjourned the meeting at 2:15 p.m.

Documents Considered by the Board

- Agenda
- Previous Meeting Minutes
- Administrator Report and attachments
- Compliance Report
- Work Session Worksheet

Minutes prepared by Torey McCullough

Minutes APPROVED by Board vote:



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OREGON STATE BOARD OF TOWING Public Board Meeting January 14, 2025 1:00 p.m. – 4:00 p.m.

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Meeting ID: **255 956 778 793**

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AGENDA ITEM	PRESENTER
1. Call Meeting to Order	Chair
2. Welcome & Introductions <i>(Board Member, Staff, Partners)</i>	All
3. Approve Agenda	Board
4. Approve Minutes of November 19, 2024 Board Meeting	
5. Board Administrator Report	
A. Financial Report	
B. Strategic Plan Progress	
C. 2024 Annual Report	
D. 2025 Legislative Session	
E. Outreach presentation	
6. Compliance Report	
A. Case Management System Update	
B. Investigator Contracts	
7. Discussion: Board Public Policies PP 24-001 B and 24-001-E	
8. Work Session: Towing Rates and Fees	
9. Public Comments	
10. Next Steps	
11. Complaint Review and Discussion	
12. Final Public Comments	
13. Next Meeting	
14. Adjourn Board Meeting	

*Board vote during the meeting may be either consensus or roll call vote, depending on the Agenda item for decision.

Tower votes: Anderson/Baker, McClellan/Shaner

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.



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OREGON STATE BOARD OF TOWING Board Meeting Minutes November 19, 2024

Location:

Oregon DMV HQ
1905 Lana Avenue
Salem, OR 97314

Attending Board Member:

Bruce Anderson
Kevin Baker
Chris Coughlin
Trent Hanson, Vice Chair
Lt. Jason Lindland
Gary McClellan
Chuck Riley, Chair

Board Staff:

Torey McCullough, Board Administrator

Absent:

Jason Shaner

Guests:

Dave Adams, DMV Vehicle Programs; Tom Holt and Chelsie Kemp, OTTA; Michelle Druce - Oregon Consumer League; Paul - Northwestern Towing, Charles Richmond - S.W.A.T Towing, Tyler - Advanced Recovery & Towing, Ronald Crews - Dick's Towing, James Jerome - Northwestern Towing, Michael Coe - Retriever Towing; Ashle Penn, Olivia Valenciano, and Teresa

Meeting Called to Order:

Chair Riley called the meeting to order at 1:02 p.m.
Self-introductions were made.

Meeting Agenda:

Agenda approved by consensus.

October 1, 2024 Minutes:

Approved by consensus. Voting in favor: Anderson, Baker, Coughlin, Hanson, Lindland, McClellan, Riley.

October 29, 2024 Minutes:

Approved by consensus. Voting in favor: Anderson, Baker, Coughlin, Hanson, Lindland, McClellan, Riley.

Board Administrator Review:

Board member Anderson moved to approve the October 29, 2024, Board Administrator performance evaluation. Chair Riley seconded the motion. In favor: Anderson, Baker, Coughlin, Hanson, Lindland, McClellan, Riley. Motion passes, 2024 Board Administrator Annual Evaluation approved.

2025 Strategic Plan

Board member Coughlin moved to approve the 2025 Board Strategic Plan. Board member Lindland seconded the motion. In favor: Anderson, Baker, Coughlin, Hanson, Lindland, McClellan, Riley. Motion passes, 2025 Strategic Plan approved.

2025 Board Calendar

After discussion, the decision was made to hold the Board's 2025 monthly meetings on the 2nd Tuesday of each month. Board meetings may be rescheduled to accommodate holidays and Board member availability.

Note: The November 2025 Board meeting will be held on November 18, 2025, to accommodate the Veteran's Day Holiday.

Next Board Meeting

The next Board meeting will be held on January 14, 2025, when the Board will begin work on the towing rates and fee laws.

The Board will also begin reviewing compliance cases for disciplinary actions at the January board meeting.

Public Comment:

The floor was open to public comments.

Ashle Penn asked if the Board would keep consumers who filed complaints updated on the compliance process.

The Board confirmed that the database/case management system is in the final stages of implementation. Once implemented, the complaints will be entered into the system and complainants updated on the status of their complaint throughout the process.

Paul from Northwestern Towing asked for clarification regarding blue lights on tow trucks. Blue lights are legal in Washington, but not in Oregon.

Adjourned:

There being no further business before the Board, Chair Riley adjourned the public board meeting at 1:17 p.m.

Board members Anderson, Baker, Hanson and McClellan remained to complete mandatory board member training.

Documents Considered by the Board

- Agenda
- Meeting Minutes: October 1 and 29, 2024
- Board Administrator Review
- Strategic Plan
- Board Calendar

Minutes prepared by Torey McCullough
Minutes APPROVED by Board vote:

Oregon State Board of Towing



Administrator's Report

To: SBOT Board Members

From: Torey McCullough, Board Administrator

Date: January 14, 2025

1. Financial Report:

Attached.

2. Tow Business Certificates by the numbers:

January 2025:

2064 Active Tow Certificates

792 Unique Registered Names

739 Unique Addresses

808 Unique Registered Names & Addresses

3. Annual Report

Board staff is working on the 2024 Annual Report, which will be available to the Board members for review by the end of the month.

4. Strategic Plan Updates

Outreach:

- 1157 copies of the November newsletter mailed.
- Invitation to present at Lane Co. Rental Owners Association monthly meeting.
- Staff will attend partner advisory and communication meetings in January.

The Board will begin reviewing statutes and complaints related to rates and fees at the January 14, 2025 meeting.

Board calendar is updated and posted on the website showing timelines based on the Board's Strategic Plan.

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.

5. Legislative Session

- 2025 Legislative Session is scheduled to convene January 21, 2025.
- The Board's first bill is HB 3186, the placeholder bill to clarify the relationship between ODOT and the Board.

6. Miscellaneous

- All board members completed the required trainings in 2024.
- Staff will attend administrative rule writing training in January.
- Board staff is assisting a city with updating their municipal tow contracts.

State Board of TowingForecast
116_8001 - Towing Board
Biennium 2023-25
Month of biennium
18

% Biennium
Complete
75.0%

	December 2024				LAB amount					
					\$ 412,080.00	\$ 31,397.57				
	Current Month			Notes	BI 23-25	BI to Date	% Budget	Available	BI End	Ending
	Forecast	Actual	Variance	Variance > 2% AND \$500	Budget	Actual	Obligated	Budget	Total	Balance
Personal Services										
Salaries and Wages	8,536	8,536	(0)		192,000	139,138	72.5%	52,862	193,708	(1,708)
Other Payroll Exp	5,371	5,305	66		140,000	85,177	60.8%	54,823	118,567	21,433
Total Personal Services	13,907	13,841	66		332,000	224,315	67.6%	107,685	312,275	19,725
Services & Supplies										
In-State Travel	-	-	-		37,083	-	0.0%	37,083	36,655	428
Office Expense	-	-	-		1,725	438	25.4%	1,287	908	817
Telecommunications	90	45	45	Cell Phone bill-Oct 24	2,751	516	18.8%	2,235	935	1,816
Professional Svcs	-	-	-		2,200	-	0.0%	2,200	18,000	(15,800)
Attorney General	-	-	-		3,000	880	29.3%	2,120	880	2,120
Emp Recrut & Devel	-	-	-		100	100	99.6%	0	100	0
Prizes And Awards	-	-	-		-	9	0.0%	(9)	9	(9)
IT Expendable Property	-	-	-		4,350	4,350	100.0%	-	4,350	-
Computer Technology	-	-	-		-	145	0.0%	(145)	145	(145)
IT Professional Serv	-	-	-		6,426	3,213	50.0%	3,213	6,426	-
Total Services & Supplies	90	45	45		57,635	9,650	16.7%	47,985	68,407	(10,772)
Capital Outlay										
Special Payments										
Total Capital Outlay & Spec Pmts	-	-	-		-	-	0.0%	-	-	-
Total	13,997	13,886	111		389,635	233,965	60.0%	155,670	380,682	8,953

1%

358	21-23 biennium expense
234,323	Expenses to date
217,400	Revenue to date
(16,923)	Difference/net revenue

2025 Goals and Objectives:

Goal 1: Towing Rates and Fees		
Objective: Determine towing rate and fee requirements in ORS; ensure towing rates and fees across the state are lawful, customary, reasonable, and consistent, and set standards and best practices to protect both the well-being of the public and the towing industry from unnecessary or unlawful towing fees and charges.		
Action Items	Timeline	% Completed
Review invoice and fee complaints submitted to the Board	1 st Quarter	
Progress/Notes: <i>Scheduled for January 14, 2025</i>		
Review ORS 98.856 & 98.859 for legal requirements of rates and fees		
Progress/Notes: <i>Scheduled for January 14, 2025</i>		

Continued work from 2025:

Focus: Enforcement of Private Property Impound Statutes (ORS 98.853 and 98.854)		
Action Items	Timeline	% Completed
Mail Fall 2024 Newsletter to all towers with a DMV issued tow certificate	Nov. 2024	100
Progress/Notes: <i>November 2024: 779 newsletters mailed to active Tow Business Registrants and a small number of companies thought to be operating as tow companies for compensation without a tow business certificate.</i> <i>December 2024: An additional 378 newsletters mailed to companies identified as not having an active tow certificate in the company's name.</i>		
Enter PPI complaints into CMS/database	Nov. 2024	10
Progress/Notes: <i>In progress</i>		

Focus: Enforcement of ORS 822.200, Operating an Illegal Tow Business		
Action Items	Timeline	% Completed
Mail Fall 2024 Newsletter to all towers with a DMV issued tow certificate and individuals operating without tow certificates	Nov. 2024	100
Progress/Notes: November: 779 newsletters mailed to active Tow Business Registrants and a small number of companies thought to be operating as tow companies for compensation without a tow business certificate.		
Mail Notice letter to persons identified as possibly towing vehicles without TW plates/certificate	Dec. 2024	100
Progress/Notes: December: 378 newsletters mailed to companies identified as not having an active tow certificate in the company's name.		
Mail Warning letters to companies who have not submitted applications, and are towing without tow business certificates/TW plates	Jan 2024	3%
Progress/Notes:		

Focus: Outreach and Education, Stakeholder Engagement		
Action Items	Timeline	% Completed
Fall 2024 Newsletter	Nov. 2024	100
Progress/Notes: 1157 Newsletters mailed.		

Oregon State Board of Towing 2025 Calendar

Legend:

State Holiday: *State Offices Closed*

Proposed and Administrative Rules Timelines

Proposed Rules Hearing

Public Board Meeting: Public meetings to conduct board business.

Public Work Session: Work sessions are specific to topic or topics designated by the Board. Public participation during work sessions are encouraged, but is limited to the topic(s) of the work session.

Staff Training: *Office Closed*

Partners:

[Oregon Dealer Advisory Committee](#)

[Portland Tow Advisory Committee](#)

[Oregon Tow Truck Association](#)

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JANUARY 2025						
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
29	30	31	1 New Year's Day	2	3	4
5	6	7	8	9	10	11
12	13	14 Staff Training - office closed Public Board Mtg 1 - 4 pm	15	16 Staff Training - office closed	17	18
19	20 MLK Jr. Birthday	21 Oregon Legislative Session Starts	22	23 9:00 am - ODAC Quarterly Mtg	24	25
26	27	28 3:30 pm - Portland Tow Advisory Monthly Mtg	29	30	31	1

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FEBRUARY 2025						
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
2	3	4	5	6	7	8
9	10	11 Public Work Session 1 - 4 pm Rates & Fees	12	13	14	15
16	17 President's Day	18	19	20	21	22
23	24	25 3:30 pm - Portland Tow Advisory Monthly Mtg	26	27	28	1

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MARCH 2025						
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
23	24	25	26	27	28	1
2	3 This month: draft Proposed Rules	4	5	6	7	8
9	10	11 Public Work Session 1 - 4 pm Rates & Fees	12	13	14	15
16	17	18	19	20	21	22
23	24	25 3:30 pm - Portland Tow Advisory Monthly Mtg	26	27	28	29
30	31	1	2	3	4	5

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APRIL 2025						
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
30	31	1 This month: draft Proposed Rules	2	3	4	5
6	7	8 Public Board Mtg 1 - 4 pm	9	10	11	12
13	14	15	16	17	18	19
20	21	22 3:30 pm - Portland Tow Advisory Monthly Mtg	23	24 9:00 am - ODAC Quarterly Mtg	25	26
27	28 Deadline: Proposed Rules to SOS	29	30	1	2	3

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MAY 2025						
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
27	28	29	30	1 This month: Rules Hearing	2	3
4	5	6	7	8	9	10
11	12	13	14 Public Work Session 1 - 4 pm Signage	15	16	17
18	19	20	21	22	23	24
25	26 Memorial Day	27 Rules Hearing 1:00 - 3:30 pm 3:30 pm - Portland Tow Advisory Monthly Mtg	28	29	30	31

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JUNE 2025						
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
1	2	3	4	5	6	7
8	9	10 Public Board Mtg 1 - 4 pm OARS Elections	11	12	13	14
15	16	17	18	19 Junteenth	20	21
22	23	24 2:30 pm - Portland Tow Advisory Monthly Mtg	25	26	27	28
29	30 OF Legislative Adjourns	1	2	3	4	5

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JULY 2025						
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
29	30	1 OAR Effective Date	2	3	4 Independence Day	5
6	7	8 Public Board Mtg 1 - 4 pm	9	10	11	12
13	14	15	16	17	18	19
20	21	22 2:30 pm - Portland Tow Advisory Monthly Mtg	23	24	25 9:00 am - ODAC Quarterly Mtg	26
27	28	29	30	31	1	2

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AUGUST 2025						
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
27	28	29	30	31	1	2
3	4	5	6	7	8	9
10	11	12 Public Work Session 1 - 4 pm Licensure	13	14	15	16
17	18	19	20	21	22	23
24	25	26 2:30 pm - Portland Tow Advisory Monthly Mtg	27	28	29	30
31	1	2	3	4	5	6

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SEPTEMBER 2025						
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
31	1 Labor Day	2 This month: draft Proposed Rules	3	4	5	6
7	8	9 Public Work Session 1 - 4 pm Licensure	10	11	12	13
14	15	16	17	18	19	20
21	22	23 2:30 pm - Portland Tow Advisory Monthly Mtg	24	25	26	27
28	29	30	1	2	3	4

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OCTOBER 2025						
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
28	29	30	1 This month: draft Proposed Rules	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21 Annual Board Mtg 10 am - 4 pm	22	23	24	25
26	27 Deadline: Proposed Rules to SOS	28 3:30 pm - Portland Tow Advisory Monthly Mtg	29	30	31	1

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NOVEMBER 2025						
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
26	27	28	29	30	31	1
2	3 This month: Rules Hearing	4	5	6	7	8
9	10	11 Veteran's Day	12	13	14	15
16	17	18 Public Work Session 1 - 4 pm	19	20	21	22
23	24	25 Rules Hearing 100 - 1:30	26 2:30 pm - Portland Tow Advisory Monthly Mtg	27 Thanksgiving	28	29
30	1	2	3	4	5	6

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DECEMBER 2025						
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
30	1	2	3	4	5	6
7	8	9 Public Work Session 1 - 4 pm OARs Training	10	11	12	13
14	15	16	17	18	19	20
21	22	23 3:30 pm - Portland Two Advisory Monthly Mtg	24	25 Christmas	26	27
28	29	30	31	1 New Year's Day	2 Rules Eff Date: 01/01/26	3

State Board of Towing



Compliance Report

To: SBOT Board Members

From: Torey McCullough, Board Administrator

Date: January 14, 2025

Complaints:

- 5 complaints received in 2025 to date.
- This is a much lower number than usual; the Board received over 30 PPI complaints from Thanksgiving to the New Year of vehicles impounded from assigned spaces or displaying parking passes or where the vehicle was not released to the owner prior to hook up.
- Numbers for 2024 will be available for the next regular board meeting.

Case Management System:

- The online complaint form has been implemented.
- There was a bug between the online complaint form and the case file system which should be fixed by the middle of January.

Investigations:

- With the case management system in place the board will begin to assign and track complaint investigations.
- The Board seal used on official documents, including any subpoena duces tecum issued as part of a Board investigation.
- Once contracts are approved, the independent contractor investigators will begin investigating the backlog of complaints, focusing on the complaints clearly demonstrating violation of the plain language of the ORSs assigned to the Board.

Case No.	Date	Location	Type	1st Complaint	2nd Complaint	Total Bill	Lien Fee?	Lien Amount	Daily storage	Status	Notes	Probability	Reason
2025-01-001	1/2/2025	Salem	PPI	Unlawful Tow	Fees	438.6	Yes		90	Under Review	Tow authorized by manager. Vehicle had two parking stickers for two other parking lots. Tower discounted tow bill for customer.	Low	Manager Authorized tow
2025-01-002	1/2/2025	Grants Pass	Operating without Tow Business Certificate	Tow truck operating with passenger plates						Compliance Letter Sent	SOS registration for tow company expired. Truck registered with passenger plate. Board violation only if using for tow and recovery; weight restriction possible.	High	Passenger plates on tow truck.
2025-01-003	1/10/2025	Salem	No Insurance	Failure to meet requirements	Fraud					Under Review	DMV2U shows policy terminated 11/22/2024. DMV vehicle programs investigation - collaboration. Potential violation: ORS 822.205 (2) - insurance requirement	Possible	Insurance Violation
2025-01-004	1/11/2025	Grants Pass	LE Tow	Unlawful Tow	Illegal Release of vehicle	1431.6	Yes	200	100	Waiting for Information	Not enough information for investigation. Online complaint form sent. Due to allegations, LE and DMV collaboration required	Unknown	Violation stated by complainant not a tower violation.
2025-01-005	1/13/2025	Portland	AAA - insurance tow	Damage							Vehicle owner hit pothole, damaged vehicle, called AAA. AAA unable to respond, suggested insurance tow. Complainant alleges insurance won't pay for damage.	Low	Tower towed vehicle per insurance authorization; board does not have authority to assess damages.

Phone Calls										
1/13/2024	PPI - maximum rates and fees.									
1/13/2025	RV/towed by city. Damages incurred. Referred caller back to the city for resolution.									
1/12/2025	12/27/2024 auto vs. tree. LEauthorized tow. Vehicle totaled. Owner cannot get tools and work uniform without paying tow bill. Tower did not charge lien fee, deducted two days storage. Complaint form sent.									
1/10/2025	Car was in an accident and disabled. Driver admitted parking in a no parking zone, left note on windshield. Returned the next day, vehicle had been towed by city. Cityreferred caller to the Board.									
1/10/2025	Verifying if tow company was registered.									
1/10/2025	"Minor accident." - vehicle had to be righted from its top. Claim alleges tower requires two \$15k payments (one from insurance, one from vehicle owner). Complaint form sent.									
1/10/2025	4 insurance companies called with questions re: rates and fees.									

Case No.	Date	Location	Type	1st Complaint	2nd Complaint	Total Bill	Lien Fee?	Lien Amount	Daily storage	Status	Notes	Probability	Reason
2025-01-001	1/2/2025	Salem	PPI	Unlawful Tow	Fees	438.6	Yes		90	Under Review	Tow authorized by manager. Vehicle had two parking stickers for two other parking lots. Tower discounted tow bill for customer.	Low	Manager Authorized tow
2025-01-002	1/2/2025	Grants Pass	Operating without Tow Business Certificate	Tow truck operating with passenger plates						Compliance Letter Sent	SOS registration for tow company expired. Truck registered with passenger plate. Board violation only if using for tow and recovery; weight restriction possible.	High	Passenger plates on tow truck.
2025-01-003	1/10/2025	Salem	No Insurance	Failure to meet requirements	Fraud					Under Review	DMV2U shows policy terminated 11/22/2024. DMV vehicle programs investigation - collaboration. Potential violation: ORS 822.205 (2) - insurance requirement	Possible	Insurance Violation
2025-01-004	1/11/2025	Grants Pass	LE Tow	Unlawful Tow	Illegal Release of vehicle	1431.6	Yes	200	100	Waiting for Information	Not enough information for investigation. Online complaint form sent. Due to allegations, LE and DMV collaboration required	Unknown	Violation stated by complainant not a tower violation.
2025-01-005	1/13/2025	Portland	AAA - insurance tow	Damage							Vehicle owner hit pothole, damaged vehicle, called AAA. AAA unable to respond, suggested insurance tow. Complainant alleges insurance won't pay for damage.	Low	Tower towed vehicle per insurance authorization; board does not have authority to assess damages.

Phone Calls										
1/13/2024	PPI - maximum rates and fees.									
1/13/2025	RV/towed by city. Damages incurred. Referred caller back to the city for resolution.									
1/12/2025	12/27/2024 auto vs. tree. LEauthorized tow. Vehicle totaled. Owner cannot get tools and work uniform without paying tow bill. Tower did not charge lien fee, deducted two days storage. Complaint form sent.									
1/10/2025	Car was in an accident and disabled. Driver admitted parking in a no parking zone, left note on windshield. Returned the next day, vehicle had been towed by city. Cityreferred caller to the Board.									
1/10/2025	Verifying if tow company was registered.									
1/10/2025	"Minor accident." - vehicle had to be righted from its top. Claim alleges tower requires two \$15k payments (one from insurance, one from vehicle owner). Complaint form sent.									
1/10/2025	4 insurance companies called with questions re: rates and fees.									



State Board of Towing January 14, 2025 - Work Session Notes Tow Rates and Fees

This document does not represent formal Board decisions or policy; the document facilitates board discussion to:

- 1. Define or clarify ambiguity in Oregon law.*
- 2. Address situations and scenarios submitted in complaints*
- 3. Answer questions or provide clarification to the public, towing industry, and board partners.*

ORS 98.850 Legislative findings and declaration

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

Board's authority:

ORS 822.265 Rulemaking authority

(1) In accordance with applicable provisions of ORS chapter 183, the State Board of Towing may adopt rules:

- (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 822.285 Additional powers of board

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

ORS 822.995 Civil penalties for violations related to towing

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

ORS 98.853 (3) (a) and (b) – hook up fees.

(3)

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

(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.

- The Board may further define the statute as part of its proposed administrative rule drafting and Board's legislative review processes.
- At this time, the requirement for a PPI tow is reasonable compliance with: ORS 98.853 (3) (b): the impounded vehicle be secured to the towing vehicle in a manner that the towing vehicle can safely remove the impounded vehicle from the private parking facility.
- The hook up requirement under ORS 98.853 (3) (b) is for removal of an impounded vehicle from a private parking area only; the requirements under ORS 98.853 (3) (b) do not meet the hook up requirements for a vehicle towed on public roadways. The tower must comply with the state and federal hook up requirements before entering a public roadway.

ORS 98.854 Prohibitions placed on tower

(5) – towing charges.

A tower may not ... 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.

- The Board finds the requirement under this statute is clear as written.
- Consumer complaints submitted to DOJ are forwarded to the Board for review and resolution.
- If the tow is authorized by law enforcement or a government agency then a disputed invoice will be forwarded to the authorizing agency for an audit.
- The Board may review the disputed invoices against the contracted rates. The Board (a) will consider tow services rendered independent of the cost sheet (b) refer and defer to the agency for a final decision and (c) will not dispute the findings of the authoritative agency.

ORS 98.854 (6) and (14) – prohibition of charges

(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.

(14) Charge for the hookup and release of a motor vehicle except as provided in ORS 98.853 (Conditions allowing towing).

- The Board finds the requirement under this statute is clear as written.
- Statewide rate setting will require changes in statute. The Board is not proposing a change to legislation regulating rates and is not aware of any proposed legislation requiring rate setting.
- Consumer complaints submitted to DOJ are forwarded to the Board for review and resolution.
- Maximum rates for towing established: Complaints will be forwarded to the appropriate agency.

- No maximum rates established: the Board may review the disputed invoices against the tower's written statement of fees and costs and consider services rendered, reasonable and customary costs, and transparency of invoicing.
- The maximum rates established by a local authority are applicable to the towing circumstances and jurisdiction of that authority, only.
- Maximum or allowed rates established by one jurisdiction do not apply to another jurisdiction.

ORS 98.856 (1)

(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.

Hello,

Are towing companies required to give you a full breakdown of their costs such as the hookup fee, towing fee, and vehicle release fee?

Thank You,

- The Board finds the requirement under this statute is clear as written.
- Clarification:
Yes: towers must provide an itemization of the breakdown of their fees and charges.
No: towers do not have to provide a breakdown of their costs.
Costs on the itemized invoice are to be on the written statement of fees.
The Board recognizes that occasionally there will be an expense outside of a normal tow, and the tower should be able to recover the expense. The Board will review complaints to evaluate situations where unforeseen circumstances require unforeseen expenses not normally associated with a customary tow (i.e., extra or specific equipment required due to the circumstances of the tow).
- Complaints submitted to DOJ are forwarded to the Board for resolution.
- The Board will conduct an audit against the disputed invoice and the tower's written statement of fees and charges and determine compliance.
 - If a tow is conducted under a non-preference or rotational tow contract authorized by law enforcement or another government agency, release of the tow rate sheet is through the authorizing agency.
 - If there is no rate sheet provided to the authorizing agency, then the Board may conduct an audit using the written statement required under ORS 98.856 (1) and collaborate any decisions with the authorizing agency.

- Towers may have more than one rate sheet (e.g., motor or other contract, LE rotation, private tow).
- Only the rate sheet relevant to the towing incident should be considered when reviewing an invoice.
- Requirement under (1) (a): “all” may be overly burdensome and may not encompass all fees and expenses associated with a tow. The Board will consider actual services rendered and the circumstances of the tow when reviewing or auditing any disputed invoices.

ORS 98.856 (2) and (3)

(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.

- The Board finds the requirement under this statute is clear as written.
- The written statement is to be made available to the vehicle owner or operator as required by the law. The owner or operator do not have to make a request for the information.
- An insurance company paying for the release of the vehicle or towing charges is entitled to the conspicuous written statement prior to payment.
- A tower is not required to waive or discount storage and other fees while an insurance company reviews the written statement. Storage fees can accrue through the date payment is received by the tower.
- A vehicle owner or insurance company should first request contact the tower with any questions on a tow bill, compare charges from the invoice with the services rendered and the tower’s rate sheet, and consider the towing services provided and the circumstances of the tow prior to filing a complaint with a state or local agency.

ORS 98.856 (5)

(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.

- The Board finds the requirement under this statute is clear as written.
- Failure to provide a written statement as required under ORS 98.856 (5) is grounds for disciplinary action.
- A written bid or quote complies with this statute for an contracted or pre-authorized tow in lieu of the tower providing a full list of the tower’s fees and charges.

ORS 98.856 (6)

The Board has tabled “personal property of an emergency nature” for future discussion.

ORS 98.852 (6) *"Personal property of an emergency nature" includes, but is not limited to, prescription medication, eyeglasses, hearing aids, clothing, identification, a wallet, a purse, a credit card, a checkbook, cash and child safety car and booster seats.*

- Clarifications:
 - At the tower's discretion, a non-vehicle owner may remove emergency personal items from a vehicle. The gate fee restrictions apply.
 - Uniforms, legal documents, keepsakes, electronics, and other items not specified under ORS 98.852 (6) are not required to be released from the tower without payment of the tow fee.

ORS 98.862 Exceptions to requirements of ORS 98.856

ORS 98.856 (1) *A tower need not provide the written information required under ORS 98.856 ... if: (1) The motor vehicle is towed from a parking facility where the tower has provided the information on signs that are clearly readable by an operator of a motor vehicle in each parking stall or at each entrance to the parking facility.*

- The Board finds the requirement under this statute is clear as written.
- To comply with the exception, the sign must show:
 - (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.*

The remainder of the work session discussion points are tabled for future work sessions.

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Oregon

Tina Kotek, Governor

State Board of Towing
DMV HQ - 1905 Lana Ave, NE
Salem, OR 97314

Email Address: info@towboard.oregon.gov
Web Site: www.oregon.gov/sbot

OREGON STATE BOARD OF TOWING Special Board Meeting Notes January 28, 2025

Location:

Remote attendance only.

Attending Board Member:

Bruce Anderson
Kevin Baker
Chris Coughlin
Trent Hanson, Vice Chair
Lt. Jason Lindland
Gary McClellan
Jason Shaner
Chuck Riley, Chair

Board Staff:

Torey McCullough, Board Administrator

Partners and Guests:

Partners: Oregon DMV Customer Services: Byron Gross; Oregon DMV Regulation Section: Judith Ingram-Moore, Larry Purdy; Oregon Tow Truck Association: Chelsie Kemp; City of Portland Towing Regulation; Guests: Advanced Recovery & Towing - Tyler Manthei; Beaverton Towing - Jean Underwood; Dick's Towing - Ronn Crews; Gales Towing; Good Fellas Towing - Kurt Shelton; Newhouse Towing - Mike Porter; Jessica Rivera; Karen - Auto Lien Source; Rocio Goodey Scott; Steve; Trevor Lee

Meeting Called to Order:

Chair Riley called the special board meeting, publicly noticed on January 17, 2025, to order at 1:02 p.m.

Self-introductions were made.

Meeting Agenda:

Board vote to approve agenda. In favor: Anderson, Baker, Coughlin, Lindland, McClellan, Shaner, Hanson, Riley. Opposed: None. Agenda approved.

Purpose:

The Special Board Meeting was called so that the Board could address administrative matters in compliance with Oregon Public Meeting Law.

DRAFT

- Independent investigator contracts.
- The Governor's Board Legislative Engagement Policy.
- Amendments to Board public policy.

Review of Written Testimony:

The Board reviewed correspondence submitted by the public.
Jan Evans – testimony regarding private property impounds.

Note: Ms. Evans's testimony was specific to a complaint filed with the Board. The Board does not discuss individual complaints during public meetings or work sessions.

Jean Underwood - comments regarding the legislation session and the investigator contracts.

Independent Contractor Investigators:

A draft of a proposed contract was prepared to Board review.

Contractor investigators will only be used when it is more effective than having Board staff conduct the investigation. The contractors will be used for complex cases involving a number of witnesses and interviews and also for coordinating collaborative investigations with other agencies.

The contract limit is \$25,000 per biennium. Each investigation is anticipated to cost somewhere between \$500 - \$1000, although more complex cases or cases involving travel may run hire.

The Board will only assign a contract investigator when allegations are documented and supported, and there is a high probability that the tower violated one or more of Oregon's laws. The Board will look for reimbursement of the investigation cost from the Respondent when the Board finds the Respondent violated Oregon laws assigned to the Board to administer and votes for disciplinary action. If there is no violation found, the investigation costs will be absorbed by the Board.

Once approved by the Board, the contract will go to the appropriate agencies for review and approval.

Mr. Shaner moved to approve the draft Independent Contractor Agreement. Lt. Lindland seconded the motion. Board vote: In favor: Anderson, Baker, Coughlin, Lindland, Hanson, Riley. Opposed: None. Agenda approved.

Governor's Board Legislative Engagement Policy:

In compliance with Governor Tina Kotek's January 2025 Agency, Board and Commission Legislative Engagement Policy, the Board voted to authorize the Board

Chair to speak with legislators, legislative staff, and the Governor's office to provide context with legislation related to the Board.

The Chair will provide a report to the Board as part of the monthly meetings or work sessions.

Mr. Anderson moved to authorize the Board Chair to meet with legislators as required by the Governor's Policy. Lt. Lindland seconded the motion. Board vote: In favor: Coughlin, Lindland, McClellan, Shaner, Hanson, Rile. Opposed: None. Agenda approved.

Board vote: In favor: Anderson, Baker, Coughlin, Lindland, McClellan, Shaner, Hanson, Riley. Opposed: None. Agenda approved.

Amendments to the Board's Private Parking Impound Facilities:

Board staff consulted with Dept. of Justice attorneys and Secretary of State, Archives Staff regarding the Board's adopted public policy and comments received by the towing industry and public after adoption.

Both the attorney and SOS staff suggested that, given the newness of the Board, the newness of regulating the statutes, and the plain language of the statute, the Board consider separating the best practices from the public policy. While the authority of the Board to regulate and enforce the statutes does not change, simplifying the policies may be easier for the public, the industry, and the Board.

The Board will continue to review cases and consider drafting proposed administrative rules when the plain text of the statute is unclear, is causing confusion or misinterpretation, or the intent of the law requires clarification.

Ms. Coughlin moved to approve the amended proposed public policies. Mr. Anderson seconded the motion. Board vote: In favor: Anderson, Baker, Coughlin, Lindland, Hanson, Riley. Opposed: None. Agenda approved.

Next Board work session:

The Board approved amending the time for the February 11, 2025 board meeting to 2:00 – 4:00 p.m.

The focus of the work session will be rates and fees, legal possession of the vehicle, and information from ODOT, DMV and Oregon State Police.

Adjourned:

There being no further business before the Board, Chair Riley adjourned the public board meeting at 1:59 p.m.

Documents Considered by the Board

- Agenda

- Written Testimony
- DRAFT Independent Contractor Contract Agreement
- The Governor's Legislative Engagement Policy and information.
- Amended Board Public Policies – ORS 98.853 and 98.854

Minutes prepared by Torey McCullough

Minutes APPROVED by Board vote:

PRELIMINARY DRAFT



Oregon

Tina Kotek, Governor

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OREGON STATE BOARD OF TOWING
Special Board Meeting
January 28, 2025
1:30 – 2:00 p.m.

AGENDA ITEM	PRESENTER	Time Est.
1. Call Meeting to Order	Chair	1:30 p.m.
2. Welcome & Roll Call	Chair	
3. Approve Agenda	Board Members	
4. Review:	Board Administrator	
a. Legislative talking points		
b. Proposed amendments to PPI Policy		
5. Review of written testimony	Board Administrator	
6. Public Comment/Hearing		10 minutes
7. Board Discussion	Board Members	
8. Board roll call vote		
a. Investigator contracts.	Chair	
b. Empower the Board chair to meet with Senators, Representatives and others on behalf of the Board to discuss legislation.	Vice Chair	
c. Legislative talking points.	Chair	
d. Proposed amendments to PPI policy.	Chair	
9. Next Board meeting – February 11, time change?	Board Administrator	
10. Adjourn Board Meeting (or adjourn to public hearing)	Chair	2:00 p.m.
11. OPTIONAL- at the discretion of the Board Chair and members – continue with additional public hearing (quorum not required)		

Chuck Riley (Chair)
Trent Hanson (Vice Chair)
Bruce Anderson
Kevin Baker
Chris Coughlin
Lt. Jason Lindland
Gary McClellan
Jason Shaner

Hello,

I recently sent text messages to your email from [REDACTED] unauthorized tow from a year ago. The demands they are requiring me to complete before getting my car.

They towed it at 6am and don't allow me to get it until 3 which then car falls to ground unable to drive and a mechanic spent 4 hours in front of [REDACTED] tow yard and we froze and waited just to pay for their damage to my car.

#1 they had no authority to tow any vehicle from [REDACTED] without prior verbal authorization. That was not given as I was assigned the spot under carport. When I realized car was gone I went to office and manager called and was told they didn't tow my vehicle manager said good because our agreement states I must call or approve any tow the tow company ([REDACTED] says call police we don't have it) I called molalla police dept and they said it was towed by [REDACTED]. Manager again called [REDACTED] and said bring tenants car back, guy says no tell her come get it free of charge.

They had towed my car from molalla to Portland a 38 mile one way tow. I have custody of grandchild with cerebral palsy and this is our transportation for her needs no approval or authorization was signed and manager said video showed tow driver yanking my vehicle out from under the carport with callus and neglect and my car was all wheel drive but she stated that the video showed concerning actions on the tow drivers way of yanking out my car out from under the carport where it was.

That caused us loss of use they did not expedite me getting my car back because as I called the gentleman on the phone told me that I needed to bring \$430 and that I had to make it an appointment to come get the car because somebody would have to meet me there they I asked him for the address and he informed me that he was going to give me the address until we made an appointment until the I would get a text message prior to the time that I was going to be able to get the car they they caused they caused much problems with the safety and the public health of my granddaughter was cerebral palsy not to mention that this should have never happened in the first place they're response and discussion to me was rude and they didn't want to give me the address where my car was when I did find out it was 38 miles one way which caused me to have to find a ride there to go get my car that had been an authorized taken in the first place [REDACTED] passed history is not a good one and they did not try to correct the violations that they had done to us the vehicle was in control in custody of the tow yard they did not expedite any possible way for me to get it and they required an appointment and would not provide an address of the tow yard the whole situation was terrible nightmare we were without a car all day I had to pay my brother to come 38 miles out to my place to take me back in 38 miles to pick my car up the minute I pulled out of the gate of [REDACTED] towing yard my brother starts screaming to stop stop and I felt a plunk my right front tire had broke and fell out the tow driver was eager to get away once he locked the fence and got in his truck he did not wait to make sure we pulled all the way off their property as I'm sitting there with a car that's been in some way or fashion damaged by retriever there I sat with my disabled grandchild in the front seat and the ball joint had broken and the tire was dismantled from the car and hanging almost to the ground the vehicle was not like that prior and if you look at the tow bill they Mark something down which appears to be some type of mention of something happening to the vehicle that it's a all-wheel drive and however they drug it 38 MI something happened on top of the manager telling me that she looked at the video of the tow driver your

yanking it out from under carport and how callus it was and how he jerked it and yanked it with his truck pulling it out it's not easy to get a car out of there especially with a tow truck it was illegally toned I was in a spot where the manager had assigned me the driver come to find out was not authorized to patrol that are lied it was a lot next door of another complex that ran right next to ours is who they were they had authorization they did not have authorization to tow from our apartments and he adventured over into our apartments which was [REDACTED] and he from what they're telling me he was a new driver when I did get to the lot they tried to charge me to take my car and I had informed him that the supervisor that I had spoke to on the phone told me that I could get it back for free which they acted like they were doing me a big favor but they should have never taken my car this the ball joint and the axle was broken on the passengers right front which is where my granddaughter was cerebral palsy was sitting my brother had said that had we driven back to Malala that way we would have definitely been in physical harm I am wanting to be reverse for the repairs that needed to be done we sat outside retrievers office on crossway for 4 hours while a mechanic came to fix my car I would like to be reimbursed for the physical damage they did that was not like that before the minute I pulled out of their gate it it fell the tire fell off the car that is not the way the car was before that is due to their negligence not only that we suffered not having a car that it causes so much grief and still we have not recovered because we lost the use of our vehicle they denied expedite just the violations and the callous way they treated us and the lack of us having a vehicle for my granddaughter's delicate disability I would like to testify in front of the committee if possible and and speak more on my situation because it was way damaging and still to this day I feel pain in my chest and I feel remembering that day like it was yesterday is affected me in the long run I am I am a complaintant and I do want to testify if at all possible to my situation.

Janis Evans

From: [Jean Underwood](#)
To: [MCCULLOUGH Torey \(Tow Board\)](#)
Subject: Respectful testimony request
Date: Tuesday, January 28, 2025 9:01:16 AM

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond.

Morning Tory,

First I hope you feel better soon.

I was reading the agenda.

My request is that the Chair allows a representative of the towing community to accompany him on the legislation sessions since transparency is key for everyone and keeping the towers in the loop.

7.a The investigators contract:

1. How much is the cost?
2. Who is paying for them and how? Since the OTB is still in the red.
3. Will the public be charged as well for the investigation (It should not be just on the tower)

Thank you, Jean Underwood, Beaverton Towing

**State of Oregon
Contract for Services**

This Contract is for the conduction of investigations of complaints on behalf of the Oregon State Board of Towing.

This Contract for Services (this "Contract") is by and between the State of Oregon, acting through its Oregon State Board of Towing ("Board") and _____ ("Contractor") and is effective as of the Effective Date.

Contractor's Contract Administrator for this Contract is:

Name	
Company	
Street Address	
City State Zip	
Phone	
Fax	
Email	

Board's Contract Administrator for this Contract is:

Torey McCullough, Board Administrator
Oregon State Board of Towing
1905 Lana Ave., NE
Salem, OR 97314
Phone: (503) 871-5481
Fax: (xxx) xxx-xxxx
Email: torey.mccullough@towboard.oregon.gov

Either party may change its Contract Administrator by providing the other notice in compliance with Section 17.6 of this Contract.

1. Contract Term.

The "Effective Date" of this Contract is the later of (i) February 1, 2025 or (ii) the date this Contract has been fully executed by each party and, approved as required by applicable law. Unless extended or terminated earlier in accordance with its terms, this Contract terminates on June 30, 2025. The termination of this Contract will not extinguish or prejudice Agency's right to enforce this Contract with respect to any default by Contractor that has not been cured.

2. Contract Documents. This Contract consists of the following documents, which are listed in descending order of precedence:

- 2.1. Exhibit A (Statement of Work);
- 2.2. Exhibit B (Required Insurance), and
- 2.3. Exhibit C (Independent Contractor Certification)
- 2.4. Exhibit D [BOARDSPECIFIC EXHIBIT-IF NEEDED]

The foregoing documents and Exhibits are attached hereto and made a part of the Contract by this reference.

3. Services.

3.1. Performance of Services. Contractor shall perform the services (the "Services") and deliver to Board the deliverables ("Deliverables") set forth in Exhibit A, the Statement of Work (the "Statement of Work"). The Statement of Work includes the delivery schedule for the Deliverables and Services. Contractor shall perform the Services in accordance with the terms and conditions of this Contract.

3.2. Submission and Acceptance of Deliverables. When the Statement of Work requires Contractor to deliver Deliverables to Board, then Contractor shall deliver Deliverables that comply with the requirements and acceptance criteria set forth in the Statement of Work. Contractor shall provide

written notice to Board upon delivery of a completed Deliverables to Agency. By no later than (i) 15 business days after receipt of such notice, or (ii) the date or period for review set forth in the Statement of Work, Board will determine whether the Deliverables has the characteristics and otherwise meets the acceptance criteria set forth in the Statement of Work. If Board determines that the Deliverables has the characteristics and meets acceptance criteria set forth in the Statement of Work in all material respects, Board will notify Contractor in writing of Agency's acceptance of the Deliverables.

3.3. Rejection of Deliverables; Corrections. If Board determines that a Deliverables does not have the characteristics or otherwise meet the acceptance criteria set forth in the Statement of Work in all material respects, Board will notify Contractor in writing of Agency's rejection of the Deliverables, and describe in reasonable detail in such notice the Agency's basis for rejection of the Deliverables. Upon receipt of notice of non-acceptance, Contractor shall, within a 15 business day period, modify or improve the Deliverables at Contractor's sole expense so that the Deliverables has the characteristics described in the Statement of Work and meets, in all material respects, the acceptance criteria, and notify the Board in writing that it has completed such modifications or improvements and re-tender the Deliverables to Board. Board will thereafter review the modified or improved Deliverables within 15 business days of receipt of the Contractor's delivery of the Deliverables. Failure of the Deliverables to have the characteristics or meet in all material respects the acceptance criteria set forth in the Statement of Work after the second submission will constitute a default by Contractor. In the event of such default, Agency may either, (i) notify Contractor of such default and instruct Contractor to modify or improve the Deliverables as set forth in this Section, or (ii) notify Contractor of such default and pursue its remedies for default provided for by law or the terms of this Contract.

4. Compensation.

4.1. Compensation.

The Board agrees to pay Contractor an hourly rate of \$65.00 for training and meetings and \$75.00 per hour for investigations, including travel and administration (hereinafter referred to as the "Hourly Rate") for accomplishing the Services as required by this Contract. The Hourly Rate may be prorated to reflect portions of an hour when Services are performed.

4.2. Not to Exceed Compensation. The maximum, not-to-exceed compensation payable to Contractor under this Contract, which includes any allowable expenses, is \$25,000.00. Agency will not pay Contractor any amount in excess of the not-to-exceed compensation of this Contract, and will not pay for Services performed before the Effective Date or after the expiration or termination of this Contract. If the maximum compensation is increased by amendment of this Contract, the amendment must be fully effective before Contractor performs Services subject to the amendment.

4.3. Payments. Payments, including interim payments, to Contractor are subject to ORS 293.462, will be made only for completed and accepted Deliverables and Services, and will be made in accordance with the payment schedule and requirements set forth in Exhibit A.

The Board will pay only for completed Work that is accepted and approved by the Board.

4.4. Invoices. Contractor shall submit invoices to Board to the Board's Contract Administrator with the completed investigation report.

The invoices must describe all Services performed with particularity, including the dates Contractor performed the Services for which it is requesting payment, and by whom the Services were performed and shall itemize and explain all expenses that this Contract requires Board to pay and for which Contractor claims reimbursement.

4.5. Expenses. Board will not pay or reimburse any expenses incurred by Contractor during the completion of the Services except as authorized in the Statement Work or as follows:

4.5.A. Mileage reimbursement will be at the standard mileage rates established by the State of Oregon to conduct Oregon business at the current rate of \$0.70 per mile.

4.5.B. The Board will not pay Contractor a per diem rate, and Contractor will not receive meal reimbursements from the Board.

4.5.C. Overnight accommodations will be determined on a case-by-case bases.

4.5.D. Any authorized travel expenses must comply with the Oregon Travel Policy available on the Internet at: <http://www.oregon.gov/das/cfo/sars/policies/oam/40.10.00.pdf>

4.6. Funds Available and Authorized. Contractor will not be compensated for Services performed under this Contract by any agency or department of the State of Oregon other than the Board. The Board believes it has sufficient funds currently available and authorized for expenditure to make payments under this Contract within the Board's biennial appropriation or limitation. Contractor understands and agrees that the Board's payments under this Contract are contingent on the Board receiving appropriations, limitations, or other expenditure authority sufficient to allow Board, in the exercise of its reasonable administrative discretion, to continue to make payments under this Contract.

5. Independent Contractor; Responsibility For Taxes And Withholding

5.1. Independent Contractor. Contractor shall perform all Services as an independent contractor. Board reserves the right (i) to determine and modify the delivery schedule for the Services and (ii) to evaluate the quality of the Services; however, Board may not and will not control the means or manner of Contractor's performance. Contractor is responsible for determining the appropriate means and manner of performing the Services.

5.2. No Conflicts. Contractor, by signature to this Contract, represents and warrants that Contractor's performance of the Services under this Contract creates no potential or actual conflict of interest as defined by ORS 244; and no statutes, rules or regulations of any State of Oregon or federal Board for which Contractor currently performs work would prohibit Contractor from performing the Services under this Contract.

5.3. Affiliation. Contractor understands and agrees that it is not an "officer," "employee," or "agent" of the State of Oregon, as those terms are used in ORS 30.265 or otherwise.

5.4. Taxes and Benefits. Contractor is responsible for all federal or state taxes applicable to compensation or payments paid to Contractor under this Contract and, unless required by applicable law, Board will not withhold from such compensation or payments any amount to cover Contractor's federal or state tax obligations. Contractor is not eligible for any social security, unemployment insurance or workers' compensation benefits from compensation or payments paid to Contractor under this Contract, except as a self-employed individual.

6. Subcontracts, Successors, And Assignments

6.1. Subcontracts. Contractor shall not enter into any subcontracts for any of the Services required by this Contract without Board's prior written consent. In addition to any other provisions Board may require, Contractor shall include in any permitted subcontract under this Contract provisions to ensure that Board will receive the benefit of subcontractor's performance as if the subcontractor were Contractor. Board's consent to any subcontract does not relieve Contractor of any of its duties or obligations under this Contract.

6.2. Successors and Assigns. The provisions of this Contract are binding upon and inure to the benefit of the parties to this Contract, their respective successors, and permitted assigns, if any.

6.3. No Assignment. Contractor shall not assign or transfer any of its rights or delegate its obligations under this Contract without Agency's prior written consent.

7. Representations and Warranties.

7.1. Contractor's General Representations and Warranties. Contractor represents and warrants to Board that:

- 7.1.1. Contractor has the power and authority to enter into and perform this Contract;
- 7.1.2. This Contract, when executed and delivered, is a valid and binding obligation of Contractor enforceable in accordance with its terms;
- 7.1.3. Contractor shall, at all times during the term of this Contract, be qualified, professionally competent, and duly licensed to perform the Services;
- 7.1.4. Contractor prepared its proposal related to this Contract, if any, independently from all other proposers, and without collusion, fraud, or other dishonesty; and
- 7.1.5. Contractor (to the best of Contractor's knowledge, after due inquiry), for a period of no fewer than six calendar years preceding the Effective Date, faithfully has complied with:
 - 7.1.5.1. All tax laws of this state, including but not limited to ORS 305.620 and ORS chapters 316, 317, and 318;
 - 7.1.5.2. Any tax provisions imposed by a political subdivision of this state that applied to Contractor, to Contractor's property, operations, receipts, or income, or to Contractor's performance of or compensation for any work performed by Contractor;
 - 7.1.5.3. Any tax provisions imposed by a political subdivision of this State that applied to Contractor, or to goods, services, or property, whether tangible or intangible, provided by Contractor;
 - 7.1.5.4. Any rules, regulations, charter provisions, or ordinances that implemented or enforced any of the foregoing tax laws or provisions; and
- 7.1.6. Contractor has no undisclosed liquidated and delinquent debt owed to the State or any department or agency of the State.

7.2. Contractor's Performance Warranties.

- 7.2.1. Contractor has the skill and knowledge possessed by well-informed members of its industry, trade or profession and Contractor shall apply that skill and knowledge with care and diligence to perform the Services in a professional manner and in accordance with the highest standards prevalent in Contractor's industry, trade or profession;
- 7.2.2. The Services and each Deliverables delivered by Contractor pursuant to the Services will materially comply with any service descriptions, specifications, standards or requirements set forth in this Contract;
- 7.2.3. Except as otherwise provided in this Contract (including Section 9), Contractor shall transfer all Deliverables to Board free and clear of any and all restrictions on or conditions of transfer, modification, licensing, sublicensing, direct or indirect distribution, or assignment, and free and clear of any and all liens, claims, mortgages, security interests, liabilities, and encumbrances of any kind; and
- 7.2.4. Except as otherwise set forth in this Contract, any subcontractors performing work for Contractor under this Contract have assigned all of their rights in the Deliverables to Contractor or Board and no third party has any right, title or interest in any Deliverables supplied to Board under this Contract.

7.3. Warranties cumulative. The warranties set forth in Section 8 are in addition to, and not in lieu of, any other warranties set forth elsewhere in this Contract.

8. Ownership of Work Product.

8.1. Definitions. As used in this Section 9, and elsewhere in this Contract, the following terms have the meanings set forth below:

- 8.1.1. "Contractor Intellectual Property" means any intellectual property owned by Contractor and developed independently from the Services.

- 8.1.2. "Third Party Intellectual Property" means any intellectual property owned by parties other than Board or Contractor.
- 8.1.3. "Work Product" means everything that is originally made, conceived, discovered, or reduced to practice by Contractor or Contractor's subcontractors or agents (either alone or with others) pursuant to this Contract, including every invention, modification, discovery, design, development, customization, configuration, improvement, process, work of authorship, documentation, formula, datum, technique, know how, secret, or intellectual property right whatsoever or any interest therein (whether patentable or not patentable or registerable under copyright or similar statutes or subject to analogous protection).

8.2. Original Works. All Work Product created by Contractor pursuant to the Services, including derivative works and compilations of Work Product, and whether or not such Work Product is considered a work made for hire or an employment to invent, is the exclusive property of Agency. Board and Contractor agree that such Work Product is "work made for hire" of which Board is the author within the meaning of the United States Copyright Act. If for any reason the Work Product is not "work made for hire," Contractor hereby irrevocably assigns to Board any and all of its rights, title, and interest in all Work Product, whether arising from copyright, patent, trademark, trade secret, or any other state or federal intellectual property law or doctrine. Upon Agency's reasonable request, Contractor shall execute such further documents and instruments necessary to fully vest such rights in Agency. Contractor forever waives any and all rights relating to Work Product, including without limitation, any and all rights arising under 17 USC §106A or any other rights of identification of authorship or rights of approval, restriction or limitation on use or subsequent modifications.

8.3. License in Contractor Intellectual Property. In the event that a Deliverables delivered by Contractor under this Contract is or is a derivative work based on Contractor Intellectual Property, or is a compilation that includes Contractor Intellectual Property, Contractor hereby grants to Board an irrevocable, non-exclusive, perpetual, royalty-free license to use, reproduce, prepare derivative works based upon, distribute copies of, perform and display the pre-existing elements of the Contractor Intellectual Property employed in the Deliverables, and to authorize others to do the same on Agency's behalf.

8.4. License in Third Party Intellectual Property. In the event that a Deliverables delivered by Contractor under this Contract is or is a derivative work based on Third Party Intellectual Property, or is a compilation that includes Third Party Intellectual Property, Contractor shall secure on the Agency's behalf and in the name of the Board an irrevocable, non-exclusive, perpetual, royalty-free license to use, reproduce, prepare derivative works based upon, distribute copies of, perform and display the pre-existing elements of the Third Party Intellectual Property employed in the Deliverables, and to authorize others to do the same on Agency's behalf.

8.5. No Rights. Except as expressly set forth in this Contract, nothing in this Contract may be construed as granting to or conferring upon Contractor any right, title, or interest in any intellectual property that is now owned or subsequently owned by Agency. Except as expressly set forth in this Contract, nothing in this Contract may be construed as granting to or conferring upon Board any right, title, or interest in any Contractor Intellectual Property that is now owned or subsequently owned by Contractor.

8.6. Marks. Neither party grants the other the right to use its trademarks, trade names, service marks or other designations in any promotion or publication without prior written consent. Each party grants only the licenses and rights specified in this Contract.

8.7. Competing Services. Subject to the provisions of this Section 9, and Contractor's obligations with respect to Confidential Information, including as defined in Section 10, nothing in this Contract precludes or limits in any way the right of Contractor to: (i) provide services similar to those contemplated in this Contract, or consulting or other services of any kind or nature whatsoever to

any individual or entity as Contractor in its sole discretion deems appropriate, or (ii) develop for Contractor or for others, Deliverables or other materials that are competitive with those produced as a result of the Services provided hereunder, irrespective of their similarity to the Deliverables delivered pursuant to this Contract. Each party is free to utilize any concepts, processes, know-how, techniques, improvements or other methods it may develop during the course of performance under this Contract free of any use restriction or payment obligation to the other.

9. Confidential Information.

9.1. Confidential Information. Contractor acknowledges that it and its employees, officers, directors, agents or subcontractors (collectively, "Contractor Staff") may, in the course of performing the Services under this Contract, be exposed to or acquire information that is confidential to Board.. Any and all information of any form (including but not limited to records, files, papers, materials, documents, and communications in written, verbal, oral and electronic form) that Contractor or any Contractor Staff may come into contact with or that is obtained by Contractor or Contractor Staff in the performance of this Contract shall be considered for the purposes of this Contract the confidential information of Board ("Confidential Information"). Contractor shall, and shall cause Contractor Staff to treat any reports or other documents or items (including software) that result from the use of the Confidential Information in the same manner as the Confidential Information. Confidential Information does not include information that (i) is or becomes (other than by disclosure by Contractor or Contractor Staff acquiring such information) publicly known or is contained in a publicly available document except to the extent applicable law still restricts disclosure; (ii) is furnished by Board to others without restrictions similar to those imposed by this Contract; (iii) is rightfully in Contractor's possession without the obligation of nondisclosure prior to the time of its disclosure under this Contract; (iv) is obtained from a source other than Board without the obligation of confidentiality, (v) is disclosed with the written consent of Agency, or; (vi) is independently developed by Contractor or Contractor Staff who can be shown to have had no access to the Confidential Information.

9.2. Non-Disclosure. Contractor shall hold, and shall cause Contractor Staff to hold, all Confidential Information in confidence, using the highest standard of care applicable, and shall not copy, reproduce, sell, assign, license, market, transfer, distribute, or otherwise dispose of, give, make available or disclose, in whole or in part, directly or indirectly, Confidential Information to third parties (other than its authorized subcontractors), or use Confidential Information for any purposes whatsoever other than the provision of Services to Board hereunder, and shall advise Contractor Staff of their obligations to keep Confidential Information confidential. Contractor shall assist Board in identifying and preventing any unauthorized use or disclosure of any Confidential Information. Without limiting the generality of the foregoing, Contractor shall advise Board immediately in the event Contractor learns or has reason to believe that any person who has had access to Confidential Information has violated or intends to violate the terms of this Contract, and Contractor will at its expense cooperate with Board in seeking injunctive or other equitable relief in the name of Board or Contractor against any such person. Contractor shall not at any time during or after the term of this Contract, except as directed by Agency, disclose, directly or indirectly, any Confidential Information to any person, except in accordance with this Contract. Upon expiration or termination of this Contract or at Agency's request, Contractor shall deliver to Board all documents, papers, and other matter in Contractor's possession that embody Confidential Information. Notwithstanding the foregoing and unless otherwise specified in this Contract, Contractor may keep one copy of such Confidential Information necessary for quality assurance, audits and evidence of performance of the Services.

9.3. Confidentiality Policies. Contractor shall, upon Board's request, provide its policies and procedures for safeguarding Confidential Information to Board for Agency's review and consent.

Such policies must address information conveyed in oral, written, and electronic format and include procedures for how Contractor will respond when a violation or possible violation occurs.

9.4. Injunctive Relief. Contractor acknowledges that breach of this Section 9, including disclosure of any Confidential Information, will cause irreparable injury to Board that is inadequately compensable in damages. Accordingly, Board may seek and obtain injunctive relief against the breach or threatened breach of the foregoing undertakings, in addition to any other legal remedies that may be available. Contractor acknowledges and agrees that the covenants contained herein are necessary for the protection of the legitimate business interests of Board and are reasonable in scope and content.

9.5. Publicity. Contractor agrees that it will not disclose the form, content or existence of this Contract or any Deliverables in any advertising, press releases or other materials distributed to prospective customers, or otherwise attempt to obtain publicity from its association with Board or the State of Oregon, whether or not such disclosure, publicity or association implies an endorsement by Board or the State of Oregon of Contractor's services, without the prior written consent of Agency.

10. Indemnity by Contractor.

10.1. Claims. Contractor shall defend, save, hold harmless, and indemnify the State of Oregon and Board and their officers, employees and agents from and against all third party claims, suits, actions, losses, damages, liabilities, costs (including attorneys' fees) and expenses (collectively, "Claims") of any nature whatsoever resulting from, arising out of, or relating to the activities of Contractor or its officers, employees, subcontractors, or agents under this Contract, including but not limited to, unauthorized disclosure of Confidential Information, professional malfeasance, infringement of intellectual property rights, intentional, willful, or wanton wrongful acts, and acts outside the scope of Services set forth in this Contract.

10.2. Legal Counsel. If Contractor is required to defend the State of Oregon or Board or their officers, employees or agents under Section 10.1, then Contractor shall select legal counsel reasonably acceptable to the Oregon Attorney General to act in the name of, or represent the interests of, the State of Oregon, Board or their officers, employees and agents. Such legal counsel must accept appointment as a special assistant attorney general under ORS chapter 180 before such action or representation. Further, the State of Oregon, acting by and through its Department of Justice, may assume its own defense, including that of its officers, employees and agents, at any time when in the State of Oregon's sole discretion it determines that (i) proposed counsel is prohibited from the particular representation contemplated; (ii) counsel is not adequately defending the interests of the State of Oregon or its officers, employees and agents; (iii) important governmental interests are at stake; or (iv) the best interests of the State of Oregon are served thereby. Contractor's obligation to pay for all costs and expenses includes those incurred by the State of Oregon in assuming its own defense or that of its officers, employees, and agents under (i) and (ii) above.

10.3. Damages to State Property and Employees. Contractor is liable for all Claims for personal injury, including death, damage to real property and damage to tangible and intangible personal property of the State of Oregon or any of its employees, subcontractors or agents resulting from, arising out of, or relating to the intentional, reckless or negligent acts or omissions of Contractor or its officers, employees, subcontractors, or agents under this Contract

10.4. CONTRACTOR IS NOT AUTHORIZED TO SETTLE OR COMPROMISE ANY CLAIM REFERENCED IN THIS SECTION WITHOUT THE EXPRESS WRITTEN CONSENT OF AGENCY.

11. Limitation of Liabilities.

11.1. EXCEPT FOR LIABILITY ARISING OUT OF OR RELATED TO (i) SECTION 9, OR (ii) SECTION 10, CONTRACTOR'S LIABILITY FOR DAMAGES FOR ANY CAUSE WHATSOEVER SHALL BE

LIMITED TO ONE AND ONE HALF TIMES THE MAXIMUM-NOT-TO-EXCEED AMOUNT OF THIS CONTRACT.

11.2. EXCEPT FOR LIABILITY TO THIRD PERSONS ARISING OUT OF OR RELATED TO (i) SECTION 10, OR (ii) SECTION 11, NEITHER PARTY WILL BE LIABLE TO THE OTHER FOR ANY LOST PROFITS, LOST SAVINGS, OR PUNITIVE, INDIRECT, EXEMPLARY, CONSEQUENTIAL, OR INCIDENTAL DAMAGES.

12. Insurance. Contractor shall maintain insurance as set forth in Exhibit B.

13. Default; Remedies; Termination.

13.1. Default by Contractor. Contractor will be in default under this Contract if:

- 13.1.1. Contractor institutes or has instituted against it insolvency, receivership or bankruptcy proceedings, makes an assignment for the benefit of creditors, or ceases doing business on a regular basis; or
- 13.1.2. Contractor no longer holds a license or certificate that is required for Contractor to perform its obligations under the Contract and Contractor has not obtained such license or certificate within 14 calendar days after Agency's notice or such longer period as Board may specify in such notice; or
- 13.1.3. Contractor commits any material breach or default of any covenant, warranty, obligation, certification, or agreement under this Contract, fails to perform the Services under this Contract within the time specified herein or any extension thereof, or so fails to pursue the Services as to endanger Contractor's performance under this Contract in accordance with its terms, and such breach, default or failure is not cured within 14 calendar days after Agency's notice, or such longer period as Board may specify in such notice; or
- 13.1.4. Contractor has liquidated and delinquent debt owed to the State of Oregon or any department or agency of the State.

13.2. Agency's Remedies for Contractor's Default. In the event Contractor is in default under Section 14.1, Board may, at its option, pursue any or all of the remedies available to it under this Contract and at law or in equity, including, but not limited to:

- 13.2.1. Termination of this Contract under Section 14.6.2; or
- 13.2.2. Withholding all monies due for Services and Deliverables that Contractor has failed to deliver within any scheduled completion dates or has performed inadequately or defectively; or
- 13.2.3. Initiation of an action or proceeding for damages, specific performance, or declaratory or injunctive relief; or
- 13.2.4. Exercise of its right of setoff, and withholding of amounts otherwise due and owing to Contractor, without penalty; or
- 13.2.5. Undertaking collection by administrative offset, or garnishment if applicable, of all monies due for Services and Deliverables to recover liquidated and delinquent debt owed to the State of Oregon or any department or agency of the State. Offsets or garnishment may be initiated after the Contractor has been given notice if required by law.

13.3. Remedies Cumulative. The remedies set forth in Section 14.2 are cumulative to the extent the remedies are not inconsistent, and Board may pursue any remedy or remedies singly, collectively, successively or in any order whatsoever. If a court determines that Contractor was not in default under Sections 14.1, then Contractor will be entitled to the same remedies as if this Contract was terminated pursuant to Section 14.6.1.

13.4. Default by Agency. Board will be in default under this Contract if:

- 13.4.1. Board fails to pay Contractor any amount pursuant to the terms of this Contract, and Board fails to cure such failure within 30 calendar days after Contractor's notice or such longer period as Contractor may specify in such notice; or
- 13.4.2. Board commits any material breach or default of any covenant, warranty, or obligation under this Contract, and such breach or default is not cured within 30 calendar days after Contractor's notice or such longer period as Contractor may specify in such notice.

13.5. Contractor's Remedies. In the event Board terminates this Contract under Section 14.6.1, or is in default under Section 14.4, and whether or not Contractor elects to exercise its right to terminate the Contract under Section 14.6.3, Contractor's sole monetary remedy will be (i) with respect to Services compensable at a stated rate, a claim for unpaid invoices, time worked within any limits set forth in this Contract but not yet invoiced and authorized expenses incurred and interest, subject to ORS 293.462, and (ii) with respect to Deliverables-based Services, a claim for the sum designated for completing the Deliverables multiplied by the percentage of Services completed and accepted by Agency, less previous amounts paid and any claim(s) that Board has against Contractor. In no event will Board be liable to Contractor for any expenses related to termination of this Contract or for anticipated profits. If previous amounts paid to Contractor exceed the amount due to Contractor under this Section 14.5, Contractor shall pay immediately any excess to Board upon written demand.

13.6. Termination.

13.6.1. Agency's Right to Terminate at its Discretion. Board may terminate this Contract:

- 13.6.1.1. Upon 30 calendar days' prior written notice by Board to Contractor;
- 13.6.1.2. Immediately upon written notice by Board to Contractor if Board fails to receive funding, appropriations, limitations, allotments or other expenditure authority at levels sufficient to pay for the Services or Work Products; or
- 13.6.1.3. Immediately upon written notice by Board to Contractor if federal or state laws, regulations, or guidelines are modified or interpreted in such a way that the Agency's purchase of the Services or Work Products under this Contract is prohibited or Board is prohibited from paying for such Services or Work Products from the planned funding source.

13.6.2. Agency's Right to Terminate for Cause. In addition to any other rights and remedies Board may have under this Contract, Board may terminate this Contract immediately upon written notice by Board to Contractor, or at such later date as Board may establish in such notice, if Contractor is in default under Section 14.1.

13.6.3. Contractor's Right to Terminate for Cause. Contractor may terminate this Contract immediately upon written notice to Agency, or at such later date as Contractor may establish in such notice, if Board is in default under Section 14.4.

13.7. Return of Property. Upon termination of this Contract for any reason whatsoever, Contractor shall immediately deliver to Board all of Agency's property (including without limitation any Services or Work Products for which Board has made payment in whole or in part) that is in the possession or under the control of Contractor in whatever stage of development and form of recordation such Board property is expressed or embodied at that time.

13.8. Effect of Termination. Upon receiving a notice of termination of this Contract, Contractor shall immediately cease all activities under this Contract, unless Board expressly directs otherwise in such notice of termination. Upon Agency's request, Contractor shall surrender to anyone Board designates, all documents, research or objects or other tangible things needed to complete the Services and the Deliverables.

14. Compliance with Law.

14.1. Compliance with Law Generally. Contractor shall comply, and cause all subcontractors to comply with all federal, state and local laws, regulations, executive orders and ordinances applicable to this Contract and the performance of the Services. Without limiting the generality of the foregoing, Contractor expressly agrees to comply with the following laws, regulations and executive orders to the extent they are applicable to this Contract: (i) Titles VI and VII of the Civil Rights Act of 1964, as amended; (ii) Title V and Sections 503 and 504 of the Rehabilitation Act of 1973, as amended; (iii) the Americans with Disabilities Act of 1990 and ORS 659A.142, as amended; (iv) Executive Order 11246, as amended; (v) the Health Insurance Portability and Accountability Act of 1996, as amended by the Health Information Technology for Economic and Clinical Health (HITECH) Act portion of the American Recovery and Reinvestment Act of 2009 (ARRA), including the Privacy and Security Rules found at 45 CFR Parts 160 and 164, as the law and its implementing regulations may be updated from time to time; (vi) the Age Discrimination in Employment Act of 1967, as amended, and the Age Discrimination Act of 1975, as amended; (vii) the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended; (viii) Section 188 of the Workforce Investment Act (WIA) of 1998, as amended; (ix) ORS Chapter 659, as amended; (x) all regulations and administrative rules established pursuant to the foregoing laws; and (xi) all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations. These laws, regulations and executive orders are incorporated by reference herein to the extent that they are applicable to the Contract and required by law to be so incorporated. Agency's performance under the Contract is conditioned upon Contractor's compliance with the provisions of ORS 279B.220, 279B.225, 279B.230, 279B.235 and 279B.270 which are incorporated by reference herein. Contractor shall, to the maximum extent economically feasible in the performance of this Contract, use recycled paper (as defined in ORS 279A.010(1)(gg)), recycled PETE products (as defined in ORS 279A.010(1)(hh)), and other recycled products (as "recycled product" is defined in ORS 279A.010(1)(ii)).

14.2. Compliance with Oregon Tax Laws.

14.2.1. Contractor shall, throughout the duration of this Contract, comply with all tax laws of this state and all applicable tax laws of any political subdivision of this state. For the purposes of this section, "tax laws" includes the tax laws described in Section 8.1.5.1 through 8.1.5.4.

14.2.2. Any violation of Section 15.2.1 constitutes a material breach of this Contract. Further, any violation of Contractor's warranty in Section 8.1.5 of this Contract that Contractor has complied with the tax laws of this state and the applicable tax laws of any political subdivision of this state also constitutes a material breach of this Contract. Any violation entitles Board to terminate this Contract, to pursue and recover any and all damages that arise from the breach and the termination of this Contract, and to pursue any or all of the remedies available under this Contract, at law, or in equity, including but not limited to:

14.2.2.1. Termination of this Contract, in whole or in part;

14.2.2.2. Exercise of the right of setoff, or garnishment if applicable, and withholding of amounts otherwise due and owing to Contractor without penalty; and

14.2.2.3. Initiation of an action or proceeding for damages, specific performance, declaratory or injunctive relief. Board is entitled to recover any and all damages suffered as the result of Contractor's breach of this Contract, including but not limited to direct, indirect, incidental and consequential damages, costs of cure, and costs incurred in securing replacement Services.

14.2.3. These remedies are cumulative to the extent the remedies are not inconsistent, and Board may pursue any remedy or remedies singly, collectively, successively, or in any order whatsoever.

14.3. Compliance with Federal Law. Contractor shall comply with all applicable federal laws, including, without limitation, those set forth in Exhibit D, which is attached and incorporated into this Contract by this reference.

14.4. Pay Equity. Contractor shall comply with ORS 652.220 and shall not unlawfully discriminate against any of Contractor's employees in the payment of wages or other compensation for work of comparable character on the basis of an employee's membership in a protected class. "Protected class" means a group of persons distinguished by race, color, religion, sex, sexual orientation, national origin, marital status, veteran status, disability or age. Contractor's compliance with this section constitutes a material element of this Contract and a failure to comply constitutes a breach that entitles Board to terminate this Contract for cause.

Contractor may not prohibit any of Contractor's employees from discussing the employee's rate of wage, salary, benefits, or other compensation with another employee or another person. Contractor may not retaliate against an employee who discusses the employee's rate of wage, salary, benefits, or other compensation with another employee or another person.

15. Governing Law; Venue and Jurisdiction.

15.1. Governing Law. This Contract is governed by and construed in accordance with the laws of the State of Oregon without regard to principles of conflicts of law.

15.2. Venue and Jurisdiction. Any claim, action, suit or proceeding between Board (or any other agency or department of the State of Oregon) and Contractor that arises from or relates to this Contract must be brought and conducted solely and exclusively within the Circuit Court of Marion County for the State of Oregon. CONTRACTOR, BY EXECUTION OF THIS CONTRACT, HEREBY CONSENTS TO THE IN PERSONAM JURISDICTION OF SAID COURTS. In no event may this section be construed as (i) a waiver by the State of Oregon of any form of defense or immunity, whether it is sovereign immunity, governmental immunity, immunity based on the Eleventh Amendment to the Constitution of the United States or otherwise, from any claim, action, suit or proceeding, or (ii) consent by the State of Oregon to the jurisdiction of any court.

16. Miscellaneous Provisions.

16.1. Records Maintenance; Access. Contractor shall maintain all financial records relating to this Contract in accordance with generally accepted accounting principles. In addition, Contractor shall maintain any other records, books, documents, papers, plans, records of shipments and payments and writings of Contractor, whether in paper, electronic or other form, that are pertinent to this Contract ("Records") in such a manner as to clearly document Contractor's performance. Contractor acknowledges and agrees that Board and the Oregon Secretary of State's Office and the federal government and their duly authorized representatives will have access to such financial records and other Records that are pertinent to this Contract, whether in paper, electronic or other form, to perform examinations and audits and make excerpts and transcripts. Contractor shall retain and keep accessible all such financial records and other Records for a minimum of 6 years, or such longer period as may be required by applicable law, following final payment and termination of this Contract, or until the conclusion of any audit, controversy or litigation arising out of or related to this Contract, whichever date is later.

16.2. Foreign Contractor. If Contractor is not domiciled in or registered to do business in the State of Oregon, Contractor shall promptly provide to the Oregon Department of Revenue and the Secretary of State Corporation Division all information required by those agencies relative to this Contract. Contractor shall demonstrate its legal capacity to perform the Services under this Contract in the State of Oregon prior to entering into this Contract.

16.3. Force Majeure. Neither Board nor Contractor may be held responsible for delay or default caused by fire, riot, acts of God, terrorist acts, or other acts of political sabotage, or war where such cause was beyond the reasonable control of Board or Contractor, respectively. Contractor shall, however, make all reasonable efforts to remove or eliminate such a cause of delay or default and shall, upon the cessation of the cause, diligently pursue performance of its obligations under this Contract.

- 16.4. Survival.** All rights and obligations cease upon termination or expiration of this Contract, except for the rights and obligations and declarations which expressly or by their nature survive termination of this Contract, including without limitation this Section 17.4, and provisions regarding Contract definitions, warranties and liabilities, independent Contractor status and taxes and withholding, maximum compensation, Contractor's duties of confidentiality, ownership and license of intellectual property and Deliverables, confidentiality and non-disclosure, Contractor's representations and warranties, control of defense and settlement, remedies, return of Board property, dispute resolution, order of precedence, maintenance and access to records, notices, severability, successors and assigns, third party beneficiaries, waiver, headings, and integration.
- 16.5. Time is of the Essence.** Contractor agrees that time is of the essence under this Contract.
- 16.6. Notice.** Except as otherwise expressly provided in this Contract, any communications between the parties hereto or notices to be given hereunder must be given in writing by email, personal delivery, facsimile, or mailing the same, postage prepaid, to Contractor or Board at the email address, postal address or telephone number set forth in this Contract, or to such other addresses or numbers as either party may indicate pursuant to this Section 17.6. Any communication or notice so addressed and mailed is effective five business days after mailing. Any communication or notice delivered by facsimile is effective on the day the transmitting machine generates a receipt of the successful transmission, if transmission was during normal business hours, or on the next business day, if transmission was outside normal business hours of the recipient. To be effective against Agency, any notice transmitted by facsimile must be confirmed by telephone notice to Agency's Contract Administrator. Any communication or notice given by personal delivery is effective when actually delivered. Any notice given by email is effective when the sender receives confirmation of delivery, either by return email, or by demonstrating through other technological means that the email has been delivered to the intended email address.
- 16.7. No Third Party Beneficiaries.** Board and Contractor are the only parties to this Contract and are the only parties entitled to enforce the terms of this Contract. Nothing in this Contract gives, is intended to give, or may be construed to give or provide any benefit or right not held by or made generally available to the public, whether directly, indirectly or otherwise, to third persons unless such third persons are individually identified by name herein and expressly described as intended beneficiaries of the terms of this Contract.
- 16.8. Severability.** The parties agree that if any term or provision of this Contract is declared by a court of competent jurisdiction to be illegal or otherwise invalid, the validity of the remaining terms and provisions will not be affected, and the rights and obligations of the parties will be construed and enforced as if the Contract did not contain the particular term or provision held to be invalid.
- 16.9. Merger Clause; Waiver.** This Contract and attached exhibits constitute the entire agreement between the parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Contract. No waiver, consent, modification or change of terms of this Contract will bind the parties unless in writing and signed by both parties and all necessary State approvals have been obtained. Such waiver, consent, modification or change, if made, will be effective only in the specific instance and for the specific purpose given. The failure of Board to enforce any provision of this Contract in one instance will not constitute a waiver by Board of its right to enforce that or any other provision.
- 16.10. Amendments.** Board may amend this Contract to the extent permitted by applicable statutes and administrative rules. No amendment to this Contract is effective unless it is in writing signed by the parties, and has been approved as required by applicable law.
- 16.11. Counterparts.** This Contract may be executed in several counterparts, all of which when taken together constitute one agreement binding on all parties, notwithstanding that all parties are not signatories to the same counterpart. Each copy of the Contract so executed constitutes an original.

16.12. Oregon False Claims Act. Contractor acknowledges the Oregon False Claims Act, ORS 180.750 to 180.785, applies to any action by Contractor pertaining to this Contract, including the procurement process relating to this Contract, that constitutes a "claim" (as defined by ORS 180.750(1)). By its execution of this Contract, Contractor certifies the truthfulness, completeness, and accuracy of any statement or claim it has made, it makes, it may make, or causes to be made that pertains to this Contract. In addition to other penalties that may be applicable, Contractor further acknowledges that if it makes, or causes to be made, a false claim or performs a prohibited act under the Oregon False Claims Act, the Oregon Attorney General may enforce the liabilities and penalties provided by the Oregon False Claims Act against Contractor. Contractor understands and agrees that any remedy that may be available under the Oregon False Claims Act is in addition to any other remedy available to the State or Board under this Contract or any other provision of law.

16.13. Certifications. The individual signing on behalf of Contractor hereby:

16.13.1. Certifies and swears under penalty of perjury to the best of the individual's knowledge that: (a) Contractor is not subject to backup withholding because (i) Contractor is exempt from backup withholding, (ii) Contractor has not been notified by the IRS that Contractor is subject to backup withholding as a result of a failure to report all interest or dividends, or (iii) the IRS has notified Contractor that Contractor is no longer subject to backup withholding; (b) s/he is authorized to act on behalf of Contractor, s/he has authority and knowledge regarding Contractor's payment of taxes, and to the best of her/his knowledge, that Contractor is not in violation of any Oregon tax laws and that for a period of no fewer than six (6) calendar years preceding the Effective Date of this Contract, Contractor faithfully has complied with: (i) all tax laws of this state, including but not limited to ORS 305.620 and ORS chapters 316, 317, and 318; (ii) any tax provisions imposed by a political subdivision of this state that applied to Contractor, to Contractor's property, operations, receipts, or income, or to Contractor's performance of or compensation for any work performed by Contractor; (iii) any tax provisions imposed by a political subdivision of this state that applied to Contractor, or to goods, services, or property, whether tangible or intangible, provided by Contractor; and (iv) any rules, regulations, charter provisions, or ordinances that implemented or enforced any of the foregoing tax laws or provisions; (c) Contractor is an independent contractor as defined in ORS 670.600; and (d) the supplied Contractor tax identification numbers are true and accurate;

16.13.2. Certifies that, to the best of the undersigned's knowledge, Contractor has not discriminated against and will not discriminate against any disadvantaged business enterprise, minority-owned business, woman-owned business, business that service-disabled veteran owns or emerging small business certified under ORS 200.055 in obtaining any required subcontracts;

16.13.3. Certifies that Contractor has a written policy and practice that meets the requirements, described in ORS 279A.112, of preventing sexual harassment, sexual assault, and discrimination against employees who are members of a protected class. Contractor agrees, as a material term of the Contract, to maintain the policy and practice in force during the entire Contract term.

16.13.4. Certifies that the information provided on the attached Exhibit E, Independent Contractor Certification, is true and correct as of the Effective Date; and

16.13.5. Certifies that Contractor and Contractor's employees and agents are not included on the list titled "Specially Designated Nationals and Blocked Persons" maintained by the Office of Foreign Assets Control of the United States Department of the Treasury and currently found at <https://www.treasury.gov/ofac/downloads/sdnlist.pdf>.

Authorized by:

Contractor Signature: _____ **Date:** _____

By (print name)
Title

OREGON STATE BOARD OF TOWING

Authorized Signature: _____ Date: _____
By: Torey McCullough, Board Administrator

Draft Contract Template Pending State Approval

Exhibit A Statement of Work

The Oregon State Board of Towing may investigate alleged violation of statutes assigned to the Board under ORS 822.265, 822.275, 822.280, 822.285, 822.290, and 822.995, and violations of administrative rules adopted by the Board.

The Board will issue individual work orders under the Contract based on the subject matter of the allegations in a submitted complaint to be assigned, and the skills, expertise and experience of Contractor using the form, or format similar to, the attached Case Assignment Form.

Contract amounts and Work Order Contracts will vary depending on the number of cases assigned for investigation, scope of work required, and the overall needs of the Board for administrative hearings and other related services under the contract.

The contractor will assist the Board by investigating complaints and violations using current industry standards for investigation, researching, telephoning, conducting interviews, creating reports, collect evidence, take depositions of witnesses in the manner provided by law in civil cases, serve any subpoena duces tecum issued by the Board for an investigation, require answers to interrogatories, inspect premises including, but not limited to, tow yards, private parking facilities, and other properties, may be required to testify before an administrative law judge at contested case hearings, and complete other work that may be assigned by the Board.

Contractor may be required to collaborate with other contractors, law enforcement agencies, state and local agencies, and ODOT/DMV and Board Staff.

Contractor is to complete assigned case within either 30 or 60 days as defined on the Case Assignment Form unless an extension is otherwise approved by the Board.

Contractor will submit a written detailed report using the approved Board template (sample attached) with all pertinent information related to the investigation included in, or attached to, the investigation report.

Investigator reports will include, but will not be limited to:

- Identification of the complainant, respondent, witnesses, and others with personal knowledge of alleged towing event. Information to include legal name, address, contact information, and other relevant information.
- Location and description of towing event.
- Statements made by complainant, witnesses, tower, and other persons with knowledge of the towing incident or complaint.
- A summary and copies of documents referenced by complainant, respondent, witnesses, and others interviewed during the course of the investigation.
- Any other information requested by the Board or required to successfully defend the Board action at contested case hearings or required for successful collections of penalties.

Exhibit B Insurance

INSURANCE REQUIREMENTS:

Contractor shall obtain, at Contractor's expense, the insurance specified in this Exhibit B prior to performing under this Contract. Contractor shall maintain such insurance in full force and at its own expense throughout the duration of this Contract, as required by any extended reporting period or continuous claims made coverage requirements, and all warranty periods that apply.

Contractor shall obtain the following insurance from insurance companies or entities that are authorized to transact the business of insurance and issue coverage in the State of Oregon and that are acceptable to the Board. All coverage shall be primary and non-contributory with any other insurance and self-insurance, with the exception of Professional Liability and Workers' Compensation. Contractor shall pay for all deductibles, self-insured retention, and self-insurance, if any.

If Contractor maintains broader coverage and/or higher limits than the minimums shown in this Exhibit, the Board requires and shall be entitled to the broader coverage and/or higher limits maintained by Contractor.

WORKERS' COMPENSATION & EMPLOYERS' LIABILITY:

All employers, including Contractor, that employ subject workers, as defined in ORS 656.027, shall comply with ORS 656.017, and provide Workers' Compensation Insurance coverage for those workers, unless they meet the requirement for an exemption under ORS 656.126(2). Contractor shall require and ensure that each of its subcontractors complies with these requirements. If Contractor is a subject employer, as defined in ORS 656.023, Contractor shall also obtain Employers' Liability Insurance coverage with limits not less than \$500,000 each accident.

If Contractor is an employer subject to any other state's Workers' Compensation law, Contractor shall provide Workers' Compensation Insurance coverage for its employees as required by applicable Workers' Compensation laws including Employers' Liability Insurance coverage with limits not less than \$500,000 and shall require and ensure that each of its out-of-state subcontractors complies with these requirements.

AUTOMOBILE LIABILITY INSURANCE:

☐ **Required**

Contractor shall provide Automobile Liability Insurance covering Contractor's business use including coverage for all owned, non-owned, or hired vehicles with a combined single limit of not less than \$500,000 for bodily injury and property damage. This coverage may be written in combination with the Commercial General Liability Insurance (with separate limits for Commercial General Liability and Automobile Liability). Use of personal automobile liability insurance coverage may be acceptable if evidence that the policy includes a business use endorsement is provided.

PROFESSIONAL LIABILITY:

☐ **Required**

Contractor shall provide Professional Liability Insurance covering any damages caused by an error, omission or any negligent acts related to the services to be provided under this Contract by the Contractor and Contractor's subcontractors, agents, officers or employees in an amount not less than \$500,000 per claim and not less than \$1,000,000 annual aggregate limit.

If coverage is provided on a claims made basis, then either an extended reporting period of not less than 24 months shall be included in the Professional Liability insurance coverage, or the Contractor shall provide Continuous Claims Made coverage as stated below.

EXCESS/UMBRELLA INSURANCE:

A combination of primary and Excess/Umbrella Insurance may be used to meet the required limits of insurance. When used, all of the primary and umbrella or excess policies must provide all of the insurance coverages required herein, including, but not limited to, primary and non-contributory, additional insured, Self-Insured Retentions (SIRs), indemnity, and defense requirements. The umbrella or excess policies must be provided on a true "following form" or broader coverage basis, with coverage at least as broad as provided on the underlying insurance. No insurance policies maintained by the Additional Insureds, whether primary or excess, and which also apply to a loss covered hereunder, must be called upon to contribute to a loss until the Contractor's primary and excess liability policies are exhausted.

If Excess/Umbrella Insurance is used to meet the minimum insurance requirement, the Certificate of Insurance must include a list of all policies that fall under the Excess/Umbrella Insurance.

ADDITIONAL INSURED:

All liability insurance, except for Workers' Compensation, Professional Liability, Directors and Officers Liability and Network Security and Privacy Liability (if applicable), required under this Contract must include an Additional Insured endorsement specifying the State of Oregon, its officers, employees, and agents as Additional Insureds, but only with respect to Contractor's goods to be delivered and Services to be performed under this Contract. Coverage shall be primary and non-contributory with any other insurance and self-insurance.

Regarding Additional Insured status under the General Liability policy, Board requires Additional Insured status with respect to liability arising out of ongoing operations and completed operations, but only with respect to Contractor's goods to be delivered and Services to be performed under this Contract. The Additional Insured endorsement with respect to liability arising out of Contractor's ongoing operations must be on, or at least as broad as, ISO Form CG 20 10 and the Additional Insured endorsement with respect to completed operations must be on, or at least as broad as, ISO form CG 20 37.

WAIVER OF SUBROGATION:

Contractor shall waive rights of subrogation which Contractor or any insurer of Contractor may acquire against the Agency or State of Oregon by virtue of the payment of any loss. Contractor shall obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not Agency has received a Waiver of Subrogation endorsement from the Contractor or the Contractor's insurer(s).

CONTINUOUS CLAIMS MADE COVERAGE:

If any of the required liability insurance is on a claims made basis and does not include an extended reporting period of at least 24 months, then Contractor shall maintain continuous claims made liability coverage, provided the effective date of the continuous claims made coverage is on or before the effective date of this Contract, for a minimum of 24 months following the later of:

- (i) Contractor 's completion and Agency's acceptance of all goods and Services required under this Contract, or
- (ii) Agency's or Contractor's termination of this Contract, or
- (iii) The expiration of all warranty periods provided under this Contract.

CERTIFICATE(S) AND PROOF OF INSURANCE:

Contractor shall provide to Board Certificate(s) of Insurance for all required insurance before delivering any Goods and performing any Services required under this Contract. The Certificate(s) must specify all entities and individuals who are endorsed on the policy as Additional Insured (or Loss Payees). Contractor shall pay for all deductibles, self-insured retention and self-insurance, if any. As proof of insurance, Agency has the right to request copies of insurance policies and endorsements relating to the insurance requirements under this Exhibit.

NOTICE OF CHANGE OR CANCELLATION:

Contractor or its insurer shall provide at least 30 calendar days' written notice to Agency before cancellation of, material change to, potential exhaustion of aggregate limits of, or non-renewal of the required insurance coverage(s).

INSURANCE REQUIREMENT REVIEW:

Contractor agrees to periodic review of insurance requirements by Board under this Contract and to provide updated requirements as mutually agreed upon by Contractor and Board.

STATE ACCEPTANCE:

All insurance providers are subject to Board acceptance. If requested by Board, Contractor shall provide complete copies of insurance policies, endorsements, self-insurance documents and related insurance documents to Agency's representatives responsible for verification of the insurance coverages required under this Exhibit.

Exhibit C
Independent Contractor Certification

Contractor certifies he/she meets the following standards:

1. I am registered under ORS chapter 701 to provide labor or services for which such registration is required.
2. I have filed federal and state income tax returns in the name of my business or a business Schedule C as part of the personal income tax return, for the previous year, or expect to file federal and state income tax returns, for labor or services performed as an independent contractor in the previous year.
3. I will furnish the tools or equipment necessary for the contracted labor or services.
4. I have the authority to hire and fire employees who perform the labor or services.
5. I represent to the public that the labor or services are to be provided by my independently established business as four (4) or more of the following circumstances exist. **(Please check four or more of the following):**

- ☐ A. The labor or services are primarily carried out at a location that is separate from my residence or is primarily carried out in a specific portion of my residence, which is set aside as the location of the business.
- ☐ B. Commercial advertising or business cards are purchased for the business, or I have a trade association membership.
- ☐ C. Telephone listing used for the business is separate from the personal residence listing.
- ☐ D. Labor or services are performed only pursuant to written contracts.
- ☐ E. Labor or services are performed for two or more different persons within a period of one year.
- ☐ F. I assume financial responsibility for defective workmanship or for service not provided as evidenced by the ownership of performance bonds, warranties, errors and omission insurance or liability insurance relating to the labor or services to be provided.

Contractor Signature: _____ **Date:** _____

Exhibit D
[Board Specific Exhibit-If Needed]

Draft Contract Template Pending State Approval

Oregon State Board of Towing

Date: January 28, 2025

Re: Governor's Board Legislative Engagement Policy

In accordance with Governor Tina Kotek's *January 2025 Agency, Board and Commission Legislative Engagement Policy*,

The Oregon State Board of Towing hereby *empowers the board chair* to:

- Speak with legislators, legislative staff, the Governor's office,
- Advocate for the Board's interest in proposed legislation,
- Provide context in the intent and expectation of enacted legislation.

The chair shall report to the Board (insert requirements here as determined by board members).

Agency, Board and Commission Legislative Engagement Policy

January 2025

Agency Bill Endorsements

1. Agencies can advocate for their own bills and budget priorities outlined in the Governor's Recommended Budget.
2. Agencies should remain neutral on bills outside of the ones they introduce. If approached by a legislator or advocacy organization for a bill endorsement, agencies can use the template language below as a guide for their response.
 - Thank you for requesting that we take a position on this bill. As an executive branch agency, we work to provide factual and technical information to individuals developing legislation that impacts the agency or our topic area. We will not be taking positions on legislation this session, outside of bills we have introduced or worked to develop. We will gladly continue to provide technical feedback as it relates to the development of this bill.
3. In circumstances where an agency feels strongly they must formally take a position on a bill, they should flag the bill for their advisor in the Governor's Office and the Governor's legislative team. Agencies will need to fill out the *Bill Review Questionnaire* form, which will be reviewed by the Governor's Office. The Governor's Office will make the final decision on agency endorsements.
 - Agencies should flag any bills like this for the Governor's Office **at least 48 hours** prior to when they need a yes or no decision. Agencies should not assume that decisions can be made on the same day the request is made.
 - In circumstances where a 48-hour window is not possible, agencies should directly call the Governor's Office advisor and legislative team to outline the situation.
4. Agencies should be responsive to legislators seeking factual input on how bills could impact the agency's work. The agency should not advocate for or against this bill, unless an exception is made (per #3).
5. If agencies have concerns about bills moving through the committee process, they should contact their Governor's Office advisor and the Governor's legislative team.

Guidelines for Board and Commission Legislative Advocacy

A board or commission member **must be empowered by the board or commission** to speak on the board or commission's behalf. This is true for advocacy, as well as situations where the individual is providing context about legislation. Even without taking an official position, providing background and context on a program/policy can be very helpful in refining a bill.

A board or commission member may advocate on their own behalf as an individual but should make sure not to blur the lines and suggest you speak on behalf of the board or commission. Individuals in this situation should not assume that others are making the distinction – so proactively define the difference.

For board members or commissioners engaging with the Legislature, please first communicate with the director of your board or commission. When necessary, they can follow up with the Governor's Office.

New Legislation Proposed by a Board or Commission

Boards/Commissions and/or Board Members/Commissioners wishing to propose legislation must do so with the assistance of the board or commission through the standard Governor's Office process for a legislative session occurring during an odd-numbered year.

The standard process typically involves making initial legislative concept proposals early during the year preceding legislative session (e.g., January of 2024 for concepts developed for the 2025 Legislative Session) so they can be vetted by Governor's Office. If a concept includes a fiscal impact, it will also be reviewed by the state Chief Financial Officer and their staff as a part of the development process for the Governor's Recommended Budget.

Whether a legislative concept is submitted to the Legislature for consideration is determined by the Governor. If a legislative concept is not approved by the Governor, Boards Commissions and/or Board Members/Commissioners are not permitted to advocate for the concept in their official capacity.

Analyzing Legislative Proposals Proposed by Others

Boards/Commissions and/or individual Board Members/Commissioners, when acting as a body or as individuals under the auspices of their position, *must obtain prior Governor's Office approval* to:

- Taking a public stance in favor of a bill or amendment either in writing, via verbal testimony, or in one-on-one meetings with legislators; or
- Taking a public stance in opposition to a bill or amendment in writing, via verbal testimony, or in one-on-one meetings with legislators.

Boards/Commissions and/or individual Board Members/Commissioners, when acting as a body or as individuals under the auspices of their position, *do not need to obtain prior Governor's Office approval* to:

- Offer technical feedback (i.e., experience, expertise, data, or other information) to legislators and other stakeholders when feedback is requested in writing, via verbal testimony, or in one-on-one meetings with legislators; and/or
- Discuss a bill/concept as a group in their meeting.

While prior authorization is not required to offer feedback or to discuss a bill/concept during an open meeting, Board Members and Commissioners should notify board or commission staff.

Managing Conflicts of Interest

As a public official, it is the expectation that all members of boards and commissions will follow all OGEC regulations on conflicts of interest.

Public Meetings

All board and commission members must follow applicable public meetings rules to meet, discuss, and vote on the commission's advocacy goals on the piece or pieces of legislation.

OREGON STATE BOARD OF TOWING
FOR DISCUSSION PURPOSES ONLY

Not a formal document or position until approved by the Board

The following talking points reflect observations from board discussions and review of complaints reflecting:

- Conflicting requirements in statutes.
- The need for clarification to protect the well-being of the public and to provide consistent regulation of the towing industry.
- Accurately reflect the original intent of the law.

The talking points do not, and are not meant to, reflect changes to current bills, laws, or other legislative actions.

ORS 98.850 Legislative findings and declaration

(2) The Legislative Assembly declares that:

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

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).

The Board finds that legislative intent of the towing laws:

1. *Is meant to require similar guidelines for all towing business.*
 2. *Signature authorization is required from a person legally authorized to identify and request a vehicle be towed before a tower can tow a vehicle.*
- A.** *For purposes of municipal tows, law enforcement tows, roadside assistance tows, and other tows authorized by a state or local government agency or organization, this is demonstrated through the documented process of the agency.*
- B.** *For all other non-consensual tows, the property owner (or their authorized agent) must authorize the towing of the vehicle before a vehicle can be towed from their property. The owner's agent is determined by the property owner; and must comply with statutory requirements.*

The Board also finds:

- Practices allowing a tower to independently identify and authorize vehicles to tow violates the intent of ORS 98.850, creates an inherent conflict of interest in the towing of vehicles, transfers the responsibility and accountability of the lawfulness of the tow from the property owner to a tower,

increases risks to the tower, and substantially and demonstrably increases financial, safety, and other risks and harm to vehicles owners.

- A towing company should be held harmless from the legality of the tow when the towing company possesses a signed statement that: describes the vehicle to be towed, identifies the location where the vehicle is to be towed, and the statement is signed and dated by the property owner, owner's agent or other individual legally authorized by the property owner to authorize a tow, the vehicle owner or operator, or other person or official with the legal authority to authorize the vehicle be towed. This provision does not extend 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.
- Towing a vehicle without a signed authorization from the property owner (or their agent) at the time of the tow transfers the legal responsibility of the parking facility owner to the tower to
 - (1) Identify and determination if a vehicle is parked in violation of the private parking facility regulations, and state and local regulations.
 - (2) Determine that all lawful and statutory requirements of the tow are met, including compliance with any law regulating the tow or impound of a vehicle.

Inconsistency in towing statutes cause demonstrable confusion between all parties and demonstrable inconsistency in private property impound practices and standards across the state. The intent of the 2017 legislation was to bring PPIs requirements into alignment with other statutes.

ORS 98.853 Conditions allowing towing

Clarify exemption requirements under ORS 98.853 (1), and how exemptions are determined.

ORS 98.854 Prohibitions placed on tower

(2) Clarify language what: "receiving signed authorization from the owner of the parking facility or the owner's agent that the tower should tow the motor vehicle" to be consistent with the requirements of other statutes.

(4) Clarify language of "property owner" and restrictions of a tower or employee acting as the property owner's agent for the purposes of identifying a tow to be consistent with other statutes.

****Note:** DMV requires lien documents be maintained for a minimum of five years. The Board has received a request from DMV staff to consider that the signed authorization and photographs be maintained for five years for consistency.

(8) Modify language so that the language is consistent with other towing statutes; the intent of the prohibition was not meant to allow a tower to perform free services as an agent of the property owner.

Add provisions:

- A. Consistent with the "hold harmless" provisions of other statutes.*
- B. That a motor vehicle cannot be towed without consent of the owner or operator without notification to local law enforcement to be consistent with other towing statutes and requirements.*

ORS 98.856 Tower responsibility of disclosure to owner or operator of vehicle

(1) (a) – remove the term "all" as overly burdensome, replace with wording that provides information to the public without being overly burdensome to the tower: e.g., "expected", "associated", "customary" or "reasonable"

ORS 822.250 Oregon State Board of Towing

(1) Modify language that better describes the relationship between the Board and DMV. Refer to attached documents: House Bill 3186 and DMV comments submitted after Legislative Concept submission should be reviewed and included as appropriate.

Add "Oregon" to board title.

Clarify eligibility of ORS (3) (e) to ensure compliance with intent; modify ORS (3) (g) to increase the pool of eligible candidates and to ensure LEA candidate has the interest and qualifications to discuss board matters.

(3) The Oregon State Board of Towing consists of nine members appointed by the Governor as follows:

(e) One member ~~who represents~~ from the insurance industry with specialized knowledge of property and casualty insurance as it affects the towing industry

(g) One member ~~who is a chief of police or county sheriff;~~ who is a sworn officer of a local city, county, or tribal law enforcement agency with knowledge and experience in law enforcement or local towing programs.

ORS 822.265 Rulemaking authority, ORS 822.285 and ORS 822.995 Civil penalties for violations related to towing*

The following statutes have been identified as currently not assigned to a state agency or board for administration and enforcement, creating a gap or gray area in protecting the public or enforcing towing standards and practices:

ORS 90.263 (Vehicle tags)

ORS 90.485 (Restrictions on landlord removal of vehicles)

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

ORS 98.810 (Unauthorized parking of vehicle on proscribed property prohibited)

ORS 98.811 (Notice of parking violation)

ORS 98.812 (Towing of unlawfully parked vehicle)

ORS 98.818 (Preference of liens)

ORS 98.820 (Towing vehicle from fuel dispensary premises)

ORS 98.830 (Towing abandoned vehicle from private property)

ORS 98.840 (Towing vehicle alternative to procedure in ORS 98.810 to 98.818)

ORS 98.850 (Legislative findings and declaration)

ORS 98.852 (Definitions for ORS 98.853 to 98.862)

ORS 822.220 (Authorization to obstruct traffic)

***Full text of referenced statutes not currently under the Board's jurisdiction.**

ORS 90.263 Vehicle tags

A landlord may not require that a tenant display a nonremovable tag, sticker or other device on a motor vehicle that might reveal or indicate to the public the premises where the tenant resides. [1999 c.397 §2]

ORS 90.485 Restrictions on landlord removal of vehicle

DRAFT

Oregon State Board of Towing - Legislative Discussions

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Level 3 - Restricted

(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.

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

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

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

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

(b) That is used primarily for parking at a dwelling unit. As used in this paragraph, "dwelling unit" means a single-family residential dwelling or a duplex.

(5) "Tower" means a person issued a towing business certificate under ORS 822.205 (Certificate).

(6) "Vehicle" has the meaning given that term in ORS 801.590 ("Vehicle."). [1979 c.100 §2; 1981 c.861 §23; 1983 c.436 §2; 2007 c.538 §9; 2017 c.480 §1]

ORS 98.810 Unauthorized parking of vehicle on proscribed property prohibited

A person may not, without the permission of:

(1) The owner of a parking facility, leave or park any vehicle on the parking facility if there is a sign displayed in plain view at the parking facility prohibiting or restricting public parking on the parking facility.

(2) The owner of proscribed property, leave or park any vehicle on the proscribed property whether or not there is a sign prohibiting or restricting parking on the proscribed property. [1953 c.575 §1; 1979 c.100 §3; 1981 c.861 §24; 1983 c.436 §3; 2007 c.538 §10]

ORS 98.811 Notice of parking violation

(1) If the owner of a parking facility or the owner of proscribed property has issued a citation or other notice of a parking violation alleging that a vehicle owned by a person engaged in the business of selling, renting, leasing or repairing motor vehicles has been left or parked in violation of ORS 98.810 (Unauthorized parking of vehicle on proscribed property prohibited) and mailed a copy of the citation or notice to the person, the person is relieved of liability for the violation if, within 30 days from the mailing of the citation or notice, the person:

(a) Submits a certificate of nonliability stating that the vehicle was not in the custody and control of the person, under the terms of an agreement permitting an individual to use a motor vehicle owned by the person, when the alleged violation occurred; and

(b) Provides the name and address of the individual who was in control of the vehicle at the time of the alleged violation.

(2) Upon receipt of the certificate of nonliability and information described in subsection (1) of this section, the owner of the parking facility or the owner of the proscribed property must dismiss the citation or notice with respect to the person and may reissue the citation or notice in the name of the individual in control of the vehicle when the alleged violation occurred. [2009 c.90 §2]

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 98.818 Preference of lien

The lien created by ORS 98.812 (Towing of unlawfully parked vehicle) shall have preference over any and all other liens or encumbrances upon the vehicle. [1953 c.575 §3; 2007 c.538 §11a]

ORS 98.820 Towing vehicle from fuel dispensary premises

(1) As used in this section:

(a) "Class 1 flammable liquids" has the meaning given that term in ORS 480.310 (Definitions for ORS 480.315 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 98.840 Towing vehicle alternative to procedure in ORS 98.810 to 98.818

The procedure authorized by ORS 98.830 (Towing abandoned vehicle from private property) for removal of abandoned vehicles from private property may be used by an owner of a parking facility or an owner of proscribed property as an alternative to the procedures described in ORS 98.810 (Unauthorized parking of vehicle on proscribed property prohibited) to 98.818 (Preference of lien). [1995 c.758 §4; 2007 c.538 §13a; 2017 c.480 §5]

ORS 98.850 Legislative findings and declaration

(1) The Legislative Assembly finds that:

- (a) 49 U.S.C. 14501(c)(1) limits the authority of the state and political subdivisions of the state to enact or enforce laws or ordinances related to price, route or service of motor carriers with respect to the transportation of property.*
- (b) 49 U.S.C. 14501(c)(2)(A) exempts, from the limits described in paragraph (a) of this subsection, safety regulations with respect to motor vehicles.*
- (c) 49 U.S.C. 14501(c)(2)(C) exempts, from the limits described in paragraph (a) of this subsection, laws or ordinances relating to the price of for-hire motor vehicle transportation by a tow truck if the transportation is performed without the prior consent or authorization of the owner or operator of the motor vehicle.*

(2) The Legislative Assembly declares that:

- (a) Statutes that assist members of the public in avoiding involuntary loss of use of motor vehicles and in expediting recovery of motor vehicles and the personal property in the motor vehicles promote the safety and welfare of members of the public.*
- (b) ORS 98.810 (Unauthorized parking of vehicle on proscribed property prohibited) to 98.818 (Preference of lien) do not preempt any authority that a local government, as defined in ORS 174.116 ("Local*

government” and “local service district” defined), may have to regulate the price of for-hire motor vehicle transportation by a tow vehicle if the transportation is performed without the prior consent or authorization of the owner or operator of the motor vehicle. [2007 c.538 §1]

ORS 98.852 Definitions for ORS 98.853 to 98.862

As used in ORS 98.853 (Conditions allowing towing) to 98.862 (Exceptions to requirements of ORS 98.856):

- (1) “Business day” means Mondays through Friday, excluding legal holidays.*
- (2) “Consideration” has the meaning given that term in ORS 171.725 (Definitions for ORS 171.725 to 171.785).*
- (3) “Law enforcement agency” has the meaning given that term in ORS 131.915 (Definitions).*
- (4) “Motor vehicle” has the meaning given that term in ORS 801.360 (“Motor vehicle.”).*
- (5) “Parking facility” has the meaning given that term in ORS 98.805 (Definitions for ORS 98.810 to 98.818, 98.830 and 98.840).*
- (6) “Personal property of an emergency nature” includes, but is not limited to, prescription medication, eyeglasses, hearing aids, clothing, identification, a wallet, a purse, a credit card, a checkbook, cash and child safety car and booster seats.*
- (7) “Tower” means a person that:*
 - (a) Owns or operates a tow vehicle for profit; or*
 - (b) Is employed by a person that owns or operates a tow vehicle for profit.*
- (8) “Tow vehicle” has the meaning given that term in ORS 801.530 (“Tow vehicle.”). [2007 c.538 §2; 2017 c.480 §6; 2017 c.523 §1; 2019 c.13 §24]*

House Bill 3186

Sponsored by Representative SOSA (at the request of State Board of Towing) (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act says that the State Board of Towing is an independent agency. (Flesch Readability Score: 69.9).

Establishes the State Board of Towing as an independent board.

A BILL FOR AN ACT

Relating to the State Board of Towing; amending ORS 822.250, 822.270 and 822.285.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 822.250 is amended to read:

822.250. (1) The State Board of Towing is established [*within the Department of Transportation*].

(2) The State Board of Towing consists of nine members appointed by the Governor as follows:

(a) One tower who holds a towing business certificate issued under ORS 822.205 and who represents a city in Oregon with a population of 100,000 or more;

(b) One tower who holds a towing business certificate issued under ORS 822.205 and who represents a city in Oregon with a population of less than 100,000;

(c) One tower who holds a towing business certificate issued under ORS 822.205 and who has specialized knowledge in towing equipment and vehicles with a gross vehicle weight rating of more than 44,000 pounds;

(d) One tower who holds a towing business certificate issued under ORS 822.205 and who has specialized knowledge in towing vehicles with a gross vehicle weight rating of 26,000 pounds or less;

(e) One member who represents the insurance industry;

(f) One member from a tow program within the Department of State Police;

(g) One member who is a chief of police or a county sheriff;

(h) One member who is a member of the public; and

(i) One member who is a consumer advocate.

(3) All members of the board must be residents of Oregon.

(4) The term of office of each member of the board is four years, but a member serves at the pleasure of the Governor. Before the expiration of the term of a member, the Governor shall appoint a successor whose term begins on July 1 next following. A member is eligible for reappointment. If there is a vacancy for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term.

(5) A member of the board is entitled to compensation and expenses as provided in ORS 292.495.

SECTION 2. ORS 822.270 is amended to read:

822.270. (1) The State Board of Towing Account is established in the State Treasury, separate and distinct from the General Fund.

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

(2) The account consists of the following:

(a) Moneys collected from fees imposed under ORS 822.285.

(b) Moneys appropriated to the account by the Legislative Assembly.

(c) Moneys from any other source.

(3) Moneys in the account are continuously appropriated to the *[Department of Transportation]* **State Board of Towing** to carry out the provisions of ORS 822.250 to 822.290 and 822.995.

SECTION 3. ORS 822.285 is amended to read:

822.285. (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, 98.854, 98.856, 98.858, 181A.350, 822.200, 822.215, 822.225, 822.230, 822.235, 822.250 to 822.290, 822.605 or 822.995 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, 98.854, 98.856, 98.858, 181A.350, 822.200, 822.215, 822.225, 822.230, 822.235, 822.250 to 822.290, 822.605 or 822.995 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 to 822.290 and 822.995. Any fees collected under this subsection shall be deposited into the State Board of Towing Account established under ORS 822.270.

(4) The Department of Transportation shall provide office facilities, administrative support and technical assistance to the board.

Oregon State Board of Towing

Memorandum

From: Torey McCullough, Board Administrator

Date: January 28, 2025

Re: Proposed Amended Board Public Policies

Purpose:

Simplify the Board's private property impound (PPI) public policies to differentiate between the plain language of the statute and best practices or recommendations.

Background:

After several work sessions held between February and July 2024, the Board adopted public policies interpreting some of the PPI statutes on July 23, 2024.

Issue:

Unfortunately, the public policies have caused confusion within various sectors (the public, property owners, the towing industry and others). Questions and concerns began shortly after adoption of the policy, and most recently expressed to Board staff on January 23, 2025.

Resolution:

Whereas,

- The purpose and legislative authority of the Board includes the administration, implementation, and enforcement of the statutes assigned to the Board under ORS 822.265 (*Rulemaking authority*), 822.280 (*Denial, suspension, revocation or refusal of towing business certificate*), 822.885 (*Additional powers of board*), 822.290 (*Denial of participation on Department of State Police tow rotation*) and 822.995 (*Civil penalties for violations related to towing*).
- The purpose of a Board public policy is to clarify the meaning and intent of the plain language of the laws assigned to the Board to administer.
- The Board's intention in adopting public policy is to educate the public and towing industry as part of its proposed rulemaking, compliance and disciplinary processes.
- Before the passage of SB300 and the establishment of the Oregon State Board of Towing, the interpretation of towing laws was largely left to individuals members of the towing industry, property owners, the public, and other groups (or their representatives). These interpretations were sometimes shaped by the specific perspectives, biases, and interests of each sector. As a result, some interpretations were either outside the scope of, or not aligned with, the plain language and requirements set forth in ORS 98.853 and 98.854.

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

- Many in the towing industry and business partners have expressed a lack of awareness or understanding of statute or requirements enacted by the 2007 – 2021 legislative sessions.
- There is a common misunderstanding of the public, towing industry, and others of the differences in authority and purpose between civil actions determined by the court and administration of laws by a state agency, board, or commission.

and

In recognition that the Board is the first state agency authorized by the legislature to administer, regulate and enforce the towing statutes, and particularly ORS 98.853 and 98.854.


and

After consultation with Board advisory committee members, partners, investigators, other interested parties, and Dept. of Justice and Secretary of State staff,

The attached proposed amended public policies amend the Board's public policies to reflect the plain text of the statutes and to provide better clarification of best practices vs. interpretation of the text of the statute by:

- Removing language causing confusion and misinterpretation as expressed from different groups and individuals.
- Providing clarity of the lawful requirements to board investigators, the public, the towing industry, and others.
- Providing full transparency to the public, towing industry, and others in the Board's interpretation of the statute of the framework and guidelines used by the Board in reviewing complaints and investigation reports.

The Board will review each submitted complaint and investigation against the plain language of the law, consider mitigating circumstances as described in statute, rule, and policy, and determine if a tower's actions or conduct violates or complies with the laws and rules in the State of Oregon.

	Policy No.: PP-24-001-A –Amended
	Supersedes:
	Reference: ORS 98.854 (2), (3) and (4)
Subject: Private Property Impounds, Authorization to Tow	Effective Date:

Authority/Applicable Statute(s) or Administrative Rule(s):

ORS 98.850 Legislative findings and declaration

(2) The Legislative Assembly declares that:

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

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 822.995 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]

ORS 98.854 Prohibitions placed on tower.

A tower may not:

- (2) Except as provided in ORS 98.853 (Conditions allowing towing), tow a motor vehicle from a parking facility without first contacting the owner of the parking facility or the owner's agent at the time of the tow and receiving signed authorization from the owner of the parking facility or the owner's agent that the tower should tow the motor vehicle. The tower shall maintain for at least two years, in electronic or printed form, each signed authorization received under this subsection. Upon request, the tower shall provide a copy of the signed authorization to the owner or operator of the motor vehicle at no additional charge.
- (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.

Purpose:

The purpose of this Public Policy is to:

- (1) Provide interpretation and definition of the plain language of ORS 98.854 (2), (3) and (4) for the public, towing industry, board and industry partners, property owners, and other interested parties.
- (2) Provide transparency in the guidelines used by the Board for reviewing complaints, identifying possible violations and compliance issues, and to determine appropriate board action.
- (3) Identify best practices and standards for the towing industry.
- (4) Board policy will be monitored and may be modified during the proposed administrative rules process.

Law enforcement and state and local governments may enact and enforce additional laws, rules, ordinances, or other regulations in compliance with the laws of the State of Oregon.

Board Interpretation:

ORS 98.854 Prohibitions placed on tower.

A tower may not:

- (2) *Except as provided in ORS 98.853 (Conditions allowing towing) ...*

The Board finds the intent of this statute to be in plain language, and notes that the exceptions provided under ORS 98.854 (2) are described under ORS 98.853 (1) (a) - (d).

ORS 98.854 Prohibitions placed on tower.

A tower may not:

- (2) *... tow a motor vehicle from a parking facility without first contacting the owner of the parking facility or the owner's agent at the time of the tow and receiving signed authorization from the owner of the parking facility or the owner's agent that the tower should tow the motor vehicle.*

The Board finds that the plain language of the intent of the law is clear and will review complaints against the plain language of the law to determine compliance or board action.

(2) ... receiving signed authorization from the owner of the parking facility or the owner's agent that the tower should tow the motor vehicle.

- The Board finds that the plain language of the intent of the law is clear and will review complaints against the plain language of the law to determine compliance or board action.
- As the law does not specify requirements of a signed authorization under ORS 98.854 (2), the Board will define the requirements of the signed authorization in administrative rule.
- The intent of the signed authorization for any vehicle towed is to identify that every tow is authorized by a person or entity with the lawful authority to authorize the tow.
- The purpose of the signature authorization is not to limit or prohibit a parking facility owner from implementing or enforcing parking facility rules or regulation, nor is the intent to allow unauthorized or unlawful parking of a vehicle in a private parking facility or parking in a private parking facility in violation of the facility's rules, regulations, or landlord-tenant agreements.
- It is not the intent of the statutes that a tower dispute or defend the validity of a tow conducted in good faith under a signed authorization clearly identifying (a) the vehicle to be towed (b) the date of the authorization (c) reason for the tow and (d) the authority of the person authorizing the tow.
- In review of complaints submitted to the Board, the Board will consider a communication from the property owner (or their lawful agent) to the tower, or a document or a form signed by the property owner (or their lawful agent), to be in compliance with ORS 98.854 (2) for the purposes of holding a tower harmless for the validity of the tow similar to ORS 98.820 and 98.830 if the communication, document or form include:
 - A description of the vehicle to be towed,
 - The location of the vehicle to be towed, and
 - The correspondence, form or document legibly identifies the person authorizing the tow and their authority to authorize the tow.
 - Is signed and dated by the property owner or the owner's agent at the time of the tow.
- Due to the nature of the towing industry, for the purposes of Board review of complaints, the Board will consider a signed authorization described above valid for 24 hours after the signed authorization is received by the tower.
- A wet signature is preferred, but not required, on the signed authorization.

(2) ... or the owner's agent ...

- The property owner may appoint any person or entity to act as the property owner's agent the property owner so chooses, providing the appointment complies with applicable laws and regulations.
- It is not the intent of ORS 98.854 or of the Board that authorization of a tow is restricted to only the property owner, and it is not the intent of this statute that tows only be authorized during business hours of the business office.

- It is not the intent of the law or the Board to dictate who a property owner can appoint to act as their agent; however, the property owner is responsible for ensuring that the person identified to act as the owner's agent to authorize a tow can lawfully authorize the tow.
- Best practices: The tower should confirm and document who may act as a property owner's agent for individual properties to ensure compliance with the statute and provide proof of authorization in the event of a towing dispute.

(2) ... The tower shall maintain for at least two years, in electronic or printed form, each signed authorization received under this subsection.

DMV requires lien documents to be maintained for five years. While not required, it is recommended that documentation related to towing events involving possessory liens be maintained for five years.

(2) ... 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.

- "Upon request" is deliberate, specific and plain language; however, the Board finds that providing a copy of a signed authorization "upon request" is not always feasible or possible for the tower.
- If a tower is unable to provide a copy of the signed authorization "upon request," the Board will find a tower in compliance with the intent of the statute when a tower provides a copy of the signed authorization to the requester no later than the next business day or at time of release of vehicle, whichever comes first.
- The requirement to provide a signed authorization applies to vehicles (a) towed or impounded by the tower and (b) under the control and custody of the tower in their tow yard.

ORS 98.854 Prohibitions placed on tower.

A tower may not:

(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.

The Board finds that the plain language of the intent of the law is clear and will review complaints against the plain language of the law to determine compliance or board action.

ORS 98.854 Prohibitions placed on tower.

A tower may not:

(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.

The Board finds that the plain language of the intent of the law is clear and will review complaints against the plain language of the law to determine compliance or board action.

Reference:

- Initial Concept Summary Document and attachments.
- Board Meeting Minutes and Work Session Notes.

PROPOSED



State Board of Towing Public Policy

Policy No.:
PP-24-001-B - Amended

Supersedes:
NA

Reference:
ORS 98.854 (4)
ORS 98.853 (1)

Subject:
Private Property Impounds, ORS 98.853 (1)

Effective Date:

Authority/Applicable Statute(s) or Administrative Rule(s):

ORS 98.850 Legislative findings and declaration

(2) The Legislative Assembly declares that:

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

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 822.995 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]

ORS 98.853 Conditions allowing towing

- (1) A tower may tow a motor vehicle if the motor vehicle:
- (a) Blocks or prevents access by emergency vehicles;
 - (b) Blocks or prevents entry to the premises;
 - (c) Blocks a parked motor vehicle; or
 - (d) Parks without permission in a parking facility used for residents of an apartment and:
 - (A) There are more residential units than there are parking spaces;
 - (B) The landlord has issued parking tags or other devices that identify vehicles that are authorized to be parked on the premises; and
 - (C) There are signs posted that are clearly readable by an operator of a motor vehicle in each parking stall or at each entrance to the parking facility prohibiting or restricting public parking on the parking facility.

Purpose:

The purpose of this Public Policy is to:

- (1) Provide interpretation and definition of the plain language of ORS 98.853 (1), for the public, towing industry, board and industry partners, property owners, and other interested parties.
- (2) Provide transparency in the guidelines used by the Board for reviewing complaints, identify possible violations and compliance issues, and to take appropriate board action.
- (3) Identify best practices and standards for the towing industry.
- (4) Board policy will be monitored and may be modified during the proposed administrative rules process.

ORS 98.853 Conditions allowing towing


- (1) A tower may tow a motor vehicle if the motor vehicle:
- (a) Blocks or prevents access by emergency vehicles;
 - (b) Blocks or prevents entry to the premises;
 - (c) Blocks a parked motor vehicle; or
 - (d) Parks without permission in a parking facility used for residents of an apartment and:
 - (A) There are more residential units than there are parking spaces;
 - (B) The landlord has issued parking tags or other devices that identify vehicles that are authorized to be parked on the premises; and
 - (C) There are signs posted that are clearly readable by an operator of a motor vehicle in each parking stall or at each entrance to the parking facility prohibiting or restricting public parking on the parking facility.

The Board finds that the exceptions described under ORS 98.853 (1) are exceptions referenced under ORS 98.854 (2), and the text of the exceptions are clear.

A tower is not prohibited from requiring a signed authorization from the property owner or their agent to tow a vehicle parked as described in ORS 98.853 (1) (a) - (d).

Reference:

- Initial Concept Summary Document and attachments.
- Board Meeting Minutes and Work Session Notes.

	Policy No.: PP-24-001-E - Amended
	Supersedes: NA
	Reference: ORS 98.854 (8)
Subject: Private Property Impounds – Monitoring Parking Facilities ORS 98.854 (8)	Effective Date:

Authority/Applicable Statute(s) or Administrative Rule(s):

ORS 98.850 Legislative findings and declaration

(2) The Legislative Assembly declares that:

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

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 822.995 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]

ORS 98.854 Prohibitions placed on tower

A tower may not:

(8) Park a tow vehicle within 1,000 feet of a parking facility for the purpose of monitoring the parking facility for towing business.

Purpose:

The purpose of this Public Policy is to define the intent of ORS 98.854 (8).

ORS 98.854 Prohibitions placed on tower

A tower may not:

(8) Park a tow vehicle within 1,000 feet of a parking facility for the purpose of monitoring the parking facility for towing business.

The Board finds that the plain language of the intent of the law is clear and will review complaints against the plain language of the law to determine compliance or board action.

Reference:

- Initial Concept Summary Document and attachments.
- Board Meeting Minutes and Work Session Notes.



Oregon

Tina Kotek, Governor

State Board of Towing
DMV HQ - 1905 Lana Ave, NE
Salem, OR 97314

Email Address: info@towboard.oregon.gov
Web Site: www.oregon.gov/sbot

AMENDED OREGON STATE BOARD OF TOWING
Public Board Meeting
February 11, 2025
2:00 p.m. - 4:00 p.m.

AGENDA ITEM	PRESENTER	Time Est.
1. Call Meeting to Order	Chair	2:00 p.m.
2. Welcome & Introductions (<i>Board Member, Staff, Partners</i>)	All	
3. Approve Agenda	Board	
4. Work Session:		
5. 01/14/2025 Review		
6. Towing Rates and Fees		
a. LE and ODOT Tows – General Discussion with partners		
b. Lawful possession of vehicle and release.		
c. ORS 822.230 City or county regulation of towing businesses		
d. Invoicing tows with single tow truck, towed vehicles with multiple VINs		
e. Board's role		
7. Complaints		
8. Outreach & Education		
a. Complaint Review		
b. Scheduling regular public comment/public hearings		
c. Engagement with communities/sectors		
9. Private Property Impounds – draft rules process		
10. Next Steps		
11. Adjourn Board Meeting		4:00 p.m.

*Board vote during the meeting may be either consensus or roll call vote, depending on the Agenda item for decision.
Tower votes: Anderson/Baker, McClellan/Shaner



State Board of Towing Work Session Notes – Rates and Fees February 11, 2024

Oregon Dept. of Transportation (ODOT) and Oregon State Police (OSP) shared information about the non-preference tow rotations used by both agencies to tow vehicles identified by either agency as abandoned or hazards.

Both agencies use the same rotation list. The “next up” tower on each list is different given the number of tow calls for each agency.

Individuals towed by either agency have the right to request a hearing to contest the validity of tow and the towing charges. The agency mails a letter to the vehicle owner, and the owner has five days from the date of the letter to request a hearing.

ODOT and OSP do not regulate towing fees and charges at this time; towers submit a rate sheet with their non-preference tow rotation application. The agencies review submitted invoices for compliance with the rate sheet, but the agencies do not regulate the fees that are on the rate sheets.

For fee complaints, the agency will review fees and the rate sheet, and work with the tower and possibly DOJ to resolve issues.

If the agency made an error and the tow is invalid, the agency pays for the tow. Otherwise, the vehicle owner pays for the tow, or, in some cases, the tower doesn't get paid if the owner abandons the vehicle.

Control of the vehicle transfers from the state agency to the tower when the state agency leaves the scene. If the owner shows up while agency staff is there, then agency staff can release to the person if lawful ownership is determined.

The authorizing agency contracts should include information and direction to towers of when the acquires custody and control of the vehicle, and under what circumstances and conditions a tower should release a vehicle if the lawful owner or operator returns to the vehicle when the vehicle has not been towed from the scene.

Once the vehicle is impounded to the tower's tow yard, and the vehicle is under the custody and control of the tower, the tower may release the vehicle (a) to the person identified in a written release or order from the authorizing agency or (b) to

Lt. Joshua Moyes of OSP confirmed that OSP provides towers with the contact information for the vehicle owner at the scene of the wreck or collision. The Board will work with other law enforcement or other government agencies who do not provide this information at the scene.

Board's role for complaints under a non-preference or rotational tow program, or when the local municipality has established maximum rates or fees under ORS 822.230.

- Board staff will review complaints, answer obvious questions or provide assistance, and forward complaints to the authorizing state agency for hearings and audits.
- The Board will assist partner agencies with compliance enforcement under its authority when requested; the Board will not make determinations that contradict or conflict with findings of the authorized agency.
- Board members will review complaints and track data, monitor trends, and determine best practices and other actions as appropriate.

For tow or recovery services (1) not authorized by law enforcement or other government agency or (2) towed from or stored in jurisdictions where maximum rates and fees have not been established:

- The Board will review the invoices provided to the consumer/vehicle owner against the tower's written tow charges and fee rate sheet for consistency and compliance.
- The Board will review all complaints and consider either outreach and education or possible disciplinary action for violation of ORS 98.856 (1).

Invoicing for combo vehicles:

After discussion, the Board will review the combo vehicle invoices and circumstances before determining a formal policy. Things the Board will consider:

1. For jurisdictions with maximum tow rates, separate invoices and charges for combo vehicles are necessary for a tower to be fairly compensated.
2. Towers outside of maximum rate areas have multiple options, including setting hookup fees for combo tow situations and charging additional labor expenses when needed to secure the second vehicle.
3. If combo vehicles are separated for towing, each vehicle would have separate charges for the tow.



State Board of Towing January 14, 2025 - Work Session Notes Tow Rates and Fees

This document does not represent formal Board decisions or policy; the document facilitates board discussion to:

- 1. Define or clarify ambiguity in Oregon law.*
- 2. Address situations and scenarios submitted in complaints*
- 3. Answer questions or provide clarification to the public, towing industry, and board partners.*

ORS 98.850 Legislative findings and declaration

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

Board's authority:

ORS 822.265 Rulemaking authority

(1) In accordance with applicable provisions of ORS chapter 183, the State Board of Towing may adopt rules:

- (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 822.285 Additional powers of board

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

ORS 822.995 Civil penalties for violations related to towing

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

ORS 98.853 (3) (a) and (b) – hook up fees.

(3)

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

(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.

- The Board may further defining the statute as part of its proposed administrative rule drafting and Board's legislative review processes.
- At this time, the requirement for a PPI tow is reasonable compliance with: ORS 98.853 (3) (b): the impounded vehicle be secured to the towing vehicle in a manner that the towing vehicle can safely remove the impounded vehicle from the private parking facility.
- The hook up requirement under ORS 98.853 (3) (b) is for removal of an impounded vehicle from a private parking area only; the requirements under ORS 98.853 (3) (b) do not meet the hook up requirements for a vehicle towed on public roadways. The tower must comply with the state and federal hook up requirements before entering a public roadway.

ORS 98.854 Prohibitions placed on tower

(5) – towing charges.

A tower may not ... 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.

- The requirement under this statute is clear as written.
- Consumer complaints submitted to DOJ are forwarded to the Board for review and resolution.
- If the tow is authorized by law enforcement or a government agency then a disputed invoice will be forwarded to the authorizing agency for an audit.
- The Board may review the disputed invoices against the contracted rates. The Board (a) will consider tow services rendered independent of the cost sheet (b) refer and defer to the agency for a final decision and (c) will not dispute the findings of the authoritative agency.

ORS 98.854 (6) and (14) – prohibition of charges

(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.

(14) Charge for the hookup and release of a motor vehicle except as provided in ORS 98.853 (Conditions allowing towing).

- The requirement under this statute is clear as written.
- Statewide rate setting will require changes in statute. The Board is not proposing a change to legislation regulating rates and is not aware of any proposed legislation requiring rate setting.
- Consumer complaints submitted to DOJ are forwarded to the Board for review and resolution.
- Maximum rates for towing established: Complaints will be forwarded to the appropriate agency.

- No maximum rates established: the Board may review the disputed invoices against the tower's written statement of fees and costs and consider services rendered, reasonable and customary costs, and transparency of invoicing.
- The maximum rates established by a local authority are applicable to the towing circumstances and jurisdiction of that authority, only.
- Maximum or allowed rates established by one jurisdiction do not apply to another jurisdiction.

ORS 98.856 (1)

(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.

Hello,

Are towing companies required to give you a full breakdown of their costs such as the hookup fee, towing fee, and vehicle release fee?

Thank You,

- The requirement under this statute is clear as written.
- Clarification:
Yes: towers must provide a breakdown of their fees and charges.
No: towers do not have to provide a breakdown of their costs.
- Complaints submitted to DOJ are forwarded to the Board for resolution.
- The Board will conduct an audit against the disputed invoice and the tower's written statement of fees and charges and determine compliance.
- Exception:
 - If a tow is conducted under a non-preference or rotational tow contract authorized by law enforcement or another government agency, release of the tow rate sheet is through the authorizing agency.
 - If there is no rate sheet provided to the authorizing agency, then the Board may conduct an audit using the written statement required under ORS 98.856 (1) and collaborate any decisions with the authorizing agency.
- Towers may have more than one rate sheet (e.g., motor or other contract, LE rotation, private tow). Only the rate sheet relevant to the towing incident should be considered when reviewing an invoice.

- Requirement under (1) (a): “all” may be overly burdensome and may not encompass all fees and expenses associated with a tow. The Board will consider actual services rendered and the circumstances of the tow when reviewing or auditing any disputed invoices.

ORS 98.856 (2) and (3)

(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.

- The requirement under this statute is clear as written.
- An insurance company paying for the release of the vehicle or towing charges is entitled to the conspicuous written statement prior to payment. A tower is not required to waive or discount storage and other fees while an insurance company reviews the written statement.
- A vehicle owner or insurance company should first request clarification of any questions on a tow bill, compare charges from the invoice with the services rendered and rate sheet, and consider the towing services provided prior to filing a complaint with a state or local agency.

ORS 98.856 (5)

(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.

- The requirement under this statute is clear as written.
- Failure to provide a written statement as required under ORS 98.856 (5) is grounds for disciplinary action.
- A written bid or quote complies with this statute for an contracted or pre-authorized tow in lieu of the tower providing a full list of the tower’s fees and charges.

ORS 98.856 (6)

The Board has tabled “personal property of an emergency nature” for future discussion.

ORS 98.852 (6) “Personal property of an emergency nature” includes, but is not limited to, prescription medication, eyeglasses, hearing aids, clothing, identification, a wallet, a purse, a credit card, a checkbook, cash and child safety car and booster seats.

- Clarifications:
 - At the tower’s discretion, a non-vehicle owner may remove emergency personal items from a vehicle. The gate fee restrictions apply.
 - Uniforms, legal documents, keepsakes, electronics, and other items not specified under ORS 98.852 (6) are not required to be released from the tower without payment of the tow fee.

ORS 98.862 Exceptions to requirements of ORS 98.856

ORS 98.856 (1) A tower need not provide the written information required under ORS 98.856 ... if: (1) The motor vehicle is towed from a parking facility where the tower has provided the information on signs that are clearly readable by an operator of a motor vehicle in each parking stall or at each entrance to the parking facility.

- The requirement under this statute is clear as written.
- To comply with the exception, the sign must show:
 - (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.*

The remainder of the work session discussion points are tabled for future work sessions.

###

ABANDONED VEHICLE NOTIFICATION

This vehicle will be towed and impounded if it is not removed by _____ (DATE) _____ (TIME)

Oregon law, ORS 819.110, states, "After providing notice required under ORS 819.170 and, if required, a hearing under ORS 819.190, an authority described under ORS 819.140 may take a vehicle into custody and tow the vehicle if:

- a) The authority has reason to believe the vehicle is disabled or abandoned; and
- b) The vehicle has been parked or left standing upon any public way for a period in excess of 24 hours without authorization by statute or local ordinance."

If this vehicle is not removed by the date and time stated above, it will be subject to towing and storage charges. These charges must be paid before the vehicle can be reclaimed by the owner or lawful possessor. A lien will be attached to the vehicle and contents for all unpaid charges. If the vehicle is not claimed within 30 days by the owner or lawful possessor, the vehicle and contents will be sold to pay the charges.

The contact information for the company that towed your vehicle can be obtained by calling one of the Oregon Department of Transportation's Operation Centers checked below. When contacting ODOT, use reference number _____

YOU ARE ENTITLED TO AN ADMINISTRATIVE HEARING to contest vehicle custody and challenge the reasonableness of any towing and subsequent storage chargesAFTER the vehicle is towed. If the hearings officer finds the custody and towing of the vehicle was valid, you will be financially responsible for the cost of the administrative hearing, towing charges, and storage charges. A request for hearing must be in writing directed to the ODOT District

<input type="checkbox"/> District 1 350 West Marine Drive Astoria, OR 97103	<input type="checkbox"/> District 2B 9200 SE Lawnfield Rd. Clackamas, OR 97015	<input type="checkbox"/> District 2C 2225 NW Campus Drive Estacada, OR 97023	<input type="checkbox"/> District 3 885 Airport Rd. Bldg. P Salem, OR 97301	<input type="checkbox"/> District 4 3700 SW Philomath Blvd. Corvallis OR 97333
<input type="checkbox"/> District 5 2080 Laura St. Springfield, OR 97477	<input type="checkbox"/> District 7 3500 NW Stewart Pkwy Roseburg, OR 97470	<input type="checkbox"/> District 8 100 Antelope Road White City, OR 97503	<input type="checkbox"/> District 9 3313 Bret Clodfelter Way The Dalles, Oregon 97058	<input type="checkbox"/> District 10 63055 N Hwy 97, Bldg. K Bend, OR 97703
<input type="checkbox"/> District 11 2557 Altamont Drive Klamath Falls, OR 97603	<input type="checkbox"/> District 12 1327 SE Third St. Pendleton, OR 97801	<input type="checkbox"/> District 13 3014 Island Ave. LaGrande, OR 97850	<input type="checkbox"/> District 14 1390 SE First Ave. Ontario, OR 97914	

- ☐ ODOT TMOC Region 1
123 NW Flanders St.
Portland, OR 97209
(503) 283-5859
- ☐ ODOT NWTOC Region 2
3225 State St. NE
Salem, OR 97301
(503) 362-0457
- ☐ ODOT STOC Region 3 & 4
4500 Rouge Valley Hwy Ste. A
Central Point, OR 97502
(541) 858-3101
- ☐ ODOT CTOC Region 4 & 5
63055 N Hwy 97, Building K
Bend, OR 97703
(541) 383-0121

Date and time vehicle tagged: _____ ODOT employee: _____
734-2583 8/2024 Statewide (DATE) (TIME)



State Board of Towing Board discussions with partners

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

Law Enforcement, ODOT, DMV and other partners discussion

- Overview of the non-preference and rotational tow programs of OSP, ODOT, and other partners.
 - Identifying vehicles to be towed.
 - Non-preference and rotational contracts.
 - Consumer complaints, contesting validity of the tow and tow fees.
 - Releasing vehicles to the owner, determination of ownership.
 - What happens when the vehicle owner is present (or shows up?)
- Ownership determination discussion; consistency amongst state and local agencies.

Statutes and considerations:

Defining for drafting OARs and general consensus for towing events:

- Lawful owner of the vehicle: ORS 802.240 (1), ORS 803.010
- Operator of the vehicle: *a person with the means to successfully operate and move the vehicle.*
- Person in lawful possession: ORS 802.240 (1), ORS 803.010
- A person with right to possession of the vehicle: ORS 802.240 (1), ORS 803.010, or a person with an interest recorded on the title of a vehicle
- The owner: ORS 802.240 (1), ORS 803.010
- A person entitled to possession: ORS 802.240 (1), ORS 803.010, or a person with an interest recorded on the title of a vehicle.

Statutes:

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 803.010 Proof of ownership

A certificate of title is prima facie evidence of the ownership of a vehicle or of an interest therein. In all actions, suits or criminal proceedings, when the title to or right of possession of any vehicle is involved, proof of the ownership or right to possession shall be made by means of:

- (1) The original certificate of title issued by the Department of Transportation;
- (2) A salvage title certificate issued by the department; or
- (3) The department records as provided under ORS 802.240 (Driver and vehicle records as evidence). [1983 c.338 §174; 1991 c.873 §29]

ORS 803.205 Proof of ownership or security interest on transfer or application for title or registration

- (1) The Department of Transportation may require proof under this section if the department determines the proof is necessary to resolve questions concerning vehicle ownership or undisclosed security interests in the transfer of any vehicle under ORS 803.092 (Application for title upon transfer of interest), in an application for issuance of title under ORS 803.045 (Issuance of title) or in an application for registration of a vehicle under ORS 803.350 (Qualifications for registration).
- (2) Under this section, the department may require any proof sufficient to satisfy the department concerning the questions about the ownership of the vehicle or security interests in the vehicle. The proof required by the department may include, but is not limited to, completion of an affidavit that:
 - (a) Is in a form required by the department by rule;
 - (b) Contains any information the department requires by rule as necessary to establish ownership of the vehicle or to determine any security interests in the vehicle; and
 - (c) Is verified by the person making the affidavit.
- (3) The department is not liable to any person for issuing title or registering a vehicle based on proof provided under this section.
- (4) Nothing in this section affects any power of the department to refuse to issue or to revoke title or registration. [1983 c.338 §199; 1989 c.148 §16; 1993 c.233 §38; 2001 c.675 §13; 2003 c.655 §106]

ORS 98.853 Conditions allowing towing

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

- (a) Blocks or prevents access by emergency vehicles;
- (b) Blocks or prevents entry to the premises;
- (c) Blocks a parked motor vehicle; or
- (d) Parks without permission in a parking facility used for residents of an apartment and:

- (A) There are more residential units than there are parking spaces;
- (B) The landlord has issued parking tags or other devices that identify vehicles that are authorized to be parked on the premises; and
- (C) There are signs posted that are clearly readable by an operator of a motor vehicle in each parking stall or at each entrance to the parking facility prohibiting or restricting public parking on the parking facility.

(2) Prior to towing a motor vehicle pursuant to ORS 98.812 (Towing of unlawfully parked vehicle), a tower shall take at least one photograph of the motor vehicle and record the time and date of the photograph. The photograph must show the motor vehicle as it was left or parked at the time the tower arrived to conduct the tow. The tower shall maintain for at least two years, in electronic or printed form, each photograph taken along with the date and time of the photograph. Upon request, the tower shall provide a copy of any photographs to the owner or operator of the motor vehicle at no additional charge.

(3) Intentionally left blank — Ed.

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

(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.

(4) A tower who controls or has access to multiple storage facilities must tow a motor vehicle to the tower's storage facility with available space that is located in the same county as and is closest to where the motor vehicle was hooked up to the tow vehicle.
[2017 c.480 §9]

ORS 98.854 Prohibitions placed on tower

A tower may not:

(1) Intentionally left blank – Ed.

(a) Tow a motor vehicle from a parking facility unless there is a sign displayed in plain view at the parking facility that, using clear and conspicuous language, prohibits or restricts public parking at the parking facility.

(b) Notwithstanding paragraph (a) of this subsection, a tower may tow a motor vehicle from a parking facility with the prior consent of the owner or operator of the motor vehicle.

(2) Except as provided in ORS 98.853 (Conditions allowing towing), tow a motor vehicle from a parking facility without first contacting the owner of the parking facility or the owner's agent at the time of the tow and receiving signed authorization from the owner of the parking facility or the owner's agent that the tower should tow the motor vehicle. The tower shall maintain for at least two years, in electronic or printed form, each signed authorization received under this subsection. Upon request, the tower shall provide a copy of the signed authorization to the owner or operator of the motor vehicle at no additional charge.

(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 98.858 Right of owner or person in lawful possession of vehicle to redeem or inspect vehicle, contact tower and obtain property of emergency nature

(1) A tower in physical possession of a motor vehicle shall permit the owner or person in lawful possession of a motor vehicle the tower has towed to:

(a) Redeem or inspect the motor vehicle:

(A) Between 8 a.m. and 6 p.m. on business days;

(B) At all other hours, within 60 minutes after asking the tower to release or allow for the inspection of the motor vehicle; and

(C) Within 30 minutes of a time mutually agreed upon between the tower and the owner or person in lawful possession of the motor vehicle;

(b) Contact the tower at any time to receive information about the location of the motor vehicle and instructions for obtaining release of the motor vehicle; and

(c) Obtain all personal property of an emergency nature in the motor vehicle and the motor vehicle's registration plates within the time allowed under paragraph (a) of this subsection.

(2) A tower may not charge the owner or person in lawful possession of the motor vehicle a fee in any amount to obtain personal property of an emergency nature or registration plates except for a gate fee between the hours of 6 p.m. and 8 a.m. on business days, or on a Saturday, a Sunday or a legal holiday. [2007 c.538 §5; 2017 c.480 §11; 2017 c.523 §8; 2019 c.13 §25; 2019 c.17 §1]

ORS 98.862 Exceptions to requirements of ORS 98.856

A tower need not provide the written information required under ORS 98.856 (Tower responsibility of disclosure to owner or operator of vehicle) if:

- (1) The motor vehicle is towed from a parking facility where the tower has provided the information on signs that are clearly readable by an operator of a motor vehicle in each parking stall or at each entrance to the parking facility.
- (2) 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).
- (3) 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.
- (4) The tower is hired or otherwise engaged by a business entity at the request of the owner or operator of the motor vehicle to tow the motor vehicle. [2007 c.538 §7]

ORS 809.720 Impoundment for specified offenses

- (1) A police officer who has probable cause to believe that a person, at or just prior to the time the police officer stops the person, has committed an offense described in this subsection may, without prior notice, order the vehicle impounded until a person with right to possession of the vehicle complies with the conditions for release or the vehicle is ordered released by a hearings officer. This subsection applies to the following offenses:
 - (a) Driving while suspended or revoked in violation of ORS 811.175 (Violation driving while suspended or revoked) or 811.182 (Criminal driving while suspended or revoked).
 - (b) Driving while under the influence of intoxicants in violation of ORS 813.010 (Driving under the influence of intoxicants).
 - (c) Operating without driving privileges or in violation of license restrictions in violation of ORS 807.010 (Operating vehicle without driving privileges or in violation of license restrictions).
 - (d) Driving uninsured in violation of ORS 806.010 (Driving uninsured prohibited).
- (2) Notice that the vehicle has been impounded shall be given to the same parties, in the same manner and within the same time limits as provided in ORS 819.180 (Notice after taking into custody and towing) for notice after removal of a vehicle.
- (3) A vehicle impounded under subsection (1) of this section shall be released to a person entitled to lawful possession upon compliance with the following:
 - (a) Submission of proof that a person with valid driving privileges will be operating the vehicle;
 - (b) Submission of proof of compliance with financial responsibility requirements for the vehicle; and
 - (c) Payment to the police agency of an administrative fee determined by the agency to be sufficient to recover its actual administrative costs for the impoundment.
- (4) Notwithstanding subsection (3) of this section, a person who holds a security interest in the impounded vehicle may obtain release of the vehicle by paying the administrative fee.

(5) When a person entitled to possession of the impounded vehicle has complied with the requirements of subsection (3) or (4) of this section, the impounding police agency shall authorize the person storing the vehicle to release it upon payment of any towing and storage costs.

(6) Notwithstanding subsection (3) of this section, the holder of a towing business certificate issued under ORS 822.205 (Certificate) may foreclose a lien created by ORS 87.152 (Possessory lien for labor or material expended on chattel) for the towing and storage charges incurred in the impoundment of the vehicle, without payment of the administrative fee under subsection (3)(c) of this section.

(7) Nothing in this section or ORS 809.716 (Hearing on impoundment) limits either the authority of a city or county to adopt ordinances dealing with impounding of uninsured vehicles or the contents of such ordinances except that cities and counties shall comply with the notice requirements of subsection (2) of this section and ORS 809.725 (Notice following impoundment under city or county ordinance).

(8) A police agency may not collect its fee under subsection (3)(c) of this section from a holder of a towing business certificate issued under ORS 822.205 (Certificate) unless the holder has first collected payment of any towing and storage charges associated with the impoundment. [1997 c.514 §2; 2001 c.748 §1]

ORS 819.110 Custody, towing and sale or disposal of abandoned vehicle general provisions

(1) After providing notice required under ORS 819.170 (Notice prior to taking vehicle into custody and towing) and, if requested, a hearing under ORS 819.190 (Hearing to contest validity of custody and towing), an authority described under ORS 819.140 (Agencies having authority to take vehicle into custody) may take a vehicle into custody and tow the vehicle if:

(a) The authority has reason to believe the vehicle is disabled or abandoned; and

(b) The vehicle has been parked or left standing upon any public way for a period in excess of 24 hours without authorization by statute or local ordinance.

(2) The power to take vehicles into custody under this section is in addition to any power to take vehicles into custody under ORS 819.120 (Immediate custody and towing of vehicle constituting hazard or obstruction).

(3) Subject to ORS 819.150 (Rights and liabilities of owner), vehicles and the contents of vehicles taken into custody under this section are subject to a lien as provided under ORS 819.160 (Lien for towing).

(4) The person that tows a vehicle under this section shall have the vehicle appraised within a reasonable time by a person authorized to perform such appraisals under ORS 819.480 (Vehicle appraiser certificate).

(5) Vehicles taken into custody under this section are subject to sale or disposal under ORS 819.210 (Sale or disposal of vehicle not reclaimed) or 819.215 (Disposal of vehicle

appraised at \$500 or less) if the vehicles are not reclaimed as provided under ORS 819.150 (Rights and liabilities of owner) **or returned to the owner or person entitled to possession under ORS 819.190** (Hearing to contest validity of custody and towing). [1983 c.338 §417; 1995 c.758 §8; 2009 c.371 §6]

ORS 819.120 Immediate custody and towing of vehicle constituting hazard or obstruction

(1) An authority described under ORS 819.140 (Agencies having authority to take vehicle into custody) may immediately take custody of and tow a vehicle that is disabled, abandoned, parked or left standing unattended on a road or highway right of way and that is in such a location as to constitute a hazard or obstruction to motor vehicle traffic using the road or highway.

(2) As used in this section, a “hazard or obstruction” includes, but is not necessarily limited to:

(a) Any vehicle that is parked so that any part of the vehicle extends within the paved portion of the travel lane.

(b) Any vehicle that is parked so that any part of the vehicle extends within the highway shoulder or bicycle lane:

(A) Of any freeway within the city limits of any city in this state at any time if the vehicle has a gross vehicle weight of 26,000 pounds or less;

(B) Of any freeway within the city limits of any city in this state during the hours of 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m. if the vehicle has a gross vehicle weight of more than 26,000 pounds;

(C) Of any freeway within 1,000 feet of the area where a freeway exit or entrance ramp meets the freeway; or

(D) Of any highway during or into the period between sunset and sunrise if the vehicle presents a clear danger.

(3) As used in this section, “hazard or obstruction” does not include parking in a designated parking area along any highway or, except as described in subsection (2) of this section, parking temporarily on the shoulder of the highway as indicated by a short passage of time and by the operation of the hazard lights of the vehicle, the raised hood of the vehicle, or advance warning with emergency flares or emergency signs.

(4) An authority taking custody of a vehicle under this section must give the notice described under ORS 819.180 (Notice after taking into custody and towing) and, if requested, a hearing described under ORS 819.190 (Hearing to contest validity of custody and towing).

(5) The power to take vehicles into custody under this section is in addition to any power to take vehicles into custody under ORS 819.110 (Custody, towing and sale or disposal of abandoned vehicle).

(6) Subject to ORS 819.150 (Rights and liabilities of owner), vehicles and the contents of vehicles taken into custody under this section are subject to a lien as provided under ORS 819.160 (Lien for towing).

(7) The person that tows a vehicle under this section shall have the vehicle appraised within a reasonable time by a person authorized to perform such appraisals under ORS 819.480 (Vehicle appraiser certificate).

(8) Vehicles taken into custody under this section are subject to sale or disposal under ORS 819.210 (Sale or disposal of vehicle not reclaimed) or 819.215 (Disposal of vehicle appraised at \$500 or less) if the vehicles are not reclaimed under ORS 819.150 (Rights and liabilities of owner) or returned to the owner or person entitled thereto under ORS 819.190 (Hearing to contest validity of custody and towing).

(9) The Oregon Transportation Commission, by rule, shall establish additional criteria for determining when vehicles on state highways, interstate highways and state property are subject to being taken into immediate custody under this section. [1983 c.338 §418; 1985 c.77 §1; 1991 c.464 §1; 1995 c.758 §9; 2007 c.509 §1; 2009 c.371 §7]

ORS 819.140 Agencies having authority to take vehicle into custody powers of agency taking 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 819.150 Rights and liabilities of owner

The owner, a person entitled to possession or any person with an interest recorded on the title of 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):

(1) Is liable for all costs and expenses incurred in the towing, preservation and custody of the vehicle and its contents except that:

(a) The owner, a person entitled to the vehicle or any person with an interest recorded on the title is not liable for nor shall be required to pay storage charges for a period in excess of 20 days unless the person has received a written notice under ORS 819.160 (Lien for towing). In no case shall a person be required to pay storage charges for a storage period in excess of 60 days.

(b) A security interest holder is not liable under this subsection unless the security interest holder reclaims the vehicle.

(2) May reclaim the vehicle at any time after it is taken into custody and before the vehicle is sold or disposed of under ORS 819.210 (Sale or disposal of vehicle not reclaimed) or 819.215 (Disposal of vehicle appraised at \$500 or less) upon presentation to the authority holding the vehicle of satisfactory proof of ownership or right to possession and upon payment of costs and expenses for which the person is liable under this section.

(3) If the vehicle is 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), has a right to request and have a hearing under ORS 819.190 (Hearing to contest validity of custody and towing) or under procedures established under ORS 801.040 (Authority to adopt special provisions), as appropriate.

(4) If the vehicle is sold or disposed of under ORS 819.210 (Sale or disposal of vehicle not reclaimed) or 819.215 (Disposal of vehicle appraised at \$500 or less), has no further right, title or claim to or interest in the vehicle or the contents of the vehicle.

- (5) If the vehicle is sold or disposed of under ORS 819.210 (Sale or disposal of vehicle not reclaimed), has a right to claim the balance of the proceeds from the sale or disposition as provided under ORS 87.206 (Disposition of proceeds of foreclosure sale).
- (6) Has no right to a hearing if the vehicle is disposed of under ORS 819.215 (Disposal of vehicle appraised at \$500 or less). [1983 c.338 §421; 1985 c.316 §2; 1993 c.233 §64; 1993 c.385 §5,5a; 1995 c.79 §378; 1995 c.758 §11; 2005 c.738 §4; 2009 c.371 §9]

ORS 819.160 Lien for towing

- (1) Except as otherwise provided by this section, a person shall have a lien on the vehicle and its contents if the person, at the request of an authority described under ORS 819.140 (Agencies having authority to take vehicle into custody), tows any of the following vehicles:
- (a) An abandoned vehicle appraised at a value of more than \$500 by a person who holds a certificate issued under ORS 819.480 (Vehicle appraiser certificate).
 - (b) A vehicle taken into custody under ORS 819.110 (Custody, towing and sale or disposal of abandoned vehicle) or 819.120 (Immediate custody and towing of vehicle constituting hazard or obstruction), unless it is an abandoned vehicle appraised at a value of \$500 or less by a person who holds a certificate issued under ORS 819.480 (Vehicle appraiser certificate).
 - (c) A vehicle left parked or standing in violation of ORS 811.555 (Illegal stopping, standing or parking) or 811.570 (Improperly positioning parallel parked vehicle).
- (2) A lien established under this section shall be on the vehicle and its contents for the just and reasonable charges for the towing service performed and any storage provided. However, the storage charge is limited subject to ORS 98.812 (Towing of unlawfully parked vehicle) (3). A lien described under this section does not attach:
- (a) To the contents of any vehicle taken from public property until 15 days after taking the vehicle into custody.
 - (b) To the contents of any vehicle that is taken into custody for violation of ORS 811.555 (Illegal stopping, standing or parking) or 811.570 (Improperly positioning parallel parked vehicle).
- (3) A person that tows any vehicle at the request of an authority under ORS 819.110 (Custody, towing and sale or disposal of abandoned vehicle) or 819.120 (Immediate custody and towing of vehicle constituting hazard or obstruction) shall transmit by first class mail with a certificate of mailing, no later than the third business day after the vehicle and its contents are placed in storage, written notice, approved by the authority, containing information on the procedures necessary to obtain a hearing under ORS 819.190 (Hearing to contest validity of custody and towing). The notice shall be provided to the owner, a person entitled to possession or any person with an interest recorded on the title to the vehicle. This subsection does not apply to a person that tows an abandoned vehicle that is appraised at a value of \$500 or less by a person who holds

a certificate issued under ORS 819.480 (Vehicle appraiser certificate). [1983 c.338 §422; 1985 c.16 §223; 1993 c.326 §5; 1993 c.385 §6; 1995 c.79 §379; 1995 c.758 §12; 2007 c.538 §15; 2009 c.11 §99; 2009 c.371 §10; 2019 c.547 §4]

ORS 819.170 Notice prior to taking vehicle into custody and towing methods

If an authority proposes to take custody of a vehicle under ORS 819.110 (Custody, towing and sale or disposal of abandoned vehicle), the authority shall provide notice and shall provide an explanation of procedures available for obtaining a hearing under ORS 819.190 (Hearing to contest validity of custody and towing). Except as otherwise provided under ORS 801.040 (Authority to adopt special provisions), notice required under this section shall comply with all of the following:

- (1) Notice shall be given by affixing a notice to the vehicle with the required information. The notice shall be affixed to the vehicle at least 24 hours before taking the vehicle into custody. The 24-hour period under this subsection includes holidays, Saturdays and Sundays.
- (2) Notice shall state all of the following:
 - (a) That the vehicle will be subject to being taken into custody and towed by the appropriate authority if the vehicle is not removed before the time set by the appropriate authority.
 - (b) The statute, ordinance or rule violated by the vehicle and under which the vehicle will be towed.
 - (c) The place where the vehicle will be held in custody or the telephone number and address of the appropriate authority that will provide the information.
 - (d) That the vehicle, if taken into custody and towed by the appropriate authority, will be subject to towing and storage charges and that a lien will attach to the vehicle and its contents.
 - (e) That the vehicle will be sold to satisfy the costs of towing and storage if the charges are not paid.
 - (f) That the owner, possessor or person having an interest in the vehicle is entitled to a hearing, before the vehicle is impounded, to contest the proposed custody and towing if a hearing is timely requested.
 - (g) That the owner, possessor or person having an interest in the vehicle may also challenge the reasonableness of any towing and storage charges at the hearing.
 - (h) The time within which a hearing must be requested and the method for requesting a hearing. [1983 c.338 §423; 1985 c.316 §3; 1993 c.385 §§7,7a; 1995 c.758 §13; 2009 c.371 §11]

ORS 819.180 Notice after taking into custody and towing method

- (1) If an authority takes custody of a vehicle under ORS 819.120 (Immediate custody and towing of vehicle constituting hazard or obstruction), the authority shall provide,

by certified mail within 48 hours of the towing, written notice with an explanation of procedures available for obtaining a hearing under ORS 819.190 (Hearing to contest validity of custody and towing) to the owners of the vehicle and any lessors or security interest holders as shown in the records of the Department of Transportation. The notice shall state that the vehicle has been taken into custody and shall give the location of the vehicle and describe procedures for the release of the vehicle and for obtaining a hearing under ORS 819.190 (Hearing to contest validity of custody and towing). The 48-hour period under this subsection does not include holidays, Saturdays or Sundays.

(2) Any notice given under this section after a vehicle is taken into custody and towed shall state all of the following:

- (a) That the vehicle has been taken into custody and towed, the identity of the appropriate authority that took the vehicle into custody and towed the vehicle and the statute, ordinance or rule under which the vehicle has been taken into custody and towed.
- (b) The location of the vehicle or the telephone number and address of the appropriate authority that will provide the information.
- (c) That the vehicle is subject to towing and storage charges, the amount of charges that have accrued to the date of the notice and the daily storage charges.
- (d) That the vehicle and its contents are subject to a lien for payment of the towing and storage charges and that the vehicle and its contents will be sold to cover the charges if the charges are not paid by a date specified by the appropriate authority.
- (e) That the owner, possessor or person having an interest in the vehicle and its contents is entitled to a prompt hearing to contest the validity of taking the vehicle into custody and towing it and to contest the reasonableness of the charges for towing and storage if a hearing is timely requested.
- (f) The time within which a hearing must be requested and the method for requesting a hearing.
- (g) That the vehicle and its contents may be immediately reclaimed by presentation to the appropriate authority of satisfactory proof of ownership or right to possession and either payment of the towing and storage charges or the deposit of cash security or a bond equal to the charges with the appropriate authority. [1983 c.338 §424; 1985 c.316 §4; 1993 c.385 §8; 1995 c.758 §14; 2009 c.371 §12]

ORS 819.190 Hearing to contest validity of custody and towing

A person provided notice under ORS 819.170 (Notice prior to taking vehicle into custody and towing) or 819.180 (Notice after taking into custody and towing) or any other person who reasonably appears to have an interest in the vehicle may request a hearing under this section to contest the validity of the towing and custody under ORS 819.120 (Immediate custody and towing of vehicle constituting hazard or obstruction) or proposed towing and custody

of a vehicle under ORS 819.110 (Custody, towing and sale or disposal of abandoned vehicle) by submitting a request for hearing with the appropriate authority not more than five days from the mailing date of the notice. The five-day period in this section does not include holidays, Saturdays or Sundays. Except as otherwise provided under ORS 801.040 (Authority to adopt special provisions), a hearing under this section shall comply with all of the following:

(1) If the authority proposing to tow a vehicle under ORS 819.110 (Custody, towing and sale or disposal of abandoned vehicle) receives a request for hearing before the vehicle is taken into custody and towed, the vehicle may not be towed unless the vehicle constitutes a hazard.

(2) A request for hearing shall be in writing and shall state grounds upon which the person requesting the hearing believes that the custody and towing of the vehicle is not justified.

(3) Upon receipt of a request for a hearing under this section, the appropriate authority shall set a time for the hearing within 72 hours of the receipt of the request and shall provide notice of the hearing to the person requesting the hearing and to the owners of the vehicle and any lessors or security interest holders shown in the records of the Department of Transportation, if not the same as the person requesting the hearing. The 72-hour period in this subsection does not include holidays, Saturdays or Sundays.

(4) If the appropriate authority finds, after hearing and by substantial evidence on the record, that the custody and towing of a vehicle was:

(a) Invalid, the appropriate authority shall order the immediate release of the vehicle to the owner or person with right of possession. If the vehicle is released under this paragraph, the person to whom the vehicle is released is not liable for any towing or storage charges. *If the person has already paid the towing and storage charges on the vehicle, the authority responsible for taking the vehicle into custody and towing the vehicle shall reimburse the person for the charges.* New storage costs on the vehicle will not start to accrue, however, until more than 24 hours after the time the vehicle is officially released to the person under this paragraph.

(b) Valid, the appropriate authority shall order the vehicle to be held in custody until the costs of the hearing and all towing and storage costs are paid by the party claiming the vehicle. If the vehicle has not yet been towed, the appropriate authority shall order that the vehicle be towed.

(5) A person who fails to appear at a hearing under this section is not entitled to another hearing unless the person provides reasons satisfactory to the appropriate authority for the person's failure to appear.

(6) An appropriate authority is only required to provide one hearing under this section for each time the appropriate authority takes a vehicle into custody and tows the vehicle or proposes to do so.

(7) A hearing under this section may be used to determine the reasonableness of the charge for towing and storage of the vehicle. Towing and storage charges set by law, ordinance or rule or that comply with law, ordinance or rule are reasonable for purposes of this subsection.

(8) An authority shall provide a written statement of the results of a hearing held under this section to the person requesting the hearing.

(9) Hearings held under this section may be informal in nature, but the presentation of evidence in a hearing shall be consistent with the presentation of evidence required for contested cases under ORS 183.450 (Evidence in contested cases).

(10) The hearings officer at a hearing under this section may be an officer, official or employee of the appropriate authority but shall not have participated in any determination or investigation related to taking into custody and towing the vehicle that is the subject of the hearing.

(11) The determination of a hearings officer at a hearing under this section is final and is not subject to appeal. [1983 c.338 §425; 1985 c.16 §224; 1985 c.316 §5; 2009 c.371 §14]

ORS 819.200 Exemption from notice and hearing requirements for vehicle held in criminal investigation

A vehicle that is being held as part of any criminal investigation is not subject to any requirements under ORS 819.170 (Notice prior to taking vehicle into custody and towing) to 819.190 (Hearing to contest validity of custody and towing) unless the criminal investigation relates to the theft of the vehicle. [1983 c.338 §426; 1993 c.385 §9]

ORS 819.210 Sale or disposal of vehicle not reclaimed

(1) If 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) is not reclaimed within 30 days after it is taken into custody, the person that towed the vehicle shall either:

(a) Sell the vehicle and its contents at public auction in the manner provided in ORS 87.192 (Notice of foreclosure sale to lien debtor) and 87.196 (Notice of foreclosure sale to secured parties); or

(b) Dispose of the vehicle in a manner provided by local ordinance.

(2) The contents of any vehicle sold under this section are subject to the same conditions of sale as the vehicle in which they are found. [1983 c.338 §427; 1995 c.758 §15; 2009 c.371 §15]

ORS 819.215 Disposal of vehicle appraised at \$500 or less

(1) If an abandoned vehicle is appraised at a value of \$500 or less by a person who holds a certificate issued under ORS 819.480 (Vehicle appraiser certificate), the person that towed the vehicle shall:

(a) Notify the registered owner and secured parties as provided in subsection (3) of this section;

(b) Photograph the vehicle;

(c) Notify the Department of Transportation that the vehicle will be disposed of; and

(d) Unless the vehicle is claimed by a person entitled to possession of it within 15 days of the date of notice under subsection (3) of this section, dispose of the vehicle and its contents to a person who holds a valid dismantler certificate issued under ORS 822.110 (Dismantler certificate).

(2) The authority that requests towing of an abandoned vehicle shall provide to the person that tows the vehicle, at the time of the tow or as soon as possible thereafter, a written statement that contains the name and address of the registered owner of the vehicle, as shown by records of the department, and the names and addresses of any persons claiming interests in the vehicle, as shown by records of the department.

(3) Within 48 hours after the written statement is provided under subsection (2) of this section to a person that tows a vehicle, the person must give written notice to the persons whose names are furnished in the statement. The 48-hour period does not include Saturdays, Sundays or holidays. The notice shall state that a person that is entitled to possession of the vehicle has 15 days from the date the notice was mailed to claim the vehicle and that if the vehicle is not claimed, it will be disposed of as provided in this section.

(4) If the authority that requests towing of an abandoned vehicle does not provide to the person that tows the vehicle the written statement within 48 hours after the vehicle is towed, the person may dispose of the vehicle as provided in ORS 819.210 (Sale or disposal of vehicle not reclaimed).

(5) Disposal of a vehicle to a dismantler as provided in this section extinguishes all prior ownership and possessory rights.

(6) The department shall adopt rules specifying the form in which notification to the department required by subsection (1) of this section shall be submitted and what information shall be conveyed to the department. The person that tows the vehicle may submit to the dismantler a copy of any notification submitted to the department under this section instead of submitting to the dismantler ownership or other title documents for the vehicle. [1993 c.326 §2; 1995 c.758 §16; 2005 c.654 §29; 2009 c.371 §16]

ORS 819.280 Disposal of vehicle at request of person in lawful possession

(1) A person may make a request to an authority described in ORS 819.140 (Agencies having authority to take vehicle into custody) (1)(b) or (c) to dispose of a vehicle that is on the private property of the person and that is appraised at a value of \$500 or less, as determined by a holder of a certificate issued under ORS 819.480 (Vehicle appraiser certificate), if the person is in lawful possession of the vehicle. For the purposes of this

subsection, a person need not have the certificate of title to be in lawful possession of the vehicle.

(2) If the authority requested to dispose of a vehicle under subsection (1) of this section chooses to dispose of the vehicle, the authority shall do all of the following:

(a) Photograph the vehicle.

(b) Verify that the person is in lawful possession of the vehicle.

(c) Provide notification to the person requesting the disposal and the Department of Transportation of all of the following:

(A) The name and address of the person requesting the disposal;

(B) The vehicle identification number;

(C) The appraised value of the vehicle;

(D) The appraiser's certificate number and signature; and

(E) The name and address of the authority disposing of the vehicle.

(d) Dispose of the vehicle and its contents to a person who holds a valid dismantler certificate issued under ORS 822.110 (Dismantler certificate).

(3) The authority disposing of the vehicle may charge the person requesting the disposal a fee to dispose of the vehicle.

(4) Disposal of a vehicle to a dismantler as provided in this section extinguishes all prior ownership and possessory rights.

(5) The department shall adopt rules specifying the form in which notification required by subsection (2) of this section shall be submitted and what additional information shall be conveyed to the department.

(6) In lieu of submitting ownership or other title documents for the vehicle, the authority disposing of the vehicle may submit to the dismantler a copy of the notification provided to the department under subsection (2) of this section. [2005 c.738 §2; 2005 c.738 §2a]

Case No.	Agency	Tow Type	Towed Vehicle	Vehicle Condition	Invoice	Notes
Unassigned	OSP	Rescue	VW Jetta	Vehicle stuck in snow on unplowed roadway.	\$2,000	Complainant alleges he followed an unplowed road 1.5 - 2 miles of the highway, were unable to travel any further due to snow; unable to turn around. Called 911 to be rescued; Towed approximtely 20 miles to nearest tow per customer.
2025-02-002	OSP	Recovery	2019 Tacoma	Not driveable per customer.	\$6,358.00	Complaint alleges five of the seven charges not explained. Vehicle vs. black ice and snowbank; vehicle not-driveable. Tow dispatched after hours; vehicle stored 12 days.
2025-02-001	ODOT	Possible Hazmat/Gas Tanker		Unknown.	\$60,991.28	Invoice notes fuel pump, rental of excavator and dump trailer; 3 flaggers for 5 hours. Dispatched at 10:58 p.m.
2025-01-021	OSP	2 Vehicle Collision	2012 Kia Soul	Impact: Driver's side, LF wheel bent almost horizontally per customer.	Requested	Vehicle totaled; title signed over in lieu of towing fees. \$0 balance due.
2025-01-019	ODOT	Recovery	Freightliner box truck	Vehicle partially submerged in snow bank, on side, driver side vehicles in air. Box loaded with mail and parcels (weight unknown).	\$14,707.01	Consumer called tower for a quote. Consumer did not like the \$2700 quote. Tower took consumer to a nearby store so consumer could arrange for tow. Vehicle was left in roadway. ODOT called tow company on rotation. Total Bill \$14,707.01 Includes after hour and minimum hours per contract.
2024-12-008	OSP	Hazmat/Gas Tanker w/ two tanks	2016 Mack Tanker	Loaded gas tanker, leaking gas and diesel, blocking both lanes of state highway. Tanker was required to be uprighted (use of air bags) as part of recovery effort. Fuel removal at the scene required.	\$50,595.00	Dispute is charges on invoice not on OSP rate sheet; rate sheet did not include Hazmat charges and other necessary services rendered due to feul spill, containment, and clean up. Tower provided details of recovery in narrative report.
2024-11-016	ODOT	Illegal Parking	2024 Freightliner Cascadia	Unchained - not driveable	\$14343.84	ODOT tow for illegal parking. After hour tow. Weather event - chains required Staff forwarded case to ODOT regional management.
2024-11-015	PPI	PPI - unauthorized parking	2002 Mitsubishi 2005 Mini Bike (no plate)	Mini bike attached to the towed vehicle via a hitch carrier.	Mini motor bike: \$1100 Mitsubishi: \$900	One tow vehicle: Two separate invoices: 2 dispatch fees (\$50 each) 2 hook fees (\$300 each)
2024-11-001	City PD	Municipal Tow	2001 GMC Yukon with travel trailer	Inoperable; towed authorized by local PD	\$1332.50	Dispatched as one tow per PD. Dispatch fee includes City fee (not noted on rate sheet). Two vehicles: GMC Yukon and (stolen) trailer. PD wanted vehicles towed together. Tow fees vs. rate sheet to accomodate medium duty vs. light duty tow. Hook fee: combined hook fee for two vehicle tow/one tow truck. Staff spoke with City PD who confirmed charges, spoke with tower re: transparency between rate sheet and invoice.

Data is provided to facilitate discussion during the 02/11/2025 work session only.

The Board will not discuss the merits or reasonableness of the fees or a specific complaint.



State Board of Towing
February 14, 2025
Complaint Review

- The Oregon State Board of Towing reviews all submitted complaints.
- Complaints demonstrating possible violations of the Oregon laws assigned to the Board will be reviewed for compliance and violations.
- Complaints alleging unlawful or wrongful conduct outside of the scope of the Board will be referred to the appropriate authority; complaint information will be tracked and reviewed.
- The Board does not adjudicate civil disputes or criminal conduct/actions/behavior.
- Complaints may be deferred for investigation at a later date.

Nature of Complaint	Determination
<u>Authorization/Validity of the tow:</u> <i>Non-preference and rotational tows (OSP, ODOT, other law enforcement and government agencies)</i>	<ul style="list-style-type: none">• The Board does not contest or dispute the validity of tows authorized by law enforcement or government agency.• Complainant will be referred to the appropriate agency with information re: the right to a hearing to contest the validity of the tow.• <i>Other:</i>
<u>Authorization/Validity of the tow:</u> <i>Private Property Impounds</i>	<ul style="list-style-type: none">• An authorization (reasonably) showing the description of vehicle and vehicle location prior to the tow OR notice posted on vehicle for more than 72 hours: tower in compliance; closed, no violation.• Towed with an authorization not reasonably authorizing the tow prior to

	<p>hook up of the vehicle to be towed. Investigation, Board review required.</p> <ul style="list-style-type: none"> • No signed authorization, but vehicle towed with all requirements of - ORS 98.853 (1) (d) are met, Board review required before closing file. • No authorization, vehicle towed for reasons other than exceptions under ORS 98.853 (1): investigation, Board review required.
<p><u>Tow invoices and fee disputes:</u> <i>Non-preference and rotational tows (OSP, ODOT, other law enforcement and government agencies)</i></p> <p><i>Are towing services rendered accurately reflected on invoice?</i></p>	<ul style="list-style-type: none"> • Complainant referred to the authorizing agency. • Other:
<p><u>Tow invoices and fee disputes:</u> <i>Private property impounds – county or city maximum rates established.</i></p> <p><i>Are towing services rendered accurately reflected on invoice?</i></p>	<ul style="list-style-type: none"> • Complainant referred to the appropriate authority for review. • Other:
<p><u>Tow invoices and fee disputes:</u> <i>Private property impounds – no county or city maximum rates established.</i></p> <p><i>Are towing services rendered accurately reflected on invoice?</i></p>	<ul style="list-style-type: none"> • Board staff will conduct audit or review of invoice; board review required. • Other:
<p><u>Failure to provide required documents:</u> <i>Failure to timely provide signed authorization, pre-tow photos, written statement of fees and charges when requested.</i></p>	<ul style="list-style-type: none"> • Investigation. • Other:

<u>Damages incurred during tow:</u>	<ul style="list-style-type: none"> • Civil action • Board tracks complaints and data. • Other:
<u>Tower or tower's employee's behavior or conduct.</u>	<ul style="list-style-type: none"> • Civil action. • Refer to law enforcement if alleged behavior is criminal, threatening, or harassing in nature.
<u>Signage:</u>	<ul style="list-style-type: none"> • Tows completed without signage, reasonably under a signed authorization from property owner or agent (Board direction): • Tows completed without signage, no signed authorization from property owner or agent: Board investigation. <p>OR: Hold all complaints alleging signage violations until after public work session.</p>
<u>Possessory Liens:</u>	Forward to DMV vehicle services for review before opening an investigation.

<p><u>Vehicle registration or equipment – excepting operating a tow vehicle for compensation without TW plate and tow business certificate complaints:</u> <i>Oregon registration requirements, ODOT and USDOT registration number requirements, vehicle weights, equipment requirements, etc.</i></p>	<p>Refer complainant to appropriate federal, state, or local authority charged with enforcement.</p>
<p><u>Operating without a TW plate and tow business certificate:</u></p>	<ol style="list-style-type: none"> 1. Review of complaint information to confirm grounds for investigation through official or public records. 2. Write informational letter to owner and registered agent. 3. Determination of compliance or required action.
<p><u>Owner access to vehicle/possessions:</u></p>	<ol style="list-style-type: none"> 1. Staff assistance in confirming lawful ownership to assist consumer with possible options, explain legal requirements for possessions and access to vehicle owner. 2. Contact tower if there is a possible violation. 3. Board will track and review complaints for possible resolution via legislation or collaborative partners. 4. Other:
<p><u>Collections:</u></p>	<ol style="list-style-type: none"> 1. Assist consumer with ownership information if available, refer to appropriate DMV authority. 2. Hold collection complaints until after public work session.
<p><u>Repossessions:</u></p>	<p>Hold repo complaints until after public work session.</p>



State Board of Towing Definitions Drafting OARs

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

ORS 98.850 Legislative findings and declaration

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

Definition of terms:

Vehicle ownership:

- Lawful owner of the vehicle:
- Operator of the vehicle:
- Person in lawful possession:
- A person with right to possession of the vehicle:
- The owner:
- A person entitled to possession:

Government agency (*federal, state, local or tribal agency*)

ORS 98.853 (2) and 98.854 (2)

Upon Request

ORS 98.853 (3) (b)

Complete hook up

ORS 98.854 (2)

Signed authorization


DRAFT FOR DISCUSSION PURPOSES ONLY

Public policies clarify the intent and meaning of Oregon's statutes and administrative rules AND identify best practices, professional standards, and expectations for members of the industry, the public, property owners and managers, stakeholders, and government entities.

Adoption of public policy does not change or rewrite the laws. Changes to the law are made by the legislature. If a public policy contradicts a relevant statute or rule, the statute or rule will prevail.

The Board's authority to investigate complaints and vote for disciplinary actions is established in Oregon's law, and is not restricted by the date of adoption of public policy.

While the Board has adopted a progressive discipline model for compliance actions the Board may, at its discretion, assess sanctions and civil penalties against a tower when the Board finds a tower's actions were reasonably deliberate, intentional and willful violations of the plain language of the law, or expressly egregious and unethical which resulted in unacceptable risk or harm to a member of the public.

 <p>State Board of Towing Public Policy</p>	Policy No.: PP-24-001-A –Amended
	Supersedes:
	Reference: ORS 98.854 (2), (3) and (4)
Subject: Private Property Impounds, Authorization to Tow	Effective Date:

Authority/Applicable Statute(s) or Administrative Rule(s):

ORS 98.850 Legislative findings and declaration

(2) The Legislative Assembly declares that:

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

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 822.995 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]

ORS 98.854 Prohibitions placed on tower.

A tower may not:

- (2) Except as provided in ORS 98.853 (Conditions allowing towing), tow a motor vehicle from a parking facility without first contacting the owner of the parking facility or the owner's agent at the time of the tow and receiving signed authorization from the owner of the parking facility or the owner's agent that the tower should tow the motor vehicle. The tower shall maintain for at least two years, in electronic or printed form, each signed authorization received under this subsection. Upon request, the tower shall provide a copy of the signed authorization to the owner or operator of the motor vehicle at no additional charge.
- (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.

Purpose:

The purpose of this Public Policy is to:

- (1) Provide interpretation and definition of the plain language of ORS 98.854 (2), (3) and (4) for the public, towing industry, board and industry partners, property owners, and other interested parties.
- (2) Provide transparency in the guidelines used by the Board for reviewing complaints, identifying possible violations and compliance issues, and to determine appropriate board action.
- (3) Identify best practices and standards for the towing industry.
- (4) Board policy will be monitored and may be modified during the proposed administrative rules process.

Law enforcement and state and local governments may enact and enforce additional laws, rules, ordinances, or other regulations in compliance with the laws of the State of Oregon.

Board Interpretation:

ORS 98.854 Prohibitions placed on tower.

A tower may not:

- (2) *Except as provided in ORS 98.853 (Conditions allowing towing) ...*

The Board finds the intent of this statute to be in plain language, and notes that the exceptions provided under ORS 98.854 (2) are described under ORS 98.853 (1) (a) - (d).

ORS 98.854 Prohibitions placed on tower.

A tower may not:

- (2) *... tow a motor vehicle from a parking facility without first contacting the owner of the parking facility or the owner's agent at the time of the tow and receiving signed authorization from the owner of the parking facility or the owner's agent that the tower should tow the motor vehicle.*

The Board finds that the plain language of the intent of the law is clear and will review complaints against the plain language of the law to determine compliance or board action.

(2) ... receiving signed authorization from the owner of the parking facility or the owner's agent that the tower should tow the motor vehicle.

- The Board finds that the plain language of the intent of the law is clear and will review complaints against the plain language of the law to determine compliance or board action.
- As the law does not specify requirements of a signed authorization under ORS 98.854 (2), the Board will define the requirements of the signed authorization in administrative rule.
- The intent of the signed authorization for any vehicle towed is to identify that every tow is authorized by a person or entity with the lawful authority to authorize the tow.
- The purpose of the signature authorization is not to limit or prohibit a parking facility owner from implementing or enforcing parking facility rules or regulation, nor is the intent to allow unauthorized or unlawful parking of a vehicle in a private parking facility or parking in a private parking facility in violation of the facility's rules, regulations, or landlord-tenant agreements.
- It is not the intent of the statutes that a tower dispute or defend the validity of a tow conducted in good faith under a signed authorization clearly identifying (a) the vehicle to be towed (b) the date of the authorization (c) reason for the tow and (d) the authority of the person authorizing the tow.
- In review of complaints submitted to the Board, the Board will consider a communication from the property owner (or their lawful agent) to the tower, or a document or a form signed by the property owner (or their lawful agent), to be in compliance with ORS 98.854 (2) for the purposes of holding a tower harmless for the validity of the tow similar to ORS 98.820 and 98.830 if the communication, document or form include:
 - A description of the vehicle to be towed,
 - The location of the vehicle to be towed, and
 - The correspondence, form or document legibly identifies the person authorizing the tow and their authority to authorize the tow.
 - Is signed and dated by the property owner or the owner's agent at the time of the tow.
- Due to the nature of the towing industry, for the purposes of Board review of complaints, the Board will consider a signed authorization described above valid for 24 hours after the signed authorization is received by the tower.
- A wet signature is preferred, but not required, on the signed authorization.

(2) ... or the owner's agent ...

- The property owner may appoint any person or entity to act as the property owner's agent the property owner so chooses, providing the appointment complies with applicable laws and regulations.
- It is not the intent of ORS 98.854 or of the Board that authorization of a tow is restricted to only the property owner, and it is not the intent of this statute that tows only be authorized during business hours of the business office.

- It is not the intent of the law or the Board to dictate who a property owner can appoint to act as their agent; however, the property owner is responsible for ensuring that the person identified to act as the owner's agent to authorize a tow can lawfully authorize the tow.
- Best practices: The tower should confirm and document who may act as a property owner's agent for individual properties to ensure compliance with the statute and provide proof of authorization in the event of a towing dispute.

(2) ... The tower shall maintain for at least two years, in electronic or printed form, each signed authorization received under this subsection.

DMV requires lien documents to be maintained for five years. While not required, it is recommended that documentation related to towing events involving possessory liens be maintained for five years.

(2) ... 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.

- "Upon request" is deliberate, specific and plain language; however, the Board finds that providing a copy of a signed authorization "upon request" is not always feasible or possible for the tower.
- If a tower is unable to provide a copy of the signed authorization "upon request," the Board will find a tower in compliance with the intent of the statute when a tower provides a copy of the signed authorization to the requester no later than the next business day or at time of release of vehicle, whichever comes first.
- The requirement to provide a signed authorization applies to vehicles (a) towed or impounded by the tower and (b) under the control and custody of the tower in their tow yard.

ORS 98.854 Prohibitions placed on tower.

A tower may not:

(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.

The Board finds that the plain language of the intent of the law is clear and will review complaints against the plain language of the law to determine compliance or board action.

ORS 98.854 Prohibitions placed on tower.

A tower may not:

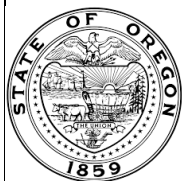
(4) Tow a motor vehicle from a parking facility if the owner of the parking facility or the owner's agent is an employee of a tower.

The Board finds that the plain language of the intent of the law is clear and will review complaints against the plain language of the law to determine compliance or board action.

Reference:

- Initial Concept Summary Document and attachments.
- Board Meeting Minutes and Work Session Notes.

DRAFT FOR DISCUSSION PURPOSES ONLY



State Board of Towing Public Policy

Policy No.:
PP-24-001-B - Amended

Supersedes:
NA

Reference:
ORS 98.854 (4)
ORS 98.853 (1)

Subject:
Private Property Impounds, ORS 98.853 (1)

Effective Date:

Authority/Applicable Statute(s) or Administrative Rule(s):

ORS 98.850 Legislative findings and declaration

(2) The Legislative Assembly declares that:

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

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 822.995 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]

ORS 98.853 Conditions allowing towing

- (1) A tower may tow a motor vehicle if the motor vehicle:
- (a) Blocks or prevents access by emergency vehicles;
 - (b) Blocks or prevents entry to the premises;
 - (c) Blocks a parked motor vehicle; or
 - (d) Parks without permission in a parking facility used for residents of an apartment and:
 - (A) There are more residential units than there are parking spaces;
 - (B) The landlord has issued parking tags or other devices that identify vehicles that are authorized to be parked on the premises; and
 - (C) There are signs posted that are clearly readable by an operator of a motor vehicle in each parking stall or at each entrance to the parking facility prohibiting or restricting public parking on the parking facility.

Purpose:

The purpose of this Public Policy is to:

- (1) Provide interpretation and definition of the plain language of ORS 98.853 (1), for the public, towing industry, board and industry partners, property owners, and other interested parties.
- (2) Provide transparency in the guidelines used by the Board for reviewing complaints, identify possible violations and compliance issues, and to take appropriate board action.
- (3) Identify best practices and standards for the towing industry.
- (4) Board policy will be monitored and may be modified during the proposed administrative rules process.

ORS 98.853 Conditions allowing towing


- (1) A tower may tow a motor vehicle if the motor vehicle:
- (a) Blocks or prevents access by emergency vehicles;
 - (b) Blocks or prevents entry to the premises;
 - (c) Blocks a parked motor vehicle; or
 - (d) Parks without permission in a parking facility used for residents of an apartment and:
 - (A) There are more residential units than there are parking spaces;
 - (B) The landlord has issued parking tags or other devices that identify vehicles that are authorized to be parked on the premises; and
 - (C) There are signs posted that are clearly readable by an operator of a motor vehicle in each parking stall or at each entrance to the parking facility prohibiting or restricting public parking on the parking facility.

The Board finds that the exceptions described under ORS 98.853 (1) are exceptions referenced under ORS 98.854 (2), and the text of the exceptions are clear.

A tower is not prohibited from requiring a signed authorization from the property owner or their agent to tow a vehicle parked as described in ORS 98.853 (1) (a) - (d).

Reference:

- Initial Concept Summary Document and attachments.
- Board Meeting Minutes and Work Session Notes.

	Policy No.: PP-24-001-E - Amended
	Supersedes: NA
	Reference: ORS 98.854 (8)
Subject: Private Property Impounds – Monitoring Parking Facilities ORS 98.854 (8)	Effective Date:

Authority/Applicable Statute(s) or Administrative Rule(s):

ORS 98.850 Legislative findings and declaration

(2) The Legislative Assembly declares that:

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

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 822.995 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]

ORS 98.854 Prohibitions placed on tower

A tower may not:

(8) Park a tow vehicle within 1,000 feet of a parking facility for the purpose of monitoring the parking facility for towing business.

Purpose:

The purpose of this Public Policy is to define the intent of ORS 98.854 (8).

ORS 98.854 Prohibitions placed on tower

A tower may not:

(8) Park a tow vehicle within 1,000 feet of a parking facility for the purpose of monitoring the parking facility for towing business.

The Board finds that the plain language of the intent of the law is clear and will review complaints against the plain language of the law to determine compliance or board action.

Reference:

- Initial Concept Summary Document and attachments.
- Board Meeting Minutes and Work Session Notes.

DRAFT FOR DISCUSSION PURPOSES ONLY



Oregon

Tina Kotek, Governor

State Board of Towing
DMV HQ - 1905 Lana Ave, NE
Salem, OR 97314

Email Address: info@towboard.oregon.gov
Web Site: www.oregon.gov/sbot

OREGON STATE BOARD OF TOWING
Public Work Session
March 11, 2025
1:00 p.m. – 3:30 p.m.

To Attend in Person:

DMV HQ – 1905 Lana Ave., NE
Salem, OR 97314

*RSVP required for in-person attendance at all Board meetings and work sessions.

*DMV is a secure facility; please arrive by 12:55 p.m. Board staff are unable to escort attendees to the conference room once the work session is called into session.

To Attend Remotely:

Attend via Microsoft Teams

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

Meeting ID: 283 902 672 80

Passcode: zf9gP9FF

Dial in by phone

[+1 971-277-1965, 896038822#](tel:+19712771965896038822) United States, Portland

[Find a local number](#)

Phone: (971) 277-1965

Phone conference ID: 896 038 822#

AGENDA ITEM	PRESENTER	Time Est.
1. Call Meeting to Order	Chair	1:00 p.m.
2. Welcome & Introductions (<i>Board Member, Staff, Partners</i>)	All	
3. Approve Agenda	Board	
4. Legislative Updates	Chair	
Board Discussion		
Public Comment & Testimony Board Discussion: Next Steps		
5. Work Session: Collections & Repossessions		
a. Guest Speaker: Tracy Breeding		
b. Board Discussion		
Public Comment & Testimony Board Discussion: Next Steps		

6. Work Session: Towing Rates and Fee		
a. Review of work done to date		
b. Invoices and Complaints		
c. EV Storage – NHTSA Guidelines		
Public Comment & Testimony Board Discussion: Next Steps		
7. Complaints		
a. Board Case No. 2025-01-006 – possible violation of ORS 822.200 operating a tow business without a tow certificate		
8. Private Property Impounds – draft proposed rules process		
a. Review proposed definitions		
b. Check-in on OAR goals and objectives		
Public Comment & Testimony		
9. Next Steps		
a. Review of Work Assignments		
b. Next Meetings:		
April 5, 2025 – OTTA Quarterly Meeting, Knife River Training Center - Albany		
April 8, 2025 – Regular Towing Board Business Meeting - Salem		
10. Adjourn Board Meeting		3:30 p.m.

*Board vote during the meeting may be either consensus or roll call vote, depending on the Agenda item for decision.
Tower votes: Anderson/Baker, McClellan/Shaner

Board partners:

- Law enforcement.
- DMV/ODOT Staff
- Other government agencies (employed staff and authorized representatives)
- Oregon Tow Truck Association (staff and authorized representatives)
- Consumer advocate organizations (staff and authorized representatives)

Public comments:

- Opportunities for public comments are available throughout the work session.
- Before addressing a comment or question to the Board, please state your name for the record.
- Repeated interruptions, failure to identify oneself for the record, or disrespectful comments may be grounds for muting of microphones or removal from the meeting.

Public comments are an opportunity to make comments or provide insight.

- Public sessions are not meant to open dialogues between board members and the public.
- Questions posed during public comment periods may or may not be answered by the Board.
- The Board will not discuss individual cases or complaints during public comment periods.

Public comments presentations will be called in the following order:

- Board partners
- Towing industry members
- General public

Out of respect for everyone's time:

- Public comments may be limited at the discretion of the Chair.
- Please keep public comments limited to the discussion topic.



Oregon

Tina Kotek, Governor

State Board of Towing
DMV HQ - 1905 Lana Ave, NE
Salem, OR 97314

Email Address: info@towboard.oregon.gov
Web Site: www.oregon.gov/sbot

OREGON STATE BOARD OF TOWING Public Work Session March 11, 2025

Location:

Oregon DMV Headquarters
1905 Lana Ave., NE
Salem, OR 97314

Attending Board Member:

Bruce Anderson
Kevin Baker
Chris Coughlin
Trent Hanson, Vice Chair
Lt. Jason Lindland
Gary McClellan
Jason Shaner
Chuck Riley, Chair

Board Staff:

Torey McCullough, Board Administrator

Partners and Guests:

Speakers: Tracy Breeding, President - Creditors Specialty Northwest, Inc.; Tracey Boston, Western International Recovery Bureau.

In-person attendance: Dave Adams, DMV Vehicle Programs; Charles Richmond, S.W.A.T. Towing; Donny and Donna Callahan, Gerlock Towing; Jean Underwood - Beaverton Towing; John Keener - Caveman Towing.

Remote attendance: Oregon DMV Customer Services - Byron Gross; Oregon DMV Regulation Section - Larry Purdy; ODOT Incident Response - Dustin Ross, Robert Riscoe; Oregon Tow Truck Association - Chelsie Kemp; Tim Moore, City of Portland Towing Regulation; AA Towing - Trevor Lee; Advanced Recovery & Towing - Tyler; Dick's Towing - Ronn Crews; Gale's Towing - Lyndsy Gale; Litsis Towing - Crystal Litsis; North Valley Scrap and Towing; Wiltse Towing; Ed; Liz Rumelhart; Max Kenworthy; Michelle Druce - OR Consumer League; Paula Bartok - RTS Resolution; Rocio Goodey.

Work Session Called to Order:

Chair Riley called the public work session to order at 1:05 p.m.
Self-introductions were made.

Meeting Agenda:

Board vote to approve agenda. In favor: Anderson, Baker, Coughlin, Lindland, McClellan, Shaner, Hanson, Riley. Opposed: None. Agenda approved.

Purpose:

The focus of the work session was to continue the Board's discussion of the rate and fee statutes, with a review of Oregon's collection and repo laws to assist in identifying best practices and compliance enforcement.

Guest Speakers:

Mr. Tracy Breeding - Creditors Specialty Northwest, Inc.

Mr. Breeding provided an overview of collection practices in Oregon and insight on some of the invoices that have been submitted to the Board in collection disputes.

- Towers should not be charging for a collection fee unless the fee meets the legal requirements.
- Invoices should be itemized; generalized invoices that do not provide itemization of what the client is charged for may not make it through the collection process.
- Charges on invoices should be reasonable, not exaggerated and should not include charges for services not rendered or petty charges that can be construed as junk or cost of business expenses.
- A DMV title search should be conducted before attempting a debt and if there is a DMV flag hold – when DMV has been notified of the sale of the vehicle.
- Owners have 10 days to contact DMV that a vehicle has been sold. If DMV is not notified, the owner remains responsible for the vehicle, including civil liability and tow fees if the vehicle is towed.
- Best practices to begin collection efforts is 30 days after the invoice. Statute of limitations for the validity of the debt is six years.
- Mr. Breeding confirmed that chargebacks by a customer are a collectible debt.
- Best practices for protecting against chargebacks: the customer signature on the form, with a photocopy of the ID, a signed agreement to the charges, and an in-person signature.

Mr. Tracey Boston, Western International Recovery Bureau.

Mr. Boston provided an overview of repossession business practices.

- Repo towers should be aware of breach of peace conflicts. If a conflict or confrontation escalates, the repo tower should disengage and try later.
- Most lending contracts include business invites allowing a repo tower to repossess a vehicle from almost anywhere (including places of business and employment).
- Lender is responsibility for the validity of the repossession to the point of assignment to the repo tower.
- In Oregon, repo companies are to be registered or licensed by NMLS, registration regulated by Dept. of Consumer & Business Services, Division of Financial Regulation.

There was a general discussion of repo trucks vs. tow trucks. Consensus was reached that regulation of the repo industry for better compliance enforcement.

Repo trucks are required to have TW plates. The “for hire” exemption used by some repo companies does not meet the exemption requirement. The TW plate is required if a repo truck is towing vehicles for compensation in Oregon.

Legislative Updates:

Chair Riley provided the following legislative update:

There are three towing bills that have been introduced this session:

1. ODOT/DMV and Board relationship clarification - HB3186
2. Rep Neuron’s bill regarding personal property, credit card payments, and requiring towers to give the invoice to the payer of the tow bill at time of payment, unable to charge additional storage fees until the invoice is provided – HB3566.
3. Remove exceptions under ORS 98.853 (1) and ORS 98.854 (2) for conformance with other tow laws and remove gray areas. SB1036.

Chair Riley reported that Rep. Neuron is amending HB3566 to remove the credit card requirement and the expanded personal possessions requirement. Rep. Neuron will be forming an interim work group after the 2025 session with the goal of:

- Gathering all relevant towing laws under on statutory chapter and
- Address or remove statutory contradictions and inconsistencies.

The work group’s efforts will provide for clearer, more concise laws in “one spot” in the ORS chapters and help reduce some of the confusion caused by current laws being placed in different statutes.

Mr. Donny Callahan suggested adding helping towers getting paid under liability coverage as one of the goals of the work group.

DMV Ownership Records

Mr. Dave Adams, DMV Vehicle Programs confirmed the following for the 10-day flag requirement:

- The 10-day flag is posted by DMV staff within weeks of being received; the post date will show the date DMV was notified.
- If DMV is notified prior to an impound, then the flag should be honored. There was discussion that sometimes the vehicle is impounded before the paperwork is processed.
- If the paperwork has not been processed, or if a vehicle owner needs proof of ownership, the vehicle owner can visit a DMV field office for a DMV letter of ownership.

Complaint Review

In review of the rate and fee complaints, Mr. Hanson noted:

1. Insurance companies are requiring additional buffers or protections for towers who store wrecked or damaged electric vehicles.
2. There is an increase in post-accident and recovery compromise requests.

Board Case No. 2025-01-006

- The Board voted to discipline the Respondent in Case No. 2025-01-006 for violation of ORS 822.200.
- The Board Administrator was directed to provide additional documents and information on the disciplinary options and process for the April Board meeting and formal vote.

Strategic Plan

- After discussion, the Board consensus is to delay the administrative rules hearing until the fall, focusing on reviewing cases for disciplinary actions and enforcement of the current statutes and Board public policies.
- The Board will continue to identify possible administrative rules during work sessions, but work will focus on applying current policies instead of defining additional statutes or developing administrative rules.
- There was a brief discussion of the Board appointing a Rules Advisory Committee, similar to state agencies like DCBS. The Board Administrator will develop a proposal and information for Board review at the April board meeting.

Work Session Review

- The Board Administrator and Ms. Coughlin will work together on updating the collection and repo guidelines.
- The Board Administrator will draft a Notice of Proposed Action for Case No. 2025-01-006 for Board discussion.
- The Board Administrator will draft a rates and fees policy based on the discussions of the public board meetings and work sessions.
- The Board Administrator will draft the proposed rule definitions related to ownership and other definitions already determined by the Board.

Next Board meeting:

The Board will meet on April 8, 2025, to conduct a regular board meeting.

Adjourned:

There being no further business before the Board, Chair Riley adjourned the public work session at 2:59 p.m.

Documents Considered by the Board

- Agenda
- Collection and Repo DRAFT Guidelines
- Complaint Summaries

Minutes prepared by Torey McCullough
Minutes APPROVED by Board vote:

PRELIMINARY DRAFT



Work Session Review

Work Session Notes from

01/14/2025 & 02/11/2025

Work Session Notes are a record of discussions are not intended to be construed or interpreted as formal adoption of rule or policy.



State Board of Towing January 14, 2025 - Work Session Notes Tow Rates and Fees

This document does not represent formal Board decisions or policy; the document facilitates board discussion to:

- 1. Define or clarify ambiguity in Oregon law.*
- 2. Address situations and scenarios submitted in complaints*
- 3. Answer questions or provide clarification to the public, towing industry, and board partners.*

ORS 98.850 Legislative findings and declaration

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

Board's authority:

ORS 822.265 Rulemaking authority

(1) In accordance with applicable provisions of ORS chapter 183, the State Board of Towing may adopt rules:

- (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 822.285 Additional powers of board

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

ORS 822.995 Civil penalties for violations related to towing

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

ORS 98.853 (3) (a) and (b) – hook up fees.

(3)

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

(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.

- The Board may further defining the statute as part of its proposed administrative rule drafting and Board's legislative review processes.
- At this time, the requirement for a PPI tow is reasonable compliance with: ORS 98.853 (3) (b): the impounded vehicle be secured to the towing vehicle in a manner that the towing vehicle can safely remove the impounded vehicle from the private parking facility.
- The hook up requirement under ORS 98.853 (3) (b) is for removal of an impounded vehicle from a private parking area only; the requirements under ORS 98.853 (3) (b) do not meet the hook up requirements for a vehicle towed on public roadways. The tower must comply with the state and federal hook up requirements before entering a public roadway.

ORS 98.854 Prohibitions placed on tower

(5) – towing charges.

A tower may not ... 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.

- The requirement under this statute is clear as written.
- Consumer complaints submitted to DOJ are forwarded to the Board for review and resolution.
- If the tow is authorized by law enforcement or a government agency then a disputed invoice will be forwarded to the authorizing agency for an audit.
- The Board may review the disputed invoices against the contracted rates. The Board (a) will consider tow services rendered independent of the cost sheet (b) refer and defer to the agency for a final decision and (c) will not dispute the findings of the authoritative agency.

ORS 98.854 (6) and (14) – prohibition of charges

(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.

(14) Charge for the hookup and release of a motor vehicle except as provided in ORS 98.853 (Conditions allowing towing).

- The requirement under this statute is clear as written.
- Statewide rate setting will require changes in statute. The Board is not proposing a change to legislation regulating rates and is not aware of any proposed legislation requiring rate setting.
- Consumer complaints submitted to DOJ are forwarded to the Board for review and resolution.
- Maximum rates for towing established: Complaints will be forwarded to the appropriate agency.

- No maximum rates established: the Board may review the disputed invoices against the tower's written statement of fees and costs and consider services rendered, reasonable and customary costs, and transparency of invoicing.
- The maximum rates established by a local authority are applicable to the towing circumstances and jurisdiction of that authority, only.
- Maximum or allowed rates established by one jurisdiction do not apply to another jurisdiction.

ORS 98.856 (1)

(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.

Hello,

Are towing companies required to give you a full breakdown of their costs such as the hookup fee, towing fee, and vehicle release fee?

Thank You,

- The requirement under this statute is clear as written.
- Clarification:
Yes: towers must provide a breakdown of their fees and charges.
No: towers do not have to provide a breakdown of their costs.
- Complaints submitted to DOJ are forwarded to the Board for resolution.
- The Board will conduct an audit against the disputed invoice and the tower's written statement of fees and charges and determine compliance.
- Exception:
 - If a tow is conducted under a non-preference or rotational tow contract authorized by law enforcement or another government agency, release of the tow rate sheet is through the authorizing agency.
 - If there is no rate sheet provided to the authorizing agency, then the Board may conduct an audit using the written statement required under ORS 98.856 (1) and collaborate any decisions with the authorizing agency.
- Towers may have more than one rate sheet (e.g., motor or other contract, LE rotation, private tow). Only the rate sheet relevant to the towing incident should be considered when reviewing an invoice.

- Requirement under (1) (a): “all” may be overly burdensome and may not encompass all fees and expenses associated with a tow. The Board will consider actual services rendered and the circumstances of the tow when reviewing or auditing any disputed invoices.

ORS 98.856 (2) and (3)

(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.

- The requirement under this statute is clear as written.
- An insurance company paying for the release of the vehicle or towing charges is entitled to the conspicuous written statement prior to payment. A tower is not required to waive or discount storage and other fees while an insurance company reviews the written statement.
- A vehicle owner or insurance company should first request clarification of any questions on a tow bill, compare charges from the invoice with the services rendered and rate sheet, and consider the towing services provided prior to filing a complaint with a state or local agency.

ORS 98.856 (5)

(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.

- The requirement under this statute is clear as written.
- Failure to provide a written statement as required under ORS 98.856 (5) is grounds for disciplinary action.
- A written bid or quote complies with this statute for an contracted or pre-authorized tow in lieu of the tower providing a full list of the tower’s fees and charges.

ORS 98.856 (6)

The Board has tabled “personal property of an emergency nature” for future discussion.

ORS 98.852 (6) “Personal property of an emergency nature” includes, but is not limited to, prescription medication, eyeglasses, hearing aids, clothing, identification, a wallet, a purse, a credit card, a checkbook, cash and child safety car and booster seats.

- Clarifications:
 - At the tower’s discretion, a non-vehicle owner may remove emergency personal items from a vehicle. The gate fee restrictions apply.
 - Uniforms, legal documents, keepsakes, electronics, and other items not specified under ORS 98.852 (6) are not required to be released from the tower without payment of the tow fee.

ORS 98.862 Exceptions to requirements of ORS 98.856

ORS 98.856 (1) A tower need not provide the written information required under ORS 98.856 ... if: (1) The motor vehicle is towed from a parking facility where the tower has provided the information on signs that are clearly readable by an operator of a motor vehicle in each parking stall or at each entrance to the parking facility.

- The requirement under this statute is clear as written.
- To comply with the exception, the sign must show:
 - (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.*

The remainder of the work session discussion points are tabled for future work sessions.

###



State Board of Towing Work Session Notes – Rates and Fees February 11, 2024

Oregon Dept. of Transportation (ODOT) and Oregon State Police (OSP) shared information about the non-preference tow rotations used by both agencies to tow vehicles identified by either agency as abandoned or hazards.

Both agencies use the same rotation list. The “next up” tower on each list is different given the number of tow calls for each agency.

Individuals towed by either agency have the right to request a hearing to contest the validity of tow and the towing charges. The agency mails a letter to the vehicle owner, and the owner has five days from the date of the letter to request a hearing.

ODOT and OSP do not regulate towing fees and charges at this time; towers submit a rate sheet with their non-preference tow rotation application. The agencies review submitted invoices for compliance with the rate sheet, but the agencies do not regulate the fees that are on the rate sheets.

For fee complaints, the agency will review fees and the rate sheet, and work with the tower and possibly DOJ to resolve issues.

If the agency made an error and the tow is invalid, the agency pays for the tow. Otherwise, the vehicle owner pays for the tow, or, in some cases, the tower doesn’t get paid if the owner abandons the vehicle.

Control of the vehicle transfers from the state agency to the tower when the state agency leaves the scene. If the owner shows up while agency staff is there, then agency staff can release to the person if lawful ownership is determined.

The authorizing agency contracts should include information and direction to towers of when the acquires custody and control of the vehicle, and under what circumstances and conditions a tower should release a vehicle if the lawful owner or operator returns to the vehicle when the vehicle has not been towed from the scene.

Once the vehicle is impounded to the tower’s tow yard, and the vehicle is under the custody and control of the tower, the tower may release the vehicle (a) to the person identified in a written release or order from the authorizing agency or (b) to

Lt. Joshua Moyes of OSP confirmed that OSP provides towers with the contact information for the vehicle owner at the scene of the wreck or collision. The Board will work with other law enforcement or other government agencies who do not provide this information at the scene.

Board's role for complaints under a non-preference or rotational tow program, or when the local municipality has established maximum rates or fees under ORS 822.230.

- Board staff will review complaints, answer obvious questions or provide assistance, and forward complaints to the authorizing state agency for hearings and audits.
- The Board will assist partner agencies with compliance enforcement under its authority when requested; the Board will not make determinations that contradict or conflict with findings of the authorized agency.
- Board members will review complaints and track data, monitor trends, and determine best practices and other actions as appropriate.

For tow or recovery services (1) not authorized by law enforcement or other government agency or (2) towed from or stored in jurisdictions where maximum rates and fees have not been established:

- The Board will review the invoices provided to the consumer/vehicle owner against the tower's written tow charges and fee rate sheet for consistency and compliance.
- The Board will review all complaints and consider either outreach and education or possible disciplinary action for violation of ORS 98.856 (1).

Invoicing for combo vehicles:

After discussion, the Board will review the combo vehicle invoices and circumstances before determining a formal policy. Things the Board will consider:

1. For jurisdictions with maximum tow rates, separate invoices and charges for combo vehicles are necessary for a tower to be fairly compensated.
2. Towers outside of maximum rate areas have multiple options, including setting hookup fees for combo tow situations and charging additional labor expenses when needed to secure the second vehicle.
3. If combo vehicles are separated for towing, each vehicle would have separate charges for the tow.

Collection Complaints

Case No.	Complaint	Allegations	Comments
2024-01-018	Collections	<p>*Complainant sold vehicle in 2021, did not provide notice to DMV as required by ORS 803.112</p> <p>*Title not transferred. Vehicle towed by code enforcement, complainant listed as vehicle owner in city notice and records.</p> <p>*Complainant refused to pay storage fees as she no longer owned the vehicle.</p> <p>*Account sent to collections.</p> <p>*Complainant disputed collection account in court, court judgment was for the tower.</p>	<p>*Not a Board complaint.</p> <p>*Complainant/Complainant was owner of vehicle under DMV official records.</p>
2024-02-008	Collections	<p>*Vehicle towed at request of a local government agency.</p> <p>*Tower forwarded file to collection agency.</p> <p>*Complainant alleges they were not the owner of the vehicle.</p> <p>*Staff could not confirm titled ownership at time of tow.</p>	Complainant referred to state where vehicle was registered and to the collection agency.
2024-03-010	Collections	<p>*Complainant sold their vehicle 2020, notified DMV of the sale five months after the sale of the vehicle.</p> <p>*Vehicle towed 11 months after notice to DMV.</p>	<p>*DMV wrote letter to towing company re: ownership requirements.</p> <p>*No additional communication received by the Board.</p>
2024-04-010	Collections - Stolen	<p>*Complainant had not registered vehicle in their name at the time of theft (recent purchase of vheicle).</p> <p>*County sheriff contacted vehicle owner re: recovery of the vehicle.</p>	<p>*Referred complainant to Washington County Sheriff's Dept for fee dispute.</p> <p>*Hold complaint for review when Board reviews ORS 822.235 Recovery after theft</p>

Repossession Complaints

Case No.	Complaint	Allegations	Comments
2024-02-010	Repo	<p>Allegations and statements made by Complainant:</p> <ul style="list-style-type: none"> *Vehicle repo'd on the 7th day of the month. *Credit union told Complainant they had a 10-day window to settle outstanding debts or retrieve personal belongings from the vehicle before it would be auctioned. *Complainant settled the debt and the repurchase of the vehicle on the 13th day of the month (within 10 days of the impound). *Complainant called the tow yard to arrange pick up of vehicle; Complainant was informed that the vehicle was sent to auction and potentially sold, on 9th day of the month. *Belongings were removed prior to transport to the auction yard and Complainant required to pay \$50 for possessions. *Complainant paid the original tow and storage fees to the lender; repo'r required Complainant to pay a retrieval fee (to retrieve the vehicle from auction yard) and any auction house fees. 	<ul style="list-style-type: none"> *Credit Union operates outside of the state of Oregon. *Referred borrower to DCBS - Division of Financial Regulation for complaint against the lender.
2024-03-014	Repo	<p>Allegations and statements made by Complainant:</p> <ul style="list-style-type: none"> *Complainant resolved issue with the creditor, alleges repo'r refused to release vehicle to Complainant for an extended period of time after debt resolved. *Complaint alleges vehicle suffered extensive mold damage to the interior of the vehicle due to unsafe storage and leaving the vehicle without proper cover. 	<ul style="list-style-type: none"> *Tower documentation does not support borrowers statement of vehicle release. *Damages are a civil issue. *Allegations of ADA and discremination is a DOJ issue, not a Board issue.
2024-04-018	Repo	<p>Allegations and statements made by Complainant:</p> <ul style="list-style-type: none"> *Complainant was purchasing vehicle from a friend on a personal loan agreement. *Repo'r made a spare key and removed personal property within two weeks of the repo. *Complainant required to pay the repo'r \$500 for the tow, \$135 for the spare key and \$75 fee to get possessions back. *Complainant reports missing and damaged personal items. 	Complaint held for Board review.
2024-05-001	Repo	Complainant alleges improper and unsafe towing of repo'd vehicle.	<ul style="list-style-type: none"> *Matter referred to DCBS - Division of Financial Regulation. *Vehicle released to borrower with no additional payment. <p>Videos Provided.</p>

2024-09-021	Repo	<p>Allegations and statements made by Complainant:</p> <ul style="list-style-type: none"> *Vehicle located on private property, no trespassing signs posted. *Complainant arrived prior to hook up, locked themselves in the vehicle, and continued to demand repo'r leave. repo'r continued to hook up vehicle, then dropped the vehicle 8 - 12" with Complainant inside, causing injuries. *Conflict lasted over an hour. 	<ul style="list-style-type: none"> *Police called, informed parties it was a civil matter. *Complainant filed a civil action against repo and collection agency for damages. *Waiting for case status update.
2024-12-010	Repo	<p>Allegations and statements made by Complainant:</p> <ul style="list-style-type: none"> *Complainant arrived prior to hook up, locked themselves in the vehicle, and continued to demand repo'r leave. *Confrontation lasted 10 hours per complaint. *Repo'r would lift vehicle and drop it with Complainant in the vehicle; removed possessions from the vehicle; physical confrontation with a third-party who attempted to intervene. 	<ul style="list-style-type: none"> *Police called but would not intervene.
Waiting for formal complaint and information.	Repo	<p>Allegations and statements made by Complainant:</p> <ul style="list-style-type: none"> *Repo'r did not strap truck down, did not use dollies, and dropped the truck off the lift. *An additional \$75 dollar fee required or truck will be repossessed again. *Electronics stolen from vehicle. *No plate on the tow truck. *repo'r made racist and derogatory comments about Complainant in front of family, and made similar statements to the Complainant's children. 	Waiting for formal complaint and information.
Waiting for formal complaint and information.	Repo	<p>Allegations and statements made by Complainant:</p> <ul style="list-style-type: none"> *Vehicle towed from Complainant's place of employment. *Area was cordoned off from the rest of the parking area with fencing and gated entry, no trespassing, employee parking only signs posted. *Repo'r entered parking area through an open gate. 	Waiting for formal complaint and information.
2025-03-001	Repo	<p>Allegations and statements made by Complainant:</p> <ul style="list-style-type: none"> *Complainant arrived prior to hook up, locked themselves in the vehicle, and continued to demand repo'r leave. *Repo'r refused to provide paperwork showing orders to tow vehicle, forced themselves into the vehicle, removed Complainant, repo'd vehicle. *Complainant reports a list of personal items repo'r refused to return. 	

Complaints for Review

Case No.	Complaint	Allegations	Comments
2025-01-006	ORS 822.200	<div>*Towing vehicle is a truck displaying passenger tree plates. *Registered with Secretary of State for towing services.</div>	<div>Respondent stated they would register for tow business cert/TW Plates at end of February. Renewed passenger vehicle registration.</div>

Interim Guidance for Electric and Hybrid-Electric Vehicles Equipped With High-Voltage Batteries (Towing and Recovery Operators and Vehicle Storage Facilities)

Electric and Hybrid-Electric Vehicle Considerations

In the event of damage, fire, or flooding involving an electric vehicle (EV) or hybrid-electric vehicle (HEV):

- Always assume the high-voltage (HV) battery and associated components are energized and fully charged.
- Exposed electrical components, wires, and HV batteries present potential HV shock hazards.
- Venting/off-gassing HV battery vapors are potentially toxic and flammable.
- Physical damage to the vehicle or HV battery may result in immediate or delayed release of toxic and/or flammable gases and fire.
- A HV battery in a flooded vehicle may have high voltage and short circuits that can shock and cause fires.

- **DETERMINE IF THE VEHICLE IS AN ELECTRIC OR HYBRID-ELECTRIC VEHICLE**, and if it is, advise Dispatch and all responders that an electric or hybrid-electric vehicle is involved.
- Be alert. There is a potential for delayed fire with damaged lithium-ion batteries.
- Consult with the responding fire department to determine the actions it took.
- If you detect leaking fluids, sparks, smoke, flames, increased temperature, gurgling, popping, or hissing noises from the HV battery compartment, call 911.
- **Notify an authorized service center or vehicle manufacturer representative as soon as possible as there may be additional steps necessary you or they can take to secure and, discharge, handle, and store the HV battery and vehicle.**
- Notify the storage facility of your actions and the actions the Emergency Responders told you that they took.

If you are properly trained and equipped, which includes using personal protective equipment, then consider the following:

Vehicle Shutdown and High-Voltage System Disabling

RECOVERING/TRANSPORTING VEHICLE

- **Call an authorized service center or vehicle manufacturer representative to determine additional steps that you should take to safely recover or transport the vehicle.**
- Always approach vehicle from the sides to stay out of potential travel path. It may be difficult to determine if the vehicle is running due to lack of engine noise.
- Place vehicle in Park, set the parking brake, turn off the vehicle, activate hazard lights, and remove keys to a distance at least 16 feet from the vehicle until loading the vehicle for transport.
- Refer to vehicle manual/recovery guide to locate proper attachment/connection points and transport method.
- Avoid contact with orange high-voltage cabling and areas identified as high-voltage risk by warning labels.

STORING VEHICLE

- Do not store a severely damaged vehicle with a lithium-ion battery inside a structure or within 50 feet of any structure, vehicle, or combustibles.
- Ensure that passenger and cargo compartments remain ventilated.
- Prior to placing and while located in storage area/tow lot, continue to inspect vehicle for leaking fluids, sparks, smoke, flames, gurgling, or bubbling sounds from the HV battery and call 911 if any of these are detected.
- Maintain clear access to stored vehicles for monitoring and emergency response if needed.



Oregon State Board of Towing

Tower Collection Activities in Oregon

Disclaimer:

This document is an informational and resource guide prepared by the Oregon State Board of Towing.

This resource is not intended to be legal or regulatory advice. Reference to federal regulations and state statutes in this document are not meant to be all inclusive, and are not applicable to all collection activities. The reader is reminded that laws and regulations change, are subject to interpretation, and are dependent on context and circumstances.

Legal advice should only be provided by an attorney representing you or your organization and the advice should be tailored to the facts and circumstances of the collection event.

General:

Debt collectors and repossession agencies must comply with federal and state laws, including the Fair Debt Collection Practices Act.

State Agencies:

Oregon State Board of Towing

The Oregon State Board of Towing was established to protect the safety and well-being of the public through enforcement of laws regulating the towing industry.

Current Oregon towing laws administered by the Board are specific to consensual and non-consensual tows and recovery actions authorized by law enforcement, state and local agencies, private property owners, and vehicle owners and operators.

Oregon laws regulating towing do not extend to repossessions. The Board does not administer, regulate or enforce debt collection laws and rules.

The Board's role in debt collection and repossession complaints:

1. Confirm a tow company is operating under a tow business certificate required under ORS 822.205 and OAR 735-154-0000.
2. Act as a conduit of information for the public, tow industry, and others.
3. Does not investigate unlawful debt collection practices or repossession complaints.

Dept. of Consumer and Business Services - Oregon Division of Financial Regulation

The Division of Financial Regulation (DFR) protects consumers and regulates insurance, depository institutions, trust companies, securities, and consumer financial products and services.

DFR regulates collection agencies and registers third-party collection agencies (companies hired by a creditor to collect debts, including repossession companies.)

Lenders and creditors (including tow companies) who collect their own debt are original creditors and do not require a state-issued registration from DFR.

DFR:

1. Accepts and responds to complaints from creditors experiencing issues with third-party collectors, such as not receiving the money or collateral collected.
2. Verifies required registration of tow companies providing repossession services.
3. Investigates debt collectors and repossession companies who may be unregistered.
4. Does not investigate collection action complaints.

Oregon Dept. of Justice - Consumer Protection

DOJ's Consumer Protection Division enforces consumer protection laws and invests in consumer education. DOJ does not represent individual consumers in legal actions.

DOJ will accept complaints from consumers in Oregon who:

1. Were victimized by a debt collector.
 2. Believe an individual, company or agency may be engaging in unlawful debt collection practices.
 3. Have issues with the methods the collection agency uses while attempting to collect the debt, such as excessive phone calling or threatening arrest.
-

Collections:

An Oregon tow company can lawfully collect an outstanding debt for an unpaid balance for towing or recovery services, charges, and storage fees. The tow company may contact the customer directly to resolve the debt, hire a collection agency, or take legal action.

Ownership of the vehicle:

In Oregon, a bill of sale is not valid for the purposes of determining the debtor in a collection action.

Ownership of a vehicle is determined by DMV records. Even if the vehicle was sold to another person prior to the tow, the vehicle remains the responsibility of the titled owner as recorded in DMV records until the new owner titles the vehicle in their name.

Vehicle titled in Oregon:

A tower can legally pursue collection actions against the vehicle owner of record in DMV official records, unless the vehicle owner (1) notified DMV of the transfer of ownership within 10 days of selling the vehicle.

Vehicle titled outside of Oregon:

As ownership laws and requirements may vary from state to state, towers should contact the respective state's DMV office to determine lawful ownership requirements for purposes of collection actions.

Repossessions

Creditors may hire a tow company to repossess a vehicle when the borrower has defaulted on their payments.

Towers are sub-contractors of the lenders and are required to:

1. Hold an active tow business certificate issued by Oregon DMV.
2. Be registered with DCBS – DFR
3. Follow the federal Fair Debt Collection Practices Act (FDCPA).

There are no other current Oregon laws regulating the repossession industry. The Board cannot provide advice on the validity of a repossession or a borrower's rights and expectations.

As financial institutions and financial contracts have different provisions and agreements, debtors should first contact the lender to resolve any issues with the repossession.

Consumer resources

Additional resources available to the public.

Federal Resources:

Consumer Financial Protection Bureau

<https://www.consumerfinance.gov/complaint>

The Consumer Financial Protection Bureau is a federal government agency created to protect consumers from unfair, deceptive, or abusive practices and to take action against companies that break the law.

The Federal Trade Commission

www.ReportFraud.ftc.gov

The Federal Trade Commission protects the public from deceptive or unfair business practices and from unfair methods of competition through law enforcement, advocacy, research, and education.

State Resources:

Oregon Dept. of Justice – Consumer Protection

<https://www.doj.state.or.us/consumer-protection/credit-loans-debt/debt-collection>

Oregon Consumer and Business Services Division – Division of Financial Regulation

<https://dfr.oregon.gov/financial/Pages/index.aspx>

Oregon State Board of Towing

www.oregon.gov/sbot

Other organizations:

LawHelp.org

<https://www.lawhelp.org/find-help/>

LawHelp.org was created to help people without lawyers understand their rights, make informed decisions and connect to help in your local community. LawHelp.org provides referrals to nonprofit legal aid organizations in every state and territory, free legal rights resources, court forms and self-advocacy tools.

National Consumer Law Center

<https://www.nclc.org/how-to-get-legal-assistance>

Oregon State Bar

<https://consumerlaw.osbar.org/about-consumer-law>

<https://www.osbar.org/public/legalinfo/consumer.html>

Oregon Consumer League

<https://oregonconsumerleague.org>

Materials:

- Fair Debt Collection Practices Act
- Fair Debt Collection Practices Act – 2021 Amendment
- FTC Consumer Advice – Vehicle Repossession
- FTC Consumer Advice – Debt Collection FAQs

Federal Trade Commission Consumer Advice

Debt Collection FAQs

Original Source: <https://consumer.ftc.gov/articles/debt-collection-faqs>

Is a debt collector calling? What can you do? What are your rights? The Fair Debt Collection Practices Act (FDCPA) makes it illegal for debt collectors to use abusive, unfair, or deceptive practices when they collect debts. Here are some answers to frequently asked questions about your rights.

What To Know About Debt Collection

What types of debts are covered under the law?

You have important rights under the FDCPA for your credit card debt, car loans, medical bills, student loans, mortgage, and other household debts. Business debts are not covered by the FDCPA.

Are debt collectors allowed to contact me at any time or place?

No. The law limits how and when a debt collector can contact you about covered debts. There are also ways to stop a debt collector from contacting you (see: **How do I stop a debt collector from contacting me?**)

Debt collectors

- can't contact you before 8 a.m. or after 9 p.m., unless you agree to it
- can't contact you at work if you tell them you're not allowed to get calls there
- can't contact you by email or text message if you ask them to stop
- can't call you more than seven times within a seven-day period or within seven days after talking with you by phone about a particular debt
- can't privately message you on social media if you ask them to stop

How are debt collectors allowed to contact me?

Debt collectors can call you, contact you by private message on social media, or send letters, emails, or text messages to collect a debt.

What does the debt collector have to tell me about the debt?

A collector has to give you "validation information" about the debt either when they first communicate with you or within five days of the first contact. The collector has to include the following

- their name and mailing address
- the name of the creditor you owe it to

- how much money you owe, written out to include interest, fees, payments, and credits
- what to do if you don't think it's your debt
- your debt collection rights, including your right to get information about the original creditor if you ask for it within 30 days of getting validation information from the collector

How do I stop a debt collector from contacting me?

Mail a letter to the collection company and ask it to stop contacting you. Keep a copy for yourself. Consider sending the letter by certified mail and paying for a "return receipt." That way, you'll have a record the collector got it.

Once the collection company gets your letter, it can only contact you to confirm it will stop contacting you in the future or to tell you it plans to take a specific action, like filing a lawsuit. If an attorney is representing you, tell the collector. The collector must communicate with your attorney, not you, unless the attorney doesn't respond to the collector's communications within a reasonable time.

But consider talking to the collector at least once, especially if you don't think you owe the debt or can't repay it immediately. That way, you might be able to confirm whether it's really yours or find out more about the amount owed. To avoid [debt collection scammers](#), don't share your personal or financial information until you've gotten validation information or are already familiar with the collector.

Can a debt collector contact anyone else about my debt?

Generally, a debt collector can't discuss your debt with anyone but you or your spouse. If you've told the collector an attorney is representing you, the collector must contact the attorney. A collection company can contact other people to find out your address, your home phone number, and where you work, but usually it can't contact them more than once, and it can never tell them you owe a debt.

What if I don't think I owe the debt?

Once you get the validation information (see **What does the debt collector have to tell me about the debt**), if you still don't recognize a debt, or don't think the debt is yours, send the debt collector a dispute letter. Say you don't owe some or all of the money, and ask for verification of the debt.

Make sure to send the dispute letter within 30 days. Once the collection company gets the letter, it must stop trying to collect the debt until it sends you written verification of

the debt, like a copy of the original bill for the amount you owe. Consider sending your letter by certified mail and requesting a return receipt to show that the collector got it. Keep a copy of the letter for your records.

If you don't dispute the debt within 30 days of getting the validation information, the debt collector will assume the debt is legitimate.

What are debt collectors not allowed to do?

Collectors can't harass you. For example, collectors

- can't threaten to hurt you
- can't use obscene or profane language
- can't call you more than seven times within a seven-day period, or within seven days after talking with you on the phone about a particular debt

Collectors can't lie. For example, collectors

- can't tell you that you owe a different amount than what you actually owe
- can't pretend to be an attorney or from the government
- can't tell you that you'll be arrested, or claim they'll take legal action against you if it's not true

Collectors can't treat you unfairly. For example, collectors

- can't try to collect interest, fees, or other charges on top of the amount you owe, unless the original contract or a law says they can
- can't deposit a post-dated check early
- can't publicly reveal your debts, including by sending postcards or putting information on envelopes

What To Know About Repaying Debts

Am I able to control which debts my payments apply to?

Yes. If a debt collector is trying to collect more than one debt from you, the collector must apply any payment you make to the debt you choose. A debt collector can't apply a payment to a debt you say you don't owe.

Can a debt collector report my debt to a credit reporting company?

Yes, but a debt collector must take one of the following actions before reporting a debt to a credit reporting company

- talk to you by phone or in person about the debt

- mail a letter or send an electronic communication about the debt, such as a validation notice, and wait for a reasonable amount of time, usually 14 days, in case it's returned as undeliverable

What To Know About Lawsuits and Garnishment

What happens if a debt collector sues me?

If a debt collection lawsuit is filed against you, respond by the date specified in the court papers. You are allowed to respond either personally or through your attorney. To preserve your rights, respond and don't ignore the lawsuit. To learn more, read [What To Do if a Debt Collector Sues You](#).

Can a debt collector take money from my paycheck or bank account?

Yes, but the collector must first sue you to get a court order — called a garnishment — that says it can take money from your paycheck to pay your debts. A collector also can get a court order to take money from your bank account. Don't ignore a lawsuit, or you might lose the chance to fight a court order.

Can a debt collector take money from my federal benefits?

Many federal benefits are generally exempt from court-ordered garnishment and states have their own laws about which state benefits can be garnished.

Federal benefits that are generally exempt from garnishment (except to pay delinquent taxes, child/spousal support, or student loans) include

- Social Security benefits
- Supplemental Security Income benefits
- Veterans benefits
- Federal student aid
- Military annuities and survivors' benefits
- Benefits from the Office of Personnel Management
- Railroad retirement benefits
- Federal emergency disaster assistance

What To Know About Old Debts

What if my debt is old?

Debt doesn't usually go away, but debt collectors do have a limited amount of time to sue you to collect on a debt. This time period is called the "statute of limitations," and it usually starts when you miss a payment on a debt. After the statute of limitations runs out, your unpaid debt is considered "time-barred."

How long the statute of limitations lasts depends on what kind of debt it is and the law in your state — or the state specified in your credit contract or agreement creating the

debt. In some states, if you make a payment or even acknowledge in writing that you owe the debt, the clock resets and a new statute of limitations period begins. In that case, your debt is no longer time-barred.

Can a debt collector sue me about a time-barred debt?

If a debt is time-barred, it's against the law for a debt collector to sue you for not paying it. If you do get sued for a time-barred debt, tell the judge that the statute of limitations has run out.

Can a debt collector contact me about a time-barred debt?

Sometimes. It depends on which state you live in. Some state laws say it's illegal for a debt collector to contact you about a time-barred debt, but other states allow it. Either way, they can't sue or threaten you over it.

If you're in a state where a debt collector can contact you about a time-barred debt, they can keep contacting you by phone, email, or letter to try to collect what you owe. If you want to stop a collector from contacting you, send your request by mail. Consider sending the letter by certified mail and paying for a "return receipt." That way, you'll have a record the collector got it.

If you live in a state where a debt collector can't contact you about a time-barred debt — and they reach out to you — learn more about reporting it.

What if I'm not sure if my debt is time-barred?

Start by asking the collection company what its records show about when you made your last payment. When you have that information research online your state's statute of limitations on your debt. You might also contact [your state attorney general's office](#) or a local [legal aid office](#) in your state to confirm that information.

If the statute of limitations has run out, your unpaid debt is time-barred.

When you ask about your debt, remember that in some states if you acknowledge in writing that you owe the debt, the clock resets and a new statute of limitations period begins.

Does a time-barred debt stay on my credit report?

Yes. Negative information — like past-due debts — can generally stay on your credit report for seven years.

Do I have to pay a debt that's considered time-barred?

It's up to you. Consider talking to an attorney before you decide. Your choices are to

- **Pay nothing.** The collector can't sue you, but can keep contacting you unless you send a letter by mail telling the collector to stop contacting you.
- **Make a partial payment.** In some states, if you pay any amount on a time-barred debt, or even promise to pay, the debt is "revived." That means the clock resets, and a new statute of limitations begins. The collector might be able to sue you to collect the full amount of the debt, which may include extra interest and fees.
- **Pay off the debt.** Some collectors will accept less than what you owe to settle a debt. Before you make any payment to settle a debt, get a signed letter from the collector that says the amount you're paying settles the entire debt — and you no longer owe anything for that debt. Keep the letter and a record of any payments you make to pay off the debt.

Remember that paying off an old debt may not erase it from your [credit history](#). Also, if you settle the debt, some collectors will report that on your credit report to show you didn't pay the full amount.

What happens if I'm sued for a time-barred debt?

Don't ignore the [lawsuit](#). Consider talking to an attorney. Show up on the day of your case and tell the court the debt is time-barred. To prove this, bring a copy of the debt information from the collector or anything that shows the date of your last payment.

How To Report a Debt Collector

Where do I report a debt collector for doing something illegal?

Report any problems you have with a debt collector to

- your [state attorney general's office](#)
- the [Federal Trade Commission](#)
- the [Consumer Financial Protection Bureau](#)

Many states have their own debt collection laws that are different from federal laws. Your [state attorney general's office](#) can help you determine your rights under your state's law.

What are my options if I think a debt collector broke the law?

Besides reporting them, you have the option to sue a collector in a state or federal court. You have to file your lawsuit within one year of when the collector broke the law. If you lost wages or had medical bills because of things the debt collector did, you have the option to sue for those damages. If you can't prove damages, the judge can still

award you up to \$1,000, plus reimburse you for attorney's fees and court costs. However, even if a court finds a debt collector violated the FDCPA, you may still owe the debt.

Need help finding a lawyer to sue a collector? Check out [LawHelp.org](https://www.lawhelp.org).

Federal Trade Commission Consumer Advice

Vehicle Repossession

Original Source: <https://consumer.ftc.gov/articles/vehicle-repossession>

If you don't make your car payments on time, your lender might have the right to take your car without going to court or telling you first. Here's what to do if you can't make car payments or if your car is repossessed.

Talking to Your Lender

If you're having trouble making car payments, contact your lender as soon as possible. Don't wait for the company to repossess your car. Many lenders will work with customers if they think you'll be able to pay soon, even if the payments are slightly late.

You might be able to negotiate a delay in your payment or a revised schedule of payments. If you've experienced a natural disaster, like an earthquake, hurricane, or tornado, your lender might be willing to defer your payments, offer extended repayment plans, give grace periods, waive late fees, or postpone repossession. But if you reach an agreement to change your original contract, get it in writing to avoid questions later.

If you don't reach an agreement, your lender may demand that you return the car. If you agree to a "voluntary repossession," you might pay less in fees. But even if you return the car voluntarily, you're still responsible for paying the difference between what you owe on your contract and what your lender gets for selling the car. The lender might call that the "deficiency". And, even with a voluntary repossession, your creditor still may put the late payments or repossession on your credit report.

Learn more about how to deal with debt at www.ftc.gov/debt

When a Lender Can Take Your Car

In many states, your lender can take your car as soon as you default on your loan or lease. Your contract should say what could put you in default, but not making a payment on time is a typical example.

Once you're in default, the lender might be able to repossess your car at any time, without notice, and come onto your property to take it. But the lender can't "breach the peace" when they take it. In some states, breaching the peace means using physical force, threatening to use force, or even removing your car from a closed garage without your permission.

Electronic Disabling Devices

When you got your car loan, the lender might've had a device installed on your car that keeps it from starting — sometimes called a “starter interrupt” or “kill switch” — if you don't make your payments on time.

Depending on your contract with the lender and your state's laws, using a kill switch might be considered the same as a repossession, or might be seen as a breach of the peace. How your state treats the use of these devices could affect your rights. Contact your state attorney general if you have questions.

What Happens After Vehicle Repossession

After your vehicle is repossessed, your lender can either keep it to cover your debt or sell it. In some states, your lender has to let you know what will happen. For example, if the car will be sold at a public auction, your state's laws might require the lender to tell you when and where the auction will happen so you can be there and bid. If the lender sells the car privately, you might have a right to know the date of the sale.

Either way, you might be entitled to buy back the vehicle by

- paying the full amount you owe, which typically includes your past due payments, the entire remaining debt, and costs related to the repossession (like storage, sale preparation, and attorney fees), or
- bidding on it at the repossession sale

Some states have laws that let you “reinstate” your loan by paying the past-due amount plus your lender's repossession expenses.

Personal Property in the Vehicle

Your lender can't keep or sell personal property found inside your repossessed vehicle at least until a certain amount of time has passed, which will depend on your state's laws. In some states, your lender has to tell you what personal items were found in your car and how to get them back.

Paying the Deficiency

The difference between what you owe on your contract (plus certain expenses) and what your lender gets for selling the car is called a deficiency.

For example, if you owe \$15,000 on the car and your lender sells it for \$8,000, the deficiency is \$7,000 plus any other fees you owe under the contract — like fees related

to the repossession, early termination of your lease, or early payoff of your financing. In most states, your lender can sue you for a deficiency judgment to collect the balance owed, as long as it followed the rules for repossession and sale.

In rare cases, if your lender sells your car for more than what you owe (including the lender's expenses), the difference is called a "surplus" and the lender might be required to give you the surplus funds.

Report a Problem

Contact your state attorney general or local consumer protection agency to learn more about your rights and specific repossession requirements in your state, and to report lenders who aren't following the rules.

Oregon State Board of Towing



Draft and Propose Administrative Rules Update

To SBOT Board Members
From: Torey McCullough, Board Administrator
Date: March 11, 2025

1. Calendar

The Board's strategic plan and calendar have the following tentative dates* scheduled for the various steps in the proposed rules process:

Date	Task
March & April 2025	Public meetings and work sessions to draft administrative rules.
April 28, 2025	File proposed rules with Oregon Secretary of State.
May 27, 2027	Public proposed rules hearing.
June 10, 2025	Board vote to adopt proposed administrative rules.
July 1, 2025	Effective date for administrative rules.

September & October 2025	Public meetings and work sessions to draft administrative rules.
October 27, 2025	File proposed rules with Oregon Secretary of State.
November 25, 2025	Public proposed rules hearing.
December 9, 2025	Board vote to adopt proposed administrative rules.
January 1, 2026	Effective date for administrative rules.

**Board meeting dates are tentative, to be confirmed by the Board members at each meeting or work session.*

**The strategic plan and board calendar are objective based; the board will not adopt administrative rules until the Board determines the rules have been thoroughly vetted, have value, are fair and enforceable, and align with the Board's mission statement and authority.*

2. 2024 and 2025 progress:

ORS Review:

The Board has reviewed and discussed a number of laws and rules, including portions of: ORS 98.853, ORS 98.854, ORS 98.856, ORS 98.859 and ORS 822.200.

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.

The Board has identified a number of terms and word usage in current statute needing clarification, including defining the intent of the statutes for the purpose of compliance and enforcement.

The Board has also identified a number of statutes that are vague, incomplete, unassigned, inconsistent with other statutes, and require statutory modifications for enforcement and consistency.

ORS Complaint Review:

The Board has reviewed complaints as part of the statute review process as it determines the intent of the laws and defining compliance and violation of the laws.

As of March 2025 the Board's case management system allows secure review of complaint and investigation materials.

3. Purpose of Administrative Rules:

- Administrative rules clarify, interpret and implement the laws assigned to the Board (or agency) to administer.
- Administrative rules are not to reiterate or restate existing law when the plain language of the law is clear.

4. 2025 draft and proposed administrative rule objectives:

- The Board's operational administrative rules should be reviewed and updated to avoid redundancy with the Board's Bylaws.
- The civil penalty schedule under OAR 750-080-0040 reviewed and modified as needed.
- Most of the statutes reviewed by the Board to date use plain language identifying the intent of the law. Definition of some of the words, verbiage, and phrases within the statute are needed for consistency, clarity, enforcement, and implementation.

5. Next Steps.

Board discussion required to determine next steps in the draft administrative rule process.



State Board of Towing Definitions Drafting OARs

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

ORS 98.850 Legislative findings and declaration

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

Definition of terms:

Vehicle ownership:

- Lawful owner of the vehicle:
- Operator of the vehicle:
- Person in lawful possession:
- A person with right to possession of the vehicle:
- The owner:
- A person entitled to possession:
- Property owner:
- Property owner's agent:

Government agency (*federal, state, local or tribal agency*)

ORS 98.853 (2) and 98.854 (2)

Upon Request

ORS 98.853 (3) (b)

Complete hook up

ORS 98.854 (2)

Signed authorization

Clarification:

Lawful possession for agency tows: if the government/law enforcement representative is at the scene when the vehicle operator is at the scene, the agency determines if the vehicle should be released to the owner/operator, or if the tower should

Oregon State Board of Towing



Administrator's Report

To: Oregon State Board of Towing Board Members

From: Torey McCullough, Board Administrator

Date: April 8, 2025

1. Financial Report:

- *The Board's expense and revenue report should be available from DMV Fiscal Services by the time of the board meeting.*

2. Tow Business Certificates by the numbers:

April 2024:

2079 Active Tow Certificates
799 Unique Registered Names
748 Unique Addresses
815 Unique Registered Names & Addresses

Previous Reporting Periods:

March 2025:

2060 Active Tow Certificates
790 Unique Registered Names
745 Unique Addresses
807 Unique Registered Names & Addresses

July 2023 (first data report):

2118 Active Tow Certificates
802 Unique Registered Names
750 Unique Addresses
828 Unique Registered Names & Addresses

3. Summary of Board work completed January 14, 2025:

January 28, 2025 Special Public Board Meeting

The Board held a special meeting to conduct administrative business:

- A. Independent investigator contracts.
- B. The Governor's Board Legislative Engagement Policy.
- C. Amendments to Board private property impound public policy.

February 11, 2025 Work Session

The Board focused on statutes related to rates and fees.

Special guests Lt. Moyes with OSP and Ms. Ashley Ross with ODOT spoke about the OSP and ODOT non-preference tow programs and requirements.

March 11, 2025 Work Session

The Board focused on statutes related to rates and fees.

Special guests Mr. Tracy Breeding - Creditors Specialty Northwest, Inc. and Mr. Tracey Boston, Western International Recovery Bureau spoke on Oregon's collection requirements and repossession actions.

Public Policies and Guidelines

- The Board's initial draft of the public policy related to towing rates and fees is ready for Board review and discussion.
- The compliance and repossession guidelines have been updated and are ready for review and approval.
- An initial draft of the Board's proposed administrative rule process is ready for Board review and discussion.
- An initial draft of the Board's public records policy is ready for Board review and discussion. The Board has been operating under an informal open records policy and the ODOT public records policy requirement. The adoption of a formal policy clarifies expectations and prepares the Board for passage of HB 3186.

Strategic Plan Accomplishments

The Board completed its 1st Quarter goal of reviewing the rate and fee statutes and draft public policies.

The second strategic goal is to review of statutory signage requirements.

The Board's formal proposed administrative rule process has been tabled to the fall to allow the Board to focus on reviewing complaints using the public policies and guidelines for Board action decision, define proposed administrative rules, and continue to identify the gray areas of the statutes.

Board staff is updating the terms used in the public policy to be incorporated into the administrative rule list.

Board members and elections

Three board member positions have the first term expiring effective June 30, 2025. All three board member positions are eligible for renewal.

1. Tower representing Oregon communities over 100,000
2. Tower representing specialized knowledge of tow vehicles under 26K lbs
3. Consumer Protection advocate

Board elections for Chair and Vice Chair will be held at the June meeting.

Current projects:

- Website work continues.
Drafting FAQs and resources for the website as part of the complaint review.
- Administrative rule drafting.
Board staff is drafting proposed rules based on the board discussion, including definitions of terms used in the statutes assigned to the Board to administer. The Board will use, when possible, existing definitions used in relevant statutes for conformity and clarity.
- List of statutes assigned to the Board.
Board staff is updating the progress on the list of statutes assigned to the Board.
- Complaint processing and investigations.

Upcoming Events:

- Office Closures:
April 11 – 14, 2025: Office Closed
May 26, 2025: State offices closed for Memorial Day
June 19, 2025: State offices closed in observance of Juneteenth
July 4, 2025: Office Closed in observance of the 4th of July holiday.
- Board Work Sessions in May and June; board leadership elections in June.

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- April 22, 2025: City of Portland, Towing Administration Advisory Committee Meeting
 - April 24, 2025: Oregon Dealer Advisory Committee Meeting (DMV)
 - April 28, 2025: Law Enforcement/DMV Coordinating Committee Meeting
 - May: I-TECC Light (Level I) and Medium Duty (Level II) training in Lyons, Oregon
(OSP approved training)
 - June 14, 2025 OTTA meeting

State Board of TowingForecast 116_8001 - Towing Board									
Biennium 2023-25									
Month of biennium 20									
				LAB amount					
February 2025				\$ 412,080.00			\$ 41,868.89 amt not load		
Current Month			Notes	BI 23-25 Budget	BI to Date Actual	% Budget Obligated	Available Budget	BI End Total	Ending Balance
Forecast	Actual	Variance	⚠ Variance > 2% AND \$500						
Personal Services									
Salaries and Wages	9,095	9,095	0	192,000	157,328	81.9%	34,672	193,708	(1,708)
Other Payroll Exp	5,552	5,428	124	140,000	96,147	68.7%	43,853	118,433	21,567
Total Personal Services	14,647	14,523	124	332,000	253,475	76.3%	78,525	312,141	19,859
Services & Supplies									
In-State Travel	208	-	208	37,083	-	0.0%	37,083	36,083	1,000
Office Expense	-	592	(592)	1,725	1,075	62.3%	650	1,075	650
Telecommunications	46	159	(113)	2,751	676	24.6%	2,075	1,003	1,748
Professional Svcs	2,000	-	2,000	2,200	-	0.0%	2,200	8,000	(5,800)
Attorney General	-	-	-	3,000	880	29.3%	2,120	880	2,120
Emp Recrut & Devel	-	-	-	100	100	99.6%	0	100	0
Prizes And Awards	-	-	-	-	9	0.0%	(9)	9	(9)
IT Expendable Property	-	-	-	4,350	4,350	100.0%	-	4,350	-
Computer Technology	-	-	-	-	145	0.0%	(145)	145	(145)
IT Professional Serv	-	-	-	6,426	3,213	50.0%	3,213	6,426	-
Total Services & Supplies	2,254	751	1,503	57,635	10,447	18.1%	47,188	58,070	(435)
Capital Outlay									
Special Payments									
Total Capital Outlay & Spec Pmts	-	-	-	-	-	0.0%	-	-	-
Total	16,901	15,274	1,627	389,635	263,921	67.7%	125,714	370,211	19,424
					358	21-23 biennium expense			
				412,080	264,279	Expenses to date			
					257,800	Revenue to date			
					(6,479)	Difference/net revenue			

Oregon State Board of Towing

Projected Salary + cost 23-25 biennium

Projections revised Jan 9, 2025

Expenditures									
	month:	Nov-24	Dec-24	Jan-25	Feb-25	Mar-25	Apr-25	May-25	Jun-25
Projected monthly		\$15,622	\$15,709	\$17,526	\$16,901	\$16,901	\$16,901	\$16,901	\$20,257
Projected Cumulative Operations Cost		\$223,481	\$239,190	\$256,716	\$273,617	\$290,518	\$307,419	\$324,320	\$344,577
Actual Monthly cost		\$15,825	\$13,886	\$14,637	\$15,274				
Actual Cumulative Cost		\$220,437	\$234,323	\$248,960	\$264,234				

Forecasted Revenue		Updated with Oct 2024 forecast							
	month:	Nov-24	Dec-24	Jan-25	Feb-25	Mar-25	Apr-25	May-25	Jun-25
Tow Truck Certificate Count Forecast		164	228	197	184	181	203	158	155
Actual Count		119	241	263	141				
Projected Civil Penalties							\$3,000	\$3,000	\$3,000
Fee @ \$117 (\$100)		\$16,363	\$22,796	\$19,704	\$18,400	\$18,093	\$20,300	\$15,788	\$15,517
Cumulative @ \$100		\$196,272	\$219,069	\$238,772	\$257,172	\$275,266	\$298,566	\$317,354	\$335,870
Actual Month revenue		\$11,900	\$24,100	\$26,300	\$14,100				
Actual Cumulative revenue		\$193,300	\$217,400	\$243,700	\$257,800				

Cost Recovery (Revenue-Expenditures)									
Projected Fee @ \$117=net\$100		(\$27,208)	(\$20,121)	(\$17,943)	(\$16,444)	(\$15,252)	(\$8,854)	(\$6,967)	(\$8,707)
Actual Recovery		(\$27,137)	(\$16,923)	(\$5,260)	(\$6,434)				

*Base \$17 is statute- cover DMV cost

*Tow board fees- set in Rule, in addition fee, under ORS 822.270

Oregon State Board of Towing



Compliance Report

To: Oregon State Board of Towing Board Members

From: Torey McCullough, Board Administrator

Date: April 8, 2025

Case Management System:

- The Case Management System is 80% implemented.
- Reports, templates and certain AI functions are still being worked on.

Investigations:

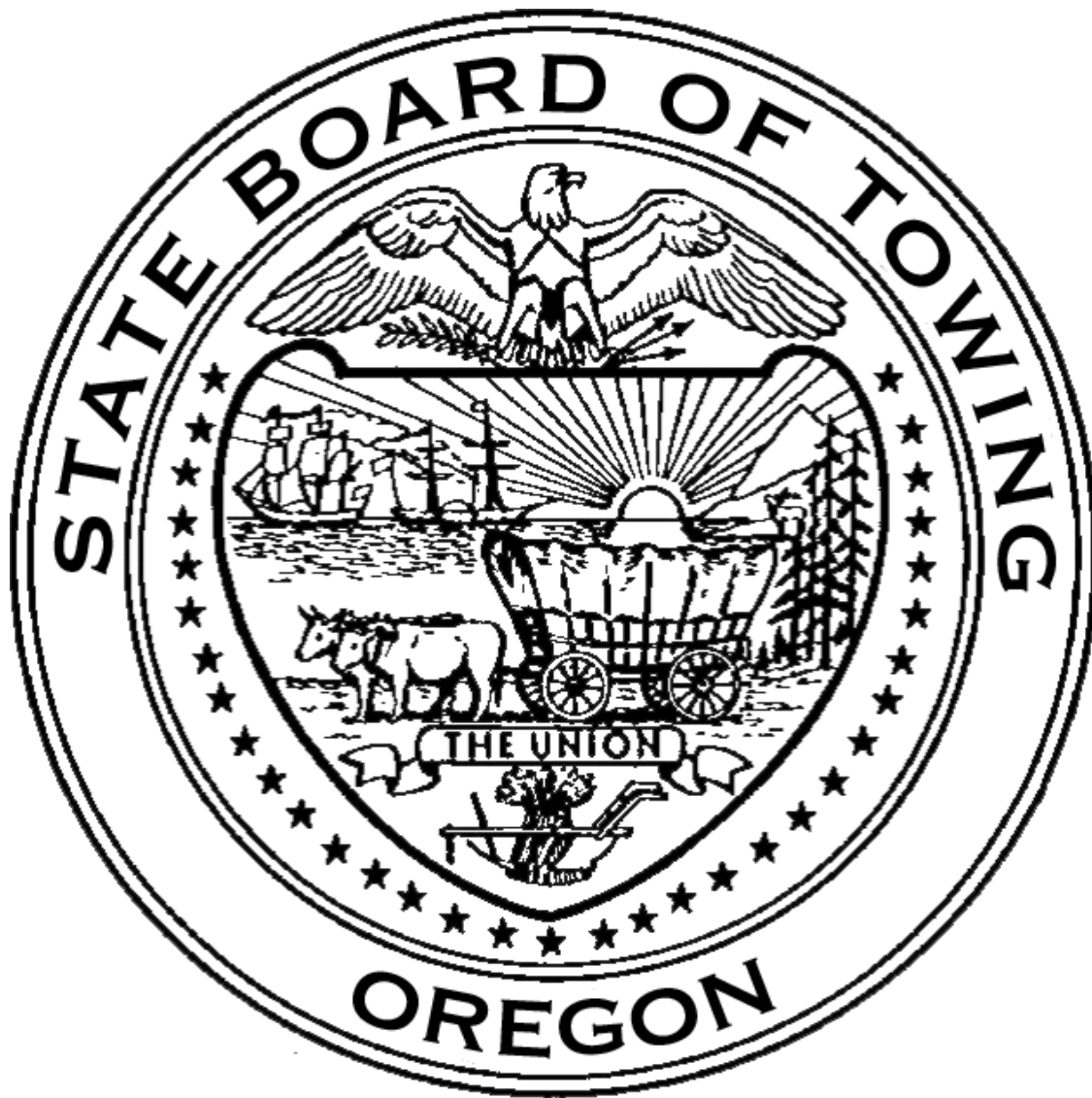
- Investigations are open.
- Due to the newness of the Board process, and the experience level of the board members, public, and industry in Oregon's regulatory board disciplinary processes, and the implementation of a new case management system, and the number of complaints received by the Board (approximately 500) staff suggests:
 - Staff and Board focus April – June 2025: complaint and investigation review.
 - Complaints are fully processed, including the complaints not in violation of the Board's laws, until determined otherwise by the Board.
 - Incomplete complaints are held open for 30 days pending submission of documents; complaints are closed if requested documents are not received by the Board.
 - Board staff will conduct initial investigations to determine validity of the complaint as a Board issue per Board policy. Complex investigations will be reviewed by the Board/coordinated with Board partners.
 - Initially: Investigation reports will be completed for each completed complaint (even if allegations are not substantiated or under the scope of the Board) to verify process.
 - Board members review investigation reports for discussion, determination, and direction to staff.

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

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- Reports on the nature of the complaints and determination by the Board will be available to the public.
 - Towers and investigations expectations.
 - Cooperation, assistance and patience is appreciated as the Board begins testing the CMS. Towers are expected to fully cooperate with investigations.
 - Initial requests for complaint information will be made by email, then formal letter, and then subpoena. The Board's investigation may continue without a response from a tower.
 - Frequency and nature of communication is dependent on the nature of the case.
 - All towers will have an opportunity to respond to allegations of a complaint when potential violations of Oregon's laws are found. Due to limited resources, towers may not be contacted if no potential violations are found.
 - Towers will be contacted with the resolution of complaints.
 - The Board will discuss options for Board action during review of the investigation reports at the board meetings and work sessions.

Independent Contract Investigators:

Contracts are still being processed.



**April 8, 2025 Meeting Materials
DRAFT Rates & Fees Public Policy**

The following draft is for discussion purposes only.


**The following draft has not been adopted or reviewed by the
Board Members as of the date of printing.**

Public policies clarify the intent and meaning of Oregon's statutes and administrative rules AND identify best practices, professional standards, and expectations for members of the industry, the public, property owners and managers, stakeholders, and government entities.

Adoption of public policy does not modify, change, override or rewrite the laws. Changes to the law are made by the legislature. If a public policy contradicts a relevant statute or rule, the statute or rule will prevail.

The Board's authority to investigate complaints and vote for disciplinary actions is established in Oregon's law and is not restricted by the date of adoption of public policy.

While the Board has adopted a progressive discipline model for compliance actions the Board may, at its discretion, assess sanctions and civil penalties against a tower when the Board finds a tower's actions were reasonably deliberate, intentional and willful violations of the plain language of the law, or expressly egregious and unethical which resulted in unacceptable risk or harm to a member of the public.

 <p>State Board of Towing Public Policy</p>	Policy No.: PP-25-001
	Supersedes:
	Reference: ORS 98.853, 98.854, 98.856, 98.858, 98.859, 98.862
Subject: Towing Rates & Fees	Effective Date:

Authority/Applicable Statute(s) or Administrative Rule(s):

ORS 98.850 Legislative findings and declaration

(2) The Legislative Assembly declares that:

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

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 822.995 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]

Purpose:

The purpose of this Public Policy is to:

- (1) Provide interpretation and definition of the plain language of the statutes assigned to the Board to administer related to towing rates and fees.
- (2) Provide transparency in the guidelines used by the Board for reviewing complaints, identifying possible violations and compliance issues, and to determine appropriate board action.
- (3) Identify best practices and standards for the towing industry.

Board policy will be monitored and may be modified during the proposed administrative rules process.

Law enforcement and state and local governments may enact and enforce additional laws, rules, ordinances, or other regulations in compliance with the laws of the State of Oregon.

Board Interpretation:

ORS 98.853 Conditions allowing towing.

(3)

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

(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.

- The Board finds the requirement under this statute clear as written.
- A tower shall immediately release a vehicle if the owner or operator of the vehicle arrives at the vehicle when:
 - The tower has not initiated the hook up process OR
 - When the tower is in the process of hooking up the vehicle to be towed, but the vehicle is not secured to the towing vehicle so that the vehicle can be towed from the parking facility.
 - Charging an owner or operator a fee prior to complete hookup of a vehicle may be considered a violation of ORS 98.853 and subject for disciplinary action by the Board.
- A tower may charge only the applicable hook up fee when:
 - When the tower has fully secured the vehicle for the purposes of towing from the parking facility and
 - Is tower is actively engaged in removing the vehicle from the property.

- Charging an owner or operator a fee more than a hook up fee to release the vehicle prior to the vehicle may be considered a violation of ORS 98.853 and subject for disciplinary action by the Board.
- The Board will further define “hookup as complete” as part of its proposed administrative rule process and as part of the Board’s legislative review.
- Until further defined, the expectation of any tow conducted without the consent of the owner or operator of the vehicle is that the tow meets the plain language of ORS 98.853 (3) (b).
- A complete hook up for the purposes of ORS 98.853 (3) (b) is defined as: the impounded vehicle is secured to the towing vehicle in a manner that the tower has control of the vehicle, and the towing vehicle can safely tow the impounded vehicle from the parking facility without risk of damage to the vehicle or other property.
- The Board recognizes that the hook up requirement under ORS 98.853 (3) (b) may not meet the hook up requirement for a vehicle to be towed on public roadways.
- For the purposes of ORS 98.853 (3) “is present at the time of the tow” is interpreted to mean the presence of the owner or operator at the vehicle beginning from when the tow vehicle arrives at the scene until the impounded vehicle is removed from the parking facility address or the scene of the tow if towed from a public street or right of way.

ORS 98.854 Prohibitions placed on tower

A tower may not ...

(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.

- The Board finds the requirement under this statute clear as written.
- A tower cannot charge more than the price disclosed under the written statement required under ORS 98.856 when the vehicle is towed without the consent of the vehicle owner or operator.
- For purposes of Board review of disputed rates or fees:
 - If the tow is not authorized by law enforcement or a government agency, the disputed invoice will be audited and investigated by Board staff and reviewed by the Board for compliance.
 - If the tow is authorized by law enforcement or a government agency, the disputed invoice will be forwarded to the authorizing agency for an audit.
 - While the Board may review the disputed invoices, the Board
 - (a) will refer and defer to the authorizing agency for a final decision and
 - (b) will not dispute the findings of the authorizing agency.

ORS 98.854 Prohibitions placed on tower

A tower may not ...

(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.

(14) Charge for the hookup and release of a motor vehicle except as provided in ORS 98.853 (Conditions allowing towing).

- The Board finds the requirement under this statute clear as written.
- The Board is not proposing statewide maximum rates for towing under this public policy. Statewide rate setting will require changes in statute.
- Consumer complaints forwarded to the Board by DOJ will be forwarded to the appropriate agency when maximum rates for towing are established in the jurisdiction.
- If no maximum rates established, the Board may review the disputed invoices against the tower's written statement of fees and costs required under ORS 98.856 and consider:
 - The towing or recovery services rendered
 - Reasonable and customary costs for the services rendered, and
 - Transparency of invoicing.
- The maximum rates established by a local authority are applicable to the towing circumstances and jurisdiction of that authority, only.
- Rates established by one jurisdiction or towing program are not intended and should not be construed as being applicable to another jurisdiction or towing program.

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.

- The Board finds the requirement under this statute clear as written.
- A tower must disclose to the owner or operator the tower's prices in a WRITTEN statement.
- Using signage or posting a price list on the wall of the towing office do not meet the requirement of ORS 98.856.

- Providing the price list in electronic format with the approval or at the request of the vehicle owner or operator will be considered compliant with the requirement.
- ***There is no requirement that the vehicle owner or operator request a written statement; the law states the information must be disclosed.***
- Exceptions to the written statement requirement:
 - When the tow is conducted under a non-preference or rotational tow agreement and authorized by law enforcement or another government agency, release of the tow rate sheet may be through either the tower or the authorizing agency.
 - When the tow is conducted under a motor club or other road service provider agreement, release of the tow rate sheet may be through either the tower or the authorizing agency.
 - When the tower and the vehicle owner or operator enter into an agreement for towing or recovery of a vehicle for a set price.
- Towers may have more than one rate sheet (e.g., motor or other contract, LE rotation, private tow). Only the rate sheet relevant to the towing incident should be considered when reviewing an invoice.
- Requirement under (1) (a): “all” may be overly burdensome and may not encompass all fees and expenses associated with a tow. The Board will consider services rendered and the circumstances of the tow when auditing or reviewing an invoice.
- The printed, written statement is to be provided at the time of service or prior to when the vehicle owner redeems the vehicle as required under ORS 98.856 (2) and (3).
- Failure to provide the written statement of fees may be considered a violation of ORS 98.856 and subject for disciplinary action by the Board.

ORS 98.856 Tower responsibility of disclosure to owner or operator of vehicle

(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.

- The Board finds the requirements under these statutes are clear as written.
- Failure to provide the written statement of fees as required by this statute is subject for disciplinary action by the Board.
- An insurance company paying for the release of the vehicle or towing charges is entitled to the **conspicuous written statement** for the towing event prior to payment.
- A tower is not required to waive or discount storage, lien or other fees while an insurance company reviews the written statement or processes the payment.

- An insurance company should first communicate questions or disputes of the charges or towing services rendered with the towing company prior to filing a complaint with a state or local agency.
- If an insurance company pays only a portion of the towing fee, storage fees, or other amounts, the lawful vehicle owner may be responsible for the unpaid balance of the tow invoice.
- Failure to provide the information when and as required under ORS 98.856 (2) and (3) may be grounds for disciplinary action.

ORS 98.856 Tower responsibility of disclosure to owner or operator of vehicle

(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.*

- The Board finds the requirements under these statutes are clear as written.
- A written bid or quote may be considered as complying with this statute for an owner-authorized tow in lieu of providing a full list of the tower's fees and charges.
- Failure to provide the information when and as required under ORS 98.856 (5) may be grounds for disciplinary action.

ORS 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

(2) A tower may not charge the owner or person in lawful possession of the motor vehicle a fee in any amount to obtain personal property of an emergency nature or registration plates except for a gate fee between the hours of 6 p.m. and 8 a.m. on business days, or on a Saturday, a Sunday or a legal holiday.

- The Board has tabled discussions the requirements under ORS 98.852 for future discussion: ORS 98.852 (6) "Personal property of an emergency nature" includes, but is not limited to, prescription medication, eyeglasses, hearing aids, clothing, identification, a wallet, a purse, a credit card, a checkbook, cash and child safety car and booster seats.
- The Board defers to Oregon's vehicle record authority, DMV, to determine the "owner or person in lawful possession of vehicle" under ORS 801.375, 802.240, and 803.010.
- Cities and counties may adopt criteria or ordinances allowing personal possessions to be released to someone other than the "owner or person in lawful possession of vehicle" if the tower is immune from civil liability for release of the possessions in accordance with the ordinances.

- A tower may release personal property to a person named in an official notice, release, or order issued by law enforcement or other government agency or a Court of legal jurisdiction.
- Absent an official notice or official order, at the tower's sole discretion, a non-vehicle owner may remove emergency and/or other personal items from a vehicle. Gate fee restrictions apply.
- Uniforms, legal documents, keepsakes, electronics, and other items not specified under ORS 98.852 (6) are not required to be released from the tower under ORS 98.858.

ORS 98.862 Exceptions to requirements of ORS 98.856

ORS 98.856 (1) A tower need not provide the written information required under ORS 98.856 ... if: (1) The motor vehicle is towed from a parking facility where the tower has provided the information on signs that are clearly readable by an operator of a motor vehicle in each parking stall or at each entrance to the parking facility.

- The Board finds the requirements under these statutes are clear as written.
- To comply with ORS 98.862 posted signs must legibly show:
 - (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.*

Other Statutes related to Tow Rates & Fees

ORS 819.140 Agencies having authority to take vehicle into custody; powers of agency taking custody.

- Law enforcement and state and local agencies have the authority to take vehicles into custody, including vehicles defined as abandoned (ORS 819.110) and constituting a hazard or obstruction (ORS 819.120)
- The Board does not dispute the validity of a tow authorized or dispatched by state or local agencies.
- If the vehicle is towed as described under ORS 819.110, 819.120, 819.170, or 819.180, the vehicle owner or person with an interest in the vehicle and its content has a right to request and have a hearing under ORS 819.190 to:
 - (1) contest the validity or reason for the tow.
 - (2) contest the reasonableness of the charges for towing and storage.
- The hearing must be requested within the time and manner required by the agency authorizing the tow.

- The Oregon State Board of Towing does not conduct tow hearings and does not dispute the findings of a hearing officer.
- If the hearings officer or authorizing agency finds that the tower violated a law assigned to the Board to administer, the hearings officer or agency may forward the issue to the Board for consideration.
- The Board does not process or investigate liens or required paperwork filed by towers with DMV.
- If DMV finds that a tower violated the lien requirements, or violated other Oregon laws, the issue may be forwarded to the Board for consideration.

Reference:

- Initial Concept Summary Document and attachments.
- Board Meeting Minutes and Work Session Notes.

Oregon State Board of Towing

Tower Collection Activities in Oregon

Disclaimer:

This document is an informational and resource guide prepared by the Oregon State Board of Towing.

This resource is not intended to be construed as legal or regulatory advice. Reference to federal regulations and state statutes in this document are not meant to be all inclusive, and are not applicable to all collection activities. The reader is reminded that laws and regulations change, are subject to interpretation, and are dependent on context and circumstances.

Legal advice should only be provided by an attorney representing you or your organization and the advice should be tailored to the facts and circumstances of the collection event.

General:

Debt collectors and repossession agencies must comply with federal and state laws, including the Fair Debt Collection Practices Act.

State Agencies:

Oregon State Board of Towing

The Oregon State Board of Towing was established to protect the safety and well-being of the public through enforcement of laws regulating the towing industry.

Oregon towing laws administered by the Board are specific to consensual and non-consensual tow and recovery actions authorized by law enforcement, state and local agencies, private property owners, and vehicle owners and operators.

The Board does not administer, regulate or enforce debt collection laws and rules.

The Board's role in debt collection and repossession complaints:

1. Confirm a tow company is operating under a tow business certificate required under ORS 822.205 and OAR 735-154-0000.
2. Act as a conduit of information for the public, tow industry, and others.
3. Does not investigate unlawful debt collection practices or repossession complaints.

Dept. of Consumer and Business Services - Oregon Division of Financial Regulation

The Division of Financial Regulation (DFR) protects consumers and regulates insurance, depository institutions, trust companies, securities, and consumer financial products and services.

DFR regulates collection agencies and registers third-party collection agencies (companies hired by a creditor to collect debts, including repossession companies.)

DFR's role in debt collection and repossession complaints:

1. Accept and respond to complaints from creditors experiencing issues with third-party collectors, such as a creditor not receiving collateral collected during a repossession.
2. Verify tow companies are nationally registered and may legally provide repossession services in Oregon.
3. Investigate debt collectors and repossession companies who may be unregistered.
4. Does not investigate collection action complaints.

Note: Lenders and creditors (including tow companies) who collect their own debt are original creditors and do not require registration with DFR.

Oregon Dept. of Justice - Consumer Protection

DOJ's Consumer Protection Division enforces consumer protection laws and invests in consumer education. DOJ does not represent individual consumers in legal actions.

DOJ's role in debt collection and repossession complaints:

1. Investigate individuals, companies or agencies may be engaging in unlawful debt collection practices.
2. Investigate collection agencies demonstrating a trend of using unethical behavior while attempting to collect the debt, such as breach of peace, threat of violence, escalation of conflict, or other harassing conduct.
3. Does not represent individual consumers in unlawful debt collection practices or repossession complaints.

Collections:

An Oregon tow company can lawfully collect an outstanding debt for an unpaid balance for towing or recovery services, charges, and storage fees. The tow company may contact the customer directly to resolve the debt, hire a collection agency, or take legal action.

An Oregon tow company can initiate collection proceedings for the unpaid portion of a towing or recovery invoice. Towers may also initiate collection proceedings when a payment is returned as insufficient funds and chargebacks.

Ownership of the vehicle:

In Oregon, a bill of sale is not valid for the purposes of determining the debtor in a collection action.

Ownership of a vehicle is determined by DMV official records. Even if the vehicle was sold to another person prior to the tow, the vehicle remains the responsibility of the titled owner as recorded in DMV records until the new owner titles the vehicle in their name.

Vehicle titled in Oregon:

A tower can legally pursue collection actions against the vehicle owner of record in DMV official records, unless the vehicle owner notified DMV of the transfer of ownership within 10 days of selling the vehicle.

Vehicle titled outside of Oregon:

Towers are required to contact the respective state's DMV office to determine lawful ownership requirements for purposes of collection actions.

Repossessions

Creditors may hire a tow company to repossess a vehicle when the borrower has defaults on their payment obligations on

1. The loan or financing agreement for the vehicle.
2. A loan or financing agreement when the vehicle is used as collateral or security for the loan.

Towers conducting repossessions are required to:

1. Hold an active tow business certificate issued by Oregon DMV.
2. Be registered with DCBS – DFR
3. Follow the federal Fair Debt Collection Practices Act (FDCPA) and other applicable state, federal and local laws.

As financial institutions and financial contracts have different provisions and agreements, debtors should first contact the lender to resolve any issues with the repossession.

Consumer resources

Additional resources available to the public.

Federal Resources:

Consumer Financial Protection Bureau

<https://www.consumerfinance.gov/complaint>

The Consumer Financial Protection Bureau is a federal government agency created to protect consumers from unfair, deceptive, or abusive practices and to take action against companies that break the law.

The Federal Trade Commission

www.ReportFraud.ftc.gov

The Federal Trade Commission protects the public from deceptive or unfair business practices and from unfair methods of competition through law enforcement, advocacy, research, and education.

State Resources:

Oregon Dept. of Justice – Consumer Protection

<https://www.doj.state.or.us/consumer-protection/credit-loans-debt/debt-collection>

Oregon Consumer and Business Services Division – Division of Financial Regulation

<https://dfr.oregon.gov/financial/Pages/index.aspx>

Oregon State Board of Towing

www.oregon.gov/sbot

Other organizations:

LawHelp.org

<https://www.lawhelp.org/find-help/>

LawHelp.org was created to help people without lawyers understand their rights, make informed decisions and connect to help in your local community. LawHelp.org provides referrals to nonprofit legal aid organizations in every state and territory, free legal rights resources, court forms and self-advocacy tools.

National Consumer Law Center

<https://www.nclc.org/how-to-get-legal-assistance>

Oregon State Bar

<https://consumerlaw.osbar.org/about-consumer-law>

<https://www.osbar.org/public/legalinfo/consumer.html>

Oregon Consumer League

<https://oregonconsumerleague.org>

Materials:

- Fair Debt Collection Practices Act
- Fair Debt Collection Practices Act – 2021 Amendment
- FTC Consumer Advice – Vehicle Repossession
- FTC Consumer Advice - Debt Collection FAQs

Oregon State Board of Towing



Memo:

To: Oregon State Board of Towing Board Members

From: Torey McCullough, Board Administrator

Re: Public Records policy and form

Date: April 8, 2025

Reference:

ORS 192.001 *Policy concerning public records*

(1) *The Legislative Assembly finds that:*

(a) *The records of the state and its political subdivisions are so interrelated and interdependent that the decision as to what records are retained or destroyed is a matter of statewide public policy.*

(b) *The interest and concern of citizens in public records recognizes no jurisdictional boundaries and extends to such records wherever they may be found in Oregon.*

(c) *As local programs become increasingly intergovernmental, the state and its political subdivisions have a responsibility to ensure orderly retention and destruction of all public records, whether current or noncurrent, and to ensure the preservation of public records of value for administrative, legal and research purposes.*

(2) *The purpose of ORS 192.005 (Definitions for ORS 192.005 to 192.170) to 192.170 (Disposition of materials without authorization) and 357.805 (Definitions for ORS 357.805 to 357.895) to 357.895 (Rules) is to provide direction for the retention or destruction of public records in Oregon in order to ensure the retention of records essential to meet the needs of the Legislative Assembly, the state, its political subdivisions and its citizens, insofar as the records affect the administration of government, legal rights and responsibilities, and the accumulation of information of value for research purposes of all kinds, and in order to ensure the prompt destruction of records without continuing value. All records not included in types described in this subsection shall be destroyed in accordance with rules adopted by the Secretary of State. [1973 c.439 §1; 1991 c.671 §3; 2015 c.27 §18]*

ORS 192.018 *Written policies on use, retention and ownership of public records*

(1) *Each state agency shall have a written policy that sets forth the agency's use, retention and ownership of public records. The policy shall ensure that public records are being maintained and managed consistently within the agency from the time of creation of a public record to the time of final disposition of the public record.*

(2) *Each state agency shall submit the written policy and any subsequent amendment of the policy to the State Archivist for approval before the policy takes effect or the amendment to the policy takes effect. [2011 c.645 §3]*

Current Status:

The Oregon State Board of Towing has operated under an open documents policy and compliance with ODOT public records policy while staff has consulted with other state agencies in development of a Board-specific policy.

Draft proposed policy:

The attached is an initial draft crafted:

1. Existing ODOT public records policy.
2. The Board's intent and expectation of its own transparency in Board operations and decision making.
3. The origination of information received by the Board and the legality of ownership of the information;
4. Available Board staff resources to comply with requests;
5. The confidentiality and integrity of complaint and investigation information;
6. Sensitivity to the privacy of towers and the public; and
7. The frequency of possible self-incrimination by complainants in violation of Oregon's laws, rules, and regulations.

Next Step:

After preliminary approval by the Board, the proposed policy will be submitted to the Oregon Secretary of State's office for comment and approval.

The Board will

1. Update the proposed policy with SOS recommendation for clarity.
2. Allow public comment.
3. Review any comments or suggestions before adopting the final policy.



DRAFT!
Oregon State Board of Towing
Public Records FAQs

Question:

What is a public record?

Answer:

Public record is defined in Oregon law as any writing that contains information relating to the conduct of the public's business, ...prepared, owned, used or retained by a public body regardless of physical form or characteristics.

Question:

What is FOIA and how does it relate to my records request?

Answer:

FOIA is the Freedom of Information Act, which is federal law. Although requesters frequently mention FOIA in their requests, that law only applies to federal agencies, not state agencies.

Oregon state agencies release records under Oregon Public Records law found in ORS 192.311 through 192.431.

Question:

What Oregon State Board of Towing records are available?

Answer:

Documents and records generated, referred to, or used by the Board are available under a public records request with limited exceptions:

1. Reports, data, information or documents generated or provided to the Board by another agency or entity remain the property of the entity or agency. A public records request to the originating agency is required.
2. To ensure the integrity of Board investigations and disciplinary actions, complaints and investigation materials will not be released under a public records request until the matter has been resolved and closed by the Board. General complaint information, including the nature of the complaints, details of a towing event, and resolution or decision by the Board, will be made available to the public through the Board's website and at public meetings and work session.
3. To ensure legal requirements or expectation of privacy and confidentiality is maintained, public records requests for complaint or investigation documents which may identify the complainant, vehicle owner, tower, or any witnesses will be referred to the Dept. of Justice for processing. Applicable DOJ rates and fees will apply.
4. Any other documentation not subject to Oregon's public records law.

Question:

What does is the cost to get a public record?

Answer:

Due to the limitation of Board resources, the following fees apply:

1. *Access to public records and materials available on the Board website:*
 - No cost.
2. *Staff time:*
 - No charge for review and initial response to public records request. An initial response will include records requested that do not exist or cannot be provided by the Board.
 - \$75 per hour for board staff to compile information for public records calculated as follows:
 - Minimum fee of ½ hour, payable in advance.
 - Fees accrue in increments of .25 an hour thereafter, due and payable prior to the release of the public records, to include all staff time used to comply with the public records request.
3. *DOJ or other applicable legal fees are charged at the actual hourly rate set by statute ORS 192.324.*
 - A \$250 deposit is required for any public records request requiring DOJ review.
 - After assessment of the public records request, an estimate of the DOJ will be provided, and must be paid, prior to DOJ review. Deposited funds in excess of the amount billed by DOJ will be refunded.
4. *Photocopies*

As determined by the current price list for DAS State Printing and Distribution.
5. *Electronic transmission*

There is no additional charge to send documents by email.

 - No sensitive or confidential information will be sent via email.
 - The Board is responsible for the sending of electronic information, not the receipt of information. Mail server or provider attachment or other restrictions must be conveyed to Board staff prior to the release of the public records request.
6. *Delivery*

The actual cost for delivery of records, including postage or courier fees.
6. *Payment.*

All deposits, fees, and costs must be paid by check or money order.

Question:

Are meeting transcripts available?

Answer:

The Board is not required to, and does not record, public meetings or work sessions. The Oregon State Board of Towing provides minutes of Board meetings and notes from work sessions. The Board records

public hearings and will provide summaries of public comment and testimony as required. The Board is not required to provide transcripts.

Question:

Can a public records request be a “continuing request” for records for future records or documents generated by the Board?

Answer:

No. The public records request is specific to the documentation and information requested on the date the request is received by the Board.

Question:

What if the Board doesn't have the records I request?

Answer:

Public records law pertains to existing records and does not require an agency to generate a record or document in response to a public records request. Additionally, the agency is required to provide the public record, but is not required to reformat the information if requested to do so in a public record request.

Question:

Can a public records request include reports and recommendations provided to the Board by another public agency?

Answer:

No. Information provided to the Board by another public agency should be requested from the originating agency.

Question:

How long does the Board keep public records?

Answer:

The Board will retain the complaint files resulting in disciplinary actions by the Board for 25 years.

The Board will retain all other documents required to be retained by the Board under public records law for a minimum of seven (7) years.

Public records and documents posted on the Board's website will remain available for a minimum of five years from the date of the initial posting.



DRAFT

**Oregon State Board of Towing Public Records
Request Form**

Refer to the attached FAQs for available records and associated cost for the records request.

Requestor Information

- **Full Name*:** _____
- **Company/Association/Affiliation*:** _____
- **Phone Number:** _____
- **Email Address*:**

- **Mailing Address*:**

**Required information.*

Records Request Details

- **Description of Records Requested:** *(Be as specific as possible.)*

- **Preferred Format:** (e.g., electronic copy, paper copy, CD, DVD, etc.)

- **Preferred Method of Delivery:**

(Please check one)

- ☐ Email
- ☐ Mail
- ☐ In-Person Pickup. DMV HQ, 1905 Lana Avenue, NE, Salem, Oregon.

Requestor Signature:

- **Signature:** _____
- **Date:** _____

Oregon Public Records Law

- *Records are available as required by Oregon Public Records Law (ORS 192).*
- *Agencies may charge fees to cover the costs of locating, copying, and delivering the requested records.*

For Agency Use Only

- **Received By:** _____
- **Date Received:** _____
- **Request Status:**
 - ☐ Approved
 - ☐ Denied
 - ☐ Pending
- **Fee (if applicable):** \$_____
- **Date Records Sent:** _____

Oregon State Board of Towing

Memo

To: Oregon State Board of Towing Board Members

From: Torey McCullough, Board Administrator

Re: Compliance with the Governor's Guidance on Administrative Rules

Date: April 8, 2025

1. Updated Rulemaking Protocols:

On February 19, 2025, Governor Tina Kotek's office issued the attached updated rulemaking protocols.

In response to the updated protocols:

- A. The Board's website has been updated so that the proposed rules information is at the top of the Laws and Rules page instead of the bottom.
- B. The initial drafts of the definitions will be posted, as will the board public policies for transparency and encourage engagement.
- C. Public comments and testimony on proposed or draft administrative rules will be posted beginning May 1, 2025.
- D. The Board's rule making calendar is posted as required.
- E. While not required, the Board's requests, recommendations, and proposed bills will be posted on the website beginning July 2025 for transparency and engagement.
- F. The Board has always posted hearings, meetings and work sessions on the public transparency calendar; required links are now available on the Board's website.

2. Advisory Committees

In compliance with the intent of ORS 183.333, the Board has created two advisory committees:

1. A proposed policy and advisory email group consisting of complainants and members of the public expressing an interest in joining the proposed policy and advisory group. Individuals may be asked to be added to or removed from the email group at any time.
2. A Tower policy and advisory group specific to members of the towing industry. To ensure communication and information, the goal is to have all Oregon tow companies represented in the email group. Due to the information provided and the

potential regulations, at least one tower from each company is to be represented in the group.

The Board seeks additional advisory engagement from a number of collaborative partners including DMV Program Services, Vehicle Programs, and Business Regulations; ODOT Incident Response and other programs; Portland Bureau of Transportation, law enforcement, local governments, state agencies, and the Oregon Tow Truck Association.

Due to limited resources, advisory groups are engaged by email, and are not required to attend meetings. There are no formal advisory group meetings at this time.

The Board, at its discretion, may create advisory groups as required to discuss, review, or draft specific rules or policy. Creation of these advisory groups will be posted on the Board's website and shared with the email policy groups.

3. Public Comment and Testimony

- Written comments and testimony are welcome at all times.
- The Board reserves time at each public board meeting for public comment.
- Work sessions are less formal than public meetings, with more opportunities for comments and engagement from the public during Board discussions.
- The Board accepts public testimony prior to adoption of public policy.
- The Board holds public hearings on proposed administrative rules, even when there is no legal requirement to do so.
- Public comments and testimony identified as a comment or testimony on a proposed administrative rule, policy, or legislative request will be posted on the Laws & Rules page.

4. Work Groups

The Board may, at its discretion, create work groups to address specific goals and objectives. Public work groups will include subject matter experts, collaborative partners, and members of the towing industry and public. Opportunities and criteria for work group membership will be posted on the Board's Laws & Rules page and distributed to advisory group members.

ORS 183.333
Policy statement
Public involvement in development of policy and drafting of rules
Advisory committees

- (1) The Legislative Assembly finds and declares that it is the policy of this state that whenever possible the public be involved in the development of public policy by agencies and in the drafting of rules. The Legislative Assembly encourages agencies to seek public input to the maximum extent possible before giving notice of intent to adopt a rule. The agency may appoint an advisory committee or use any other means of obtaining public views that will assist the agency in drafting the rule. The membership of an advisory committee appointed under this subsection must represent the interests of persons and communities likely to be affected by the rule.
- (2) Any agency in its discretion may develop a list of interested parties and inform those parties of any issue that may be the subject of rulemaking and invite the parties to make comments on the issue.
- (3) If an agency appoints an advisory committee for consideration of a rule under subsection (1) of this section, the agency shall seek the committee's recommendations on whether the rule will have a fiscal impact, what the extent of that impact will be and whether the rule will have a significant adverse impact on small businesses. If the committee indicates that the rule will have a significant adverse impact on small businesses, the agency shall seek the committee's recommendations on compliance with ORS 183.540 (Reduction of economic impact on small business).
- (4) An agency shall consider an advisory committee's recommendations provided under subsection (3) of this section in preparing the statement of fiscal impact required by ORS 183.335 (Notice) (2)(b)(E).
- (5) If an agency does not appoint an advisory committee for consideration of a permanent rule under subsection (1) of this section and 10 or more persons likely to be affected by the rule object to the agency's statement of fiscal impact as required by ORS 183.335 (Notice) (2)(b)(E) or an association with at least 10 members likely to be affected by the rule objects to the statement, the agency shall appoint a fiscal impact advisory committee to provide recommendations on whether the rule will have a fiscal impact and what the extent of that impact will be. The membership of the fiscal impact advisory committee must represent the interests of persons and communities likely to be affected by the rule. An objection under this subsection must be made not later than 14 days after the notice required by ORS 183.335 (Notice) (1) is given. If the agency determines that the statement does not adequately reflect the rule's fiscal impact, the agency shall extend the period for submission of data or views under ORS 183.335 (Notice) (3)(a) by at least 20 days. The agency shall include any recommendations from the committee in the record maintained by the agency for the rule.
- (6) An agency may appoint the Small Business Rules Advisory Committee established in ORS 183.407 (Small Business Rules Advisory Committee) as the advisory committee or fiscal impact advisory committee for purposes of this section.
- (7) Subsection (5) of this section does not apply to any rule adopted by an agency to comply with a judgment or a settlement of a judicial proceeding.
- (8) If an agency is required by law to appoint an advisory committee or a fiscal impact advisory committee under this section, the agency may not appoint an officer, employee or other agent of the agency to serve as a member of the advisory committee or fiscal impact advisory committee. [2003 c.749 §4; 2005 c.807 §4; 2013 c.273 §1; 2018 c.20 §3; 2021 c.463 §1]



TINA KOTEK
GOVERNOR

February 19, 2025

Dear Agency Leaders,

Providing exceptional service to Oregonians has been a top priority since I took office. Improving how state agencies interact with and serve Oregonians increases transparency and accountability. One of the core processes that supports our work is rulemaking. I believe we need more consistency across the enterprise in all our rulemaking efforts. Therefore:

Effective May 1, 2025, I expect all Executive Branch agencies to update rulemaking protocols to reflect the following:

- **All proposed, temporary, and permanent rules must appear publicly on agency websites.**
 - Agencies that currently have multiple rulemaking webpages must consolidate those pages into one central location that is one click away from their homepage. All high-level, essential information is to be on this central page. Links to subpages with detailed rulemaking information are permissible.
 - All rulemaking documents must appear on that central page or subpage and must include rulemaking notices that contain:
 - A statement of potential fiscal impact of the proposed rule;
 - Summaries of the proposed rule;
 - Any agency FAQ documents pertaining to the rulemaking; and
 - Any minutes or recordings from rulemaking advisory committee meetings.
- **Each agency shall publish public comments on their website during the rulemaking process.**
 - Comments that are required to be posted include:
 - Comments made in writing during public comment periods;
 - Comments made in writing during rulemaking advisory committee meetings; and
 - Comments made in writing during community engagement activities.
 - After an agency adopts or amends a rule through a rulemaking process, it must post on the rulemaking website a description of changes made to the original rule as a result of public comment.

- **Agencies shall have a public rulemaking planning calendar** that is posted on their rulemaking webpage by January 31 of each year that details their annual rulemaking plan. The expectation is that this calendar will be updated as plans change during the year. This year's plan should be posted by May 1.
- **Agencies shall include the impact of rulemaking on the agency's workload** when asked about the impact of new legislation, beginning with the 2026 legislative session. Agencies can include that information anytime they are testifying or providing information about a bill.
- **Agency rulemaking webpages shall link to the Secretary of State Administrative Rules Database** (<https://secure.sos.state.or.us/oard/processLogin.action>) **and the Oregon Transparency administrative rules webpage** (<https://www.oregon.gov/transparency/Pages/administrative-rules.aspx>.) While this information may be redundant, this will create multiple paths to statewide information for customers searching for agency-specific or more general Oregon state government information.
- **All agencies shall continue current practices for posting to the transparency website and following the Secretary of State processes for rulemaking.** Requirements included in this letter are in addition to and not in lieu of any current practice or requirements. Failure to follow the process expectations detailed in this letter will not affect the validity of any agency rulemaking and will not provide an additional legal basis to challenge an agency rulemaking.

The Department of Administrative Services (DAS) will provide the following resources to your rulemaking coordinators:

1. A Q&A session in early March with enterprise rulemaking experts;
2. Examples of webpages and templates that comply with these expectations; and
3. A landing spot on the DAS homepage to provide a central place for links to all agency rulemaking pages.

Please send any questions and the name of the person from your agency that you would like to participate in the March FAQ session to Janet.Chambers@das.oregon.gov.

Thank you for your ongoing efforts to meet the needs of Oregonians through transparent customer service.

Sincerely,



Governor Kotek

Operating without a tow business certificate										
Case No.	DOTow	Type of Tow	Towed Vehicle	Allegations	Comments					
2025-01-006	Various	No TBC	Numerous	recovery services without DMV TBC.	Respondent given several opportunities to comply with requirement before doing so. Was observed violating ORS 822.200 several times before coming into compliance.					
Rate & Fee Complaints										
Case No.	DOTow	Type of Tow	Towed Vehicle	Allegations	Total Tow Fee	Storage	Days	Admin Fee	Lien	Comments
2025-01-019	12/18/2024	Recovery. Box truck vs. black ice, ended up in a snow bank to the side of the highway. At least 2 tires not touching the road surface. Vehicle damage unknown.	Box Truck	Rates and Fees	\$14,707.00	\$257.76	6	20% (\$2183.40)	None.	*ODOT Authorized tow *Invoice mirrors OSP rate sheet except possibly Pull Out and Admin Fees (not listed on rate sheet) *Complainant had called tower to
2025-02-003	8/7/2024	Recovery. 2021 Tesla involved in accident	2021 Tesla	Rates and Fees	Originally: \$21,751.52	\$452.64	43	\$44.10	\$499	*Insurance left the vehicle in the tow lot for 43 Days. *Local PD does not have a rate
2024-12-008	4/28/2024	Recovery. Fuel Truck	Gas Tanker	Rates and Fees	\$50.60	195				*OSP Authorized tow. *OSP audited bill, discussed issues with tower.
Sign Complaint										
Case No.	DOTow	Type of Tow	Towed Vehicle	Allegations	Total Tow Fee	Comments				
2024-11-010	10/4/2024	Abandoned vehicle - private lot of a non-profit	Dodge Charger	PPI without signage or authorization.	Unknown	1. Property owner signed PPI Authorization showing vehicle to be towed. Complainat confirms that the property owner requested the tow. 2. There are no posted signs in the parking lot. 3. Complainant states they had permission to park the vehicle in the parking lot. This has not been confirmed in writing. 4. Vehicle was left in parking lot for three days. Parked vehicle prohibited scheduled paving work. 5. Notice posted on car.				



**April 8, 2025 Meeting Materials
DRAFT Work Session Materials - Signage**

The following documents are for discussion purposes only.

**The statutes referenced in the document are
Oregon Revised Statutes currently in effect.**



Oregon State Board of Towing Signage Work Session - Objectives April 8, 2025

This document does not represent formal Board decisions or policy; the document facilitates board discussion to:

- 1. Define or clarify ambiguity in Oregon law.*
- 2. Address situations and scenarios submitted in complaints*
- 3. Answer questions or provide clarification to the public, towing industry, and board partners.*

ORS 98.850 Legislative findings and declaration

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

Objectives:

1. Define and interpret current statutes regulating the towing industry assigned to the Board to administer.
2. Review complaints, invoices and statutes to identify:
 - Reasons for complaints, categorize complaint scenarios.
 - Clarity of current ORSs; need for ORS amendments or adoption of administrative rules.
 - Board authority and roles in different billing/invoicing scenarios.
 - Identify training and education needs.
3. Identify objectives for May work session.

Reason for discussion:

1. Statutes for signage requirements for private property impounds are vague and scattered through out Oregon statutes.
2. Signage, or lack of thereof, is a major concern of complainants who attest that they parked in areas that did not have signage prohibiting parking in the area.
3. Towers and property owners are requesting assistance in determining what the sign verbiage is, and what the posting requirements are.
4. Developing a base standard for signage verbiage and postage requirements applied across the state will allow for:
 - Consistency and normalcy in parking prohibitions, and ensure that the signage requirements for towing a vehicle are consistent with other parking statutes.

- An increase in public protection by providing a higher degree of informed consent of the public when making parking decisions
- Ensure all towers are following the intent of Oregon's laws, and
- Increase transparency of tower operations.

Board's authority:

ORS 822.265 Rulemaking authority

(1) In accordance with applicable provisions of ORS chapter 183, the State Board of Towing may adopt rules:

- (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 822.285 Additional powers of board

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

ORS 822.995 Civil penalties for violations related to towing

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

General Discussion:

ORS 90.485 Restrictions on landlord removal of vehicle

(3) A landlord may have a motor vehicle removed from the premises under subsection (2)(f) of this section only if the landlord:
(b) Provides a tenant with parking tags or other devices to be used on a vehicle other than the tenant's primary vehicle if the tenant wants to park a vehicle on the premises in lieu of the tenant's primary vehicle; **and**
(c) Enters into written agreements with the owners or operators of vehicles authorized to park on the premises that:
(B) Unless the information is disclosed on prominent signs posted on the premises, disclose to the owners or operators of authorized vehicles the name, address and contact information of the tow company that is authorized to remove vehicles from the premises; **and**

ORS 90.485 Restrictions on landlord removal of vehicle

(5) If guest parking is allowed, the landlord shall post a sign in each designated guest parking space that is clearly readable by an operator of motor vehicle and that specifies any rules, restrictions or limitations on parking in the designated guest parking space.

ORS 98.810 Unauthorized parking of vehicle on proscribed property prohibited

A person may not, without the permission of:

(1) The owner of a parking facility, leave or park any vehicle on the parking facility if there is a sign displayed in plain view at the parking facility prohibiting or restricting public parking on the parking facility.

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

(d) Parks without permission in a parking facility used for residents of an apartment and:

(A) There are more residential units than there are parking spaces;

(B) The landlord has issued parking tags or other devices that identify vehicles that are authorized to be parked on the premises; **and**

(C) There are signs posted that are clearly readable by an operator of a motor vehicle in each parking stall or at each entrance to the parking facility prohibiting or restricting public parking on the parking facility.

ORS 98.854 Prohibitions placed on tower

A tower may not:

(1) (a) Tow a motor vehicle from a parking facility unless there is a sign displayed in plain view at the parking facility that, using clear and conspicuous language, prohibits or restricts public parking at the parking facility.

ORS 98.862 Exceptions to requirements of ORS 98.856

A tower need not provide the written information required under ORS 98.856 (Tower responsibility of disclosure to owner or operator of vehicle) if:

(1) The motor vehicle is towed from a parking facility where the tower has provided the information on signs that are clearly readable by an operator of a motor vehicle in each parking stall or at each entrance to the parking facility.

Signed Authorization: Towers acting as a property owner's agent under ORS 98.853 (1) are not immune from liability of a tow. Towers acting as a property owner's agent are responsible for the lawfulness of the tow, and by authorizing the tow, represent compliance with all Oregon laws.

Signage Examples:



Attachments:

Statutes Regulating Signage

City of Portland Signage requirements

Next Steps:

ORS 98.850 Legislative findings and declaration

(2) The Legislative Assembly declares that:

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

ORS 90.485 Restrictions on landlord removal of vehicle

(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:

(c) Violates a prominently posted parking prohibition;

(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.

(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.

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

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

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

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

(b) That is used primarily for parking at a dwelling unit. As used in this paragraph, "dwelling unit" means a single-family residential dwelling or a duplex.

ORS 98.810 Unauthorized parking of vehicle on proscribed property prohibited

A person may not, without the permission of:

(1) The owner of a parking facility, leave or park any vehicle on the parking facility if there is a sign displayed in plain view at the parking facility prohibiting or restricting public parking on the parking facility.

(2) The owner of proscribed property, leave or park any vehicle on the proscribed property whether or not there is a sign prohibiting or restricting parking on the proscribed property. [1953 c.575 §1; 1979 c.100 §3; 1981 c.861 §24; 1983 c.436 §3; 2007 c.538 §10]

ORS 98.853 Conditions allowing towing

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

(d) Parks without permission in a parking facility used for residents of an apartment and:

(C) There are signs posted that are clearly readable by an operator of a motor vehicle in each parking stall or at each entrance to the parking facility prohibiting or restricting public parking on the parking facility.

ORS 98.854 Prohibitions placed on tower

A tower may not:

(1) (a) Tow a motor vehicle from a parking facility unless there is a sign displayed in plain view at the parking facility that, using clear and conspicuous language, prohibits or restricts public parking at the parking facility.

ORS 98.862 Exceptions to requirements of ORS 98.856

A tower need not provide the written information required under ORS 98.856 (Tower responsibility of disclosure to owner or operator of vehicle)* if:

(1) The motor vehicle is towed from a parking facility where the tower has provided the information on signs that are clearly readable by an operator of a motor vehicle in each parking stall or at each entrance to the parking facility.

***ORS 98.856 (1)**

(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.

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]

TRN-17.02 - Towing Regulations

Administrative Rule Adopted by Portland Bureau of Transportation Pursuant to Rule-Making Authority

2. Signage

It is unlawful to tow a vehicle from a private parking facility unless the facility meets the following signage requirements:

1. At least one sign must be posted for every 3 parking spaces, or every 1,000 square feet of space allotted for parking.

2. At least one sign must be posted and clearly readable by an operator in a motor vehicle at each driveway into the parking lot, not more than 10 feet from the public right of way or driveway. Such signs must:

- a. Be posted so that the center of the sign is not more than 8 feet nor less than 4 feet above the ground; and,
- b. Be at least 18" x 24" in size; and,
- c. State that parking is prohibited, reserved or otherwise restricted; and,
- d. State who is authorized to park and the hours during which parking is restricted; and,
- e. If a permit is required to park, clearly state the requirement and how to obtain a permit, and,
- f. State that towing and storage of a vehicle will be at the vehicle owner's expense; and,
- g. Prominently display the PPI tower's name and 24-hour telephone contact number for release of a vehicle; and,
- h. Be maintained un-obscured by any tree, shrub, bush, vehicle or other obstacle at all times; and,
- i. Be printed in letters not less than 2 inches high.

3. When a private parking facility is shared by multiple business operations, (i.e. shopping mall, office park, etc.) parking spaces must be individually marked, or signs posted, clearly indicating which spaces are reserved for each business.

4. If a parking lot adjoins another property or may be entered from another property, at least one sign must be posted not more than 10 feet from the boundary dividing the properties.

5. PPI towers may request a variance in sign requirements by submitting a written request.

a. The request must:

1. Describe why PPI sign requirements cannot be met, and
2. Include photographs and/or maps to illustrate the need for the variance, and
3. Propose an alternate posting scheme for approval.

b. Towing may not begin at the subject location until the posting has been approved by the City. A determination will be made by the Director or designee within 3 business days of receiving such a request. Such determination regarding a variance is not appealable.