

Oregon State Board of Towing
Board Action options in compliance cases and investigation

The Board has several options for action on this one, including, but not limited to:

Hold the Board decision pending further information or investigation.

Dismiss with no action taken.

Forward to the appropriate authority or agency of jurisdiction.

Non-disciplinary actions:

1. A letter of education if the Board believes the respondent may not have been aware of the laws, may suggest best practices.
2. A letter of concern if the Board believes the action does not rise to the level of formal disciplinary action, but is conduct that violates Oregon's laws.
3. A letter of correction: Providing the tower with a specific period of time to come into compliance (for instance, 30 days to correct a violation of the law). If not corrected, the Board may issue disciplinary action with no further notice.

Formal Disciplinary action:

Assess civil penalties for violations of the law in an amount determined by the Board.

Deny, suspend, or revoke a tow business certificate or other actions allowed by law.

1. If a Notice of disciplinary action is issued, then the respondent has a right to hearing.
2. A respondent may also have the option of a settlement conference, allowing settlement of the disciplinary action under a Stipulated Agreement and Final Order.

OAR 750-080-0040 - Schedule of Civil Penalties.

(1) The State Board of Towing adopts the following Schedule of Civil Penalties:

(a) 1st offense: \$0 - \$500

(b) 2nd offense: \$500 - \$1000

(c) 3rd offense: \$1000 - \$2500

(d) Additional offenses: Additional civil penalties, in an amount up to \$25,000 per violation, as determined by the Board.

(2) The Board may assess a civil penalty in an amount greater than the Schedule of Civil Penalty when it is determined by the Board that a particular violation or conduct is especially egregious or severe causing unnecessary risk or harm to the public and others.

(3) In determining an appropriate civil penalty amount, the Board may consider the following:

(a) The severity of the violation or its impact on the safety or wellbeing of the public;

(b) The number of similar or related violations;

(c) Whether a violation was willful or intentional;

(d) The prior history of civil penalties and sanctions imposed by the Board or other regulatory agencies

(e) Other circumstances determined by the Board to be applicable to the violation(s).



Oregon State Board of Towing Complaint and Investigation Road Map March 10, 2026

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.*

Objectives:

Define a complaint and investigation road map for public education and to set expectations of the public and towing industry of complaints, investigations, and compliance enforcement.

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

The purpose of the Board is compliance enforcement. The Board has the authority to investigate and take appropriate action, as determined by the Board, against individuals and companies for violations of the laws and rules assigned to the Board to administer.

The Board is not a hearing board, does not represent either the tower or the complainant, and does not mediate disputes or disagreements between a vehicle owner and a tower.

The Board accepts complaints and investigates towing events to determine if a tower violated the statutes assigned to the Board to administer, identify effectiveness of current statutes, and works with partners to address compliance enforcement, gray areas, or inconsistencies within current statutes.

If violations by the tower are found, the Board may take such action as the Board determines is reasonable.

The Board does not have statutory authority to award or demand restitution, payment of damages, release of a vehicle, or other compensation demanded or requested by the vehicle owner.

The Board cannot provide legal advice or guidance, and does not discuss legal matters, including statutes or rules outside of the Board's assigned statutes.

Complainants seeking personal compensation or damages might consider contacting a legal professional to discuss legal options.

Complaints and Inquiries:

For the purposes of initial review, complaints and compliance inquiries follow the same process.

- Complaints may be submitted by email. Complaints are not taken over the phone.
- Complex complaints, or submission of documentation, may require that the Complainant provide the information through a secure portal. It is the responsibility of a complainant to provide information when requested.
- The Board must conduct an investigation before making a determination; the Board does not have statutory authority to require, compel, or demand the immediate release of a vehicle or a reduction in tow rates or fees.
- The Board cannot require or compel law enforcement or another agency to take action, even if there are violations of Oregon's statutes assigned to that agency to administer.
- The Board cannot require a tower to take an action not required or allowed by statute.
- The Board is responsible for compliance enforcement of the tower; the Board does not have compliance enforcement authority over law enforcement, state agencies, local jurisdictions, property owners, or vehicle owners, or statutes not assigned to the Board to administer.
- The Board and Board staff do not provide legal guidance or advice. Questions related to statutes not assigned to the Board to administer should be directed to a legal professional or the appropriate agency.
- Law enforcement impounds are conducted under ORS Chapter 819. The Board does not have visibility or authority over non-preference tow programs, and does not dispute the validity of a tow conducted under ORS Chapter 819.
- It is a violation of Oregon's statutes to abandon a vehicle or to park a vehicle without permission of the property owner. The Board does not dispute a property owner's legal right to remove an unauthorized vehicle from their property.
- Vehicle ownership is determined by DMV official, computer records.

Complaint Review:

Complaints are reviewed to determine Board authority, possible violations, and necessary information.

Step 1:

Board staff determines:

Is this a complaint against a tower?

- If yes, does the tower have an active tow business license?
- If no tow business license, an investigation is open.

Question for the Board: how soon should law enforcement be contacted?

Step 2:

Board staff identifies the following information:

- Date of the tow. *Did the tow occur within the last two years?*
- Location of the tow. *Oregon? Subject to local jurisdiction?*
- Who authorized the tow? *PPI? Law Enforcement or agency? Vehicle Owner?*

- Reason for the tow. Circumstances of the tow – is this a Tow Board issue?
Is the towing event a Tow Board issue?
- Vehicle identification: *Make, model and VIN – confirm registration*
- Statement of fees provided?
- Agency of jurisdiction: *law enforcement, state agency, other state*

Step 3:

Board staff contacts the complainant and confirms:

- Role and purpose of the Board, limitation of authority (*see above*)
- Information required to process complaint (*missing information from Step 2 if needed*)
- An initial analysis of the complaint allegations and the Board’s authority.
*If possible violations, an explanation of the statutes assigned to the Board.
If not a Tow Board matter, refer to appropriate authority and resources if known.
Board staff does not discuss statutes and rules not assigned to the Board to administer.
The Board does not have law enforcement authority and does not determine if a behavior is criminal and subject to arrest.*

Expectations: The Board is not a hearing board and does not mediate dispute or award damages. The complainant might consider contacting a legal professional if the complainant seeks release of the vehicle, damages, restitution, and other compensation to the vehicle owner.

Step 4:

Board contacts the tower to request:

- If not found: tow business certificate and insurance information
- Authorization for the tow
- Pre-tow photographs (if required)
- Confirmation of when law enforcement was contacted (if required)
- Written Statement of Fees/Rate Sheet
- Itemized invoice
- Notice of Lien (if required)

The Board investigates complaints to document facts to determine a tower’s compliance with Oregon’s applicable statutes at the time of the tow; the investigation does not investigate the allegations of the complaint.

Towers provide documentation and facts necessary to determine compliance with Oregon’s statutes. Towers do not defend themselves against specific allegations made in complaints other than to provide documentation to verify compliance with Oregon’s statutes.

Investigation:

- A formal investigation may be opened when there is probable cause of a violation, when the towing event demonstrates a gray area in statutes or compliance enforcement, or when the circumstances and facts of the tow relate to Board research or discussions.

- Opening of a board investigation is not to be construed as wrong-doing or violations of the tower.
- Allegations of a complaint are not always violations of the law.
- The Board investigates a towing event to determine a tower's compliance with Oregon's statutes and documents the facts of the towing event.
- Allegations for violations of statutes not assigned to the Board to administer might be considered as a mitigating circumstance, but the Board cannot take action for a violation of a statute not assigned to the Board to administer.
- A tower's failure to cooperate in a board investigation is grounds for additional disciplinary action.
- Investigations remain "open" until Board determination.
- Investigations are confidential to protect the process and the parties.
- Providing information after the requested date or submitting additional materials or correspondence less than two weeks prior to the Board meeting will delay review of the case until the next compliance review meeting.
- Complainants and Towers will be notified when the case is scheduled to be reviewed on the Agenda no later than the day before the board meeting.

Board Review:

- Only the Board members can determine violations for the purposes of disciplinary action. Determination is made during a public board meeting.
- Board members review the complaint, investigation report, case materials, and relevant information. Documentation and information provided, but not relevant to determining a violation, are made available to the Board members.
- The investigation remains "open" until Board review of the materials. After review, the Board may vote for Board action, or continue the investigation to confirm facts or obtain information necessary for the Board to make a determination.
- The Oregon State Board of Towing uses a progressive disciplinary model and consider mitigating circumstances prior to voting for Board action.
- Board meetings are open to the public. Board meetings are not recorded. Complainants and towers are encouraged to attend the meeting virtually to hear discussion of their case.
- The Board does not take testimony or public comments during review of the case.

After the Board Meeting:

- Board staff will complete the Board actions as quickly as possible.
- The parties to the complaint will be contacted by email with the Board's determination.
- Complainants and towers are requested to wait two full weeks prior to contacting staff for a status update.
- There is no forum or appeal process for a complainant to dispute the findings of the Board, unless the Board does not take disciplinary action and the Complainant can provide information not previously provided to the Board substantiating violations by the tower within 10 days of the Board's decision.

- When a tower is issued a Letter of Education, compliance with the statutes is expected.
- When a tower is issued a Letter of Correction, proof of compliance is required by the date specified in the letter. If compliance is not verified, the Board may consider disciplinary action.
- When formal disciplinary action is proposed, Board staff issues a Notice of Proposed Action which includes: the Board's Findings of Fact, the Board's Conclusion of Law demonstrating how the tower's actions violated the statutes, and the proposed disciplinary action and the right to a hearing to contest the findings of fact of conclusions of law.

Expectations - Complainant:

- The Board investigates compliance inquiries and complaints for a tower's violation of statutes assigned to the Board to administer.
- Complainants are responsible for providing the information necessary for the Board to investigate the allegations of the complaint.
- The Board does not represent a complainant.
- Damages, restitution, reimbursement, and demands for release of vehicles or possessions not of an emergency nature is a civil matter.
- Complainants will be contacted when:
 - The complaint is received (within 30 days)
 - A determination is made.
 - No later than the day before if the complaint is being reviewed at a public board meeting
- The Board complaint process is not meant to compensate for towing situations caused by complainant's behavior or decisions.
- Board staff cannot give legal advice or guidance, and cannot discuss statutes not assigned to the Board to administer for purposes of compliance enforcement.
- Harassing, bullying, demeaning, and threatening behavior will not be tolerated.

Expectations - Tower:

- The Board is required to investigate complaints; complaint allegations will be fairly investigated.
- The Board does not represent a tower in disciplinary actions.
- Most complaints are resolved by the tower providing requested information.
- Failure to respond to a request for information, or not providing accurate information, will escalate the investigation and is grounds for disciplinary action; the Board is not required to delay its determination if a tower fails or refuses to cooperate with an investigation.
- Towers have several opportunities to provide information during investigations.
- The Board is funded by the towing industry. Due to limited resources, not all investigations will include field visits and personal interviews.
- The board focuses on education and outreach; the Board's progressive disciplinary action method is designed for compliance and enforcement and is not punitive in nature.
- Compliance with all statutes, rules and regulations related to your towing business is your responsibility and is required.

Public access to Complaint and Investigation Information:

- The Board regularly provides general information of complaints at board meetings.
- Once the Board has at least 10 finalized disciplinary actions, the Board will post a disciplinary report identifying the case number, name of the tow company, a linked copy of the disciplinary action, and the effective date.

State Board of Towing - Disciplinary Action Report (Example Information)			
Case No.	Respondent	Description	Eff. Date
2024-07-001	Tow Company	Final Default Order	08/08/2024
2024-07-002	Tow Company	Stipulated Agreement and Final Order	08/08/2024

- 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.
- In cases where there is disciplinary action, the investigation materials will not be made available until 60 days after the final determination to protect the due process of the tower.
- 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.
- The Board does not receive general or tax payer funds. Oregon public records request fees are assessed based on the reasonable costs of locating, reviewing, and reproducing records in half hour increments. Photocopy charges will apply.
- 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.
- To ensure legal requirements and expectations of privacy and confidentiality, public records requests for complaint or investigation documents will be referred to the Dept. of Justice for processing. Applicable DOJ hourly rates and fees will apply. A deposit may be required prior to DOJ review of the public records request.

Oregon State Board of Towing
Compliance Process: Case Review
UPDATED: 03/10/2026

2026 Board case and investigation reviews are scheduled for
The 2nd Tuesday* of each odd numbered month
Subject to change.

Complaints:

Complaints may be submitted to the Board by any number of parties including, but not limited to: vehicle owners, property owners, industry members, insurance companies, law enforcement, other state agencies, state legislators and government officials.

Complaints demonstrating a possible violation of the statutes assigned to the Board to administer, or demonstrating a subject matter of board interest, may be investigated. The Board does not investigate complaints with no clear violation of the statutes assigned to the Board to administer.

The Board may not investigate a complaint demonstrating the tow was conducted under the authorization of a person allowed to authorize the tow and demonstrating no possible violations of the statutes assigned to the Board to administer.

The Board collects complaint and investigation data to determine trends, consumer protection issues, education needs, and for reporting information.

Investigations:

Investigations are conducted to verify and determine the facts of the case and possible violations assigned to the Board to administer. Third parties, including law enforcement, property owners, and other individuals with independent knowledge of facts of a towing event may be interviewed.

Allegations outside of the Board's purview – including, but not limited to – repossessions, collections, property or vehicle damage, financial reimbursement, restitution, vehicle ownership, and other civil issues are not discussed by the Board for determination.

Case review process:

Only Board members can make the determinations of violation and impose disciplinary actions.

Pre-Board Meeting

Staff:

Two Fridays before the scheduled meeting:

- Complaints and investigations loaded into Filevine ready for viewing.
- Correspondence re: questions or inquiries loaded into Filevine.

Board members:

Review the cases and correspondence in FileVine before the board meeting.

- Determine if the investigation report and information is sufficient for **you** to make an informed decision on what action should be taken.
- Identify what additional information would be useful in making an informed decision.
- Contact Board Administrator with any questions, missing information, possible errors, etc. prior to the Board meeting for correction or inclusion.
- Be prepared to discuss the merits or facts of the case for Board action.
- Correspondence: Make note of any questions, violations, gray areas, etc.
- If a board member believes that correspondence should be reviewed and considered by the board members, contact the Board Administrator for inclusion on the agenda.

While not every complaint, investigation, or case review will result in lengthy or detailed public discussion, Board members should make notes on:

- Overall impressions of the case
- Applicability and relevancy of law (*or if current law is unclear, or if additional ORS or OARs are required to eliminate enforcement gaps*)
- Questions or thoughts that may be discussed for the betterment of the decision, refinement in the process or board policies, and would benefit the education industry and in consideration of protection of the public.
- Additional information or mitigating circumstances that should be considered but are not be captured in the investigation report or documents.

At the meeting:

Board Chair:

The Board Chair will call each case for Board review.

Staff:

Staff provides a high-level summary of the case information. *Staff is available to answer questions, provide information and guidance/insight, and confirm actions that can taken as requested by the Board - but do not actively participate in case discussions.*

Board members will have a few minutes to review the investigation reports or case materials prior to discussion.

Board Chair:

The Board Chair will ask the Board members for discussion on the investigation or complaint.

Discussion:

- The focus of the discussion is to determine if the investigation and materials are sufficient to make a board decision.
- Clarify information or ask questions.
- To discuss the facts of the case and violations of Oregon's statutes assigned to the Board to administer.
- Statute requires board members to consider mitigating circumstances. The law does not specify that board members must discuss mitigating circumstances.
- The Board is not required to review or discuss information that is not relevant to determining a tower's violations of the statutes assigned to the Board to administer.

The Chair may recognize Board partners (i.e., law enforcement, DMV/ODOT, OTTA, PBOT) for input on the specific case if the input adds value to the Board's decision or ensures consistency with current business practices.

Parties to the complaint and investigation are not identified during public meetings until formal disciplinary action is taken.

No party to the complaint – tower, complainant, vehicle owner or witness – may provide testimony, statements, comments, or provide a rebuttal as part of the public discussion unless specifically invited by the Board to do so.

The Board's review and discussion of complaints and investigations does not provide a forum to provide testimony or comments, dispute or support allegations, and there is no opportunity for the public or parties to ask questions during Board case discussion.

Comments, questions and testimony on a complaint or investigation should be addressed to the Board in writing.

It is inappropriate for a tower, complainant, or other party to discuss a complaint or investigation privately with a board member, unless it is within the board member's role outside of the board.

Board vote:

After discussion a board member may make a motion to vote for board action. Alternatively, the Chair can request a motion.

After the motion is seconded, the Chair will ask if there is any further discussion before calling a roll call vote.

- When the Board is deliberating or voting on a matter before it, four members of the board constitute a quorum.
- Board votes are for the appropriate Board action and may be disciplinary or non-disciplinary in nature.
- Board votes do not need to be unanimous.
- Two towers vote on disciplinary action on a rotating schedule.
- If the motion does not pass – the Board may either discuss other options under a second motion or discuss the next steps for the case (for example, continue the investigation, research questions asked by the board, etc.)

Civil Penalties:

The Board may issue civil penalties according to its civil penalty schedule:

OAR 750-080-0040 Civil Penalty Schedule.

(1) The State Board of Towing adopts the following Schedule of Civil Penalties:

(a) 1st offense: \$0 - \$500

(b) 2nd offense: \$500 - \$1000

(c) 3rd offense: \$1000 - \$2500

(d) Additional offenses: Additional civil penalties, in an amount up to \$25,000 per violation, as determined by the Board.

(2) The Board may assess a civil penalty in an amount greater than the Schedule of Civil Penalty when it is determined by the Board that a particular violation or conduct is especially egregious or severe causing unnecessary risk or harm to the public and others.

Issuance of Board Actions:

The Board action or determination will be drafted by Board staff and mailed to the parties within 4 – 6 weeks.

General information:

- Each documented violation in the investigation may be counted as one violation
- Each violation found by the Board will be included in the Notice of Proposed Action, even when the Board does not assess a civil penalty for that violation.
- The Board uses a progressive discipline method for compliance enforcement.
- Not all violations found will result in a civil penalty or formal disciplinary action.
- The Board's progressive discipline is dependent on a number of criteria including, but not limited to: the history of the tower, the circumstances of the tow, if the violation was reckless or intentional, the risk or harm to the public, and the level of cooperation of the tower in resolving the issue.

Settlement Agreements:

- In most cases, a settlement agreement is not discussed until the Notice of Proposed Action is issued and the Respondent requests a settlement agreement; however, the Board might consider a settlement agreement prior to issuance of the Notice of Proposed Action at the request of the Respondent depending on the circumstances of the towing event and pending complaints and investigations.
- While the Board cannot award, require, or compel a tower to pay restitution or reimburse a vehicle owner, a settlement agreement **may but is not required to** include a reduction in the assessed civil penalty to pay for a tower's training or restitution, or other actions when appropriate, as part of the negotiated settlement.
- Payment of damages, enforcement of statutes or laws to the benefit of the vehicle owner or complainant, restitution, release of vehicles or private property, and other economic considerations are civil matters not determined or compelled by the Board in a board action or settlement agreement.

Date of Report:	 <p style="text-align: center;">CONFIDENTIAL INVESTIGATION REPORT</p>	Board Case #:
Investigator:		<p style="text-align: center;">Oregon State Board of Towing DMV HQ, 1905 Lana Ave., NE Salem, OR 97314</p>

NOT FOR PUBLIC DISSEMINATION

The contents of this report are confidential and protected from public disclosure. Any unauthorized dissemination, reproduction or distribution of this report or the information contained herein may be unlawful.

Date Complaint Received:	Date Investigation Initiated:	Allegation(s) [Cite ORS / OAR]
Complainant:	Date Investigation Closed:	ORS
Respondent / Tower:	Investigation Status: Open pending Board Review	OAR
Presented to Board Members:	Involved Person(s):	OAR

****Please fill in all of the above information, if you do not have information to put into the section, then please put N/A****

Signed: _____
Investigator

Date: _____

Approved By: _____
Board Administrator/Compliance Manager

Date: _____

CASE SUMMARY

Description:

- Allegations of the complaint
- General summary of findings of the investigation.

TOW COMPANY INFORMATION:

Date of Report:	 CONFIDENTIAL INVESTIGATION REPORT	Board Case #:
Investigator:	Oregon State Board of Towing DMV HQ, 1905 Lana Ave., NE Salem, OR 97314	Respondent / Tower:

Description:

Brief history of the tower – may include

- Secretary of State Registration
- DMV Records and Tow Plate Information
- DOJ History
- Contracts/agreements with state or local agencies (letter of appointment, city permit, etc.) if known
- Board disciplinary history

Note: until the Board may issue a tow business license to the tow company, information may not be complete due to lack of information or complexity of information.

REPORT NARRATIVE:

Complaint and investigation presented in a narrative, descriptive format:

Date	Description of event/timeline	Notes
Date	Narrative description of what happened	<i>Documents provided with investigation report.</i>

LAWS AND RULES FOR CONSIDERATION/CONCLUSION OF LAW:

This section updated to include how Respondent's actions violated Oregon Law

Statute	Description of violation	Notes
ORS 822.200	Respondent violated the referenced law <i>by doing this</i>	<i>Notes or comments.</i>

POSSIBLE MITIGATING CIRCUMSTANCES FOR BOARD TO CONSIDERATION:

Circumstances or events that the Board might consider when reviewing the investigation report.

ORS 822.995 Civil penalties for violations related to towing(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.

Date of Report:	 CONFIDENTIAL INVESTIGATION REPORT	Board Case #:
Investigator:	Oregon State Board of Towing DMV HQ, 1905 Lana Ave., NE Salem, OR 97314	Respondent / Tower:

- (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.

OAR 750-080-0020 - Mitigating Circumstances. The State Board of Towing may consider the following mitigating circumstances prior to issuing or imposing a non-disciplinary or disciplinary action under this section:

- (1) The person or entity's history in observing the provisions of ORS 98.853, 98.854, 98.856, 98.858, 181A.350, 822.200, 822.215, 822.225, 822.230, 822.235 or 822.605 and the rules of the Board under OAR Chapter 750;
- (2) The nature of the violation;
- (3) The effect of the violation on public safety and welfare;
- (4) Whether the conduct or action(s) was inadvertent or intentional;
- (5) The person's experience and education; S
- (6) The degree to which the action subject to sanction violates professional ethics and standards of the profession;
- (7) The level of cooperation and engagement in the Board's investigation;
- (8) The economic and financial condition of the person or entity subject to sanction; and
- (9) Any mitigating or aggravating factors the Board may choose to consider.

SUPPORTING EVIDENCE:

Documents, evidence, and other information provided to the Board for review.

Examples:

- Secretary of State Business Registry documents
- DMV reports and tow business certificate information
- Original Complaint and documentation provided
- Response from the tower
 - Signed Authorization
 - Pre-tow photographs
 - Itemized Statement/Invoice
 - Tower's written statement of fees/rate sheet
 - Notice of Lien (if required)
- Documents or reports from other agencies or jurisdictions
- Other information relevant to the findings of fact and conclusion of law provided by the complainant or tower*

Most communications from the tower and the complainant are attached to the investigation report.

Date of Report:	 CONFIDENTIAL INVESTIGATION REPORT	Board Case #:
Investigator:	Oregon State Board of Towing DMV HQ, 1905 Lana Ave., NE Salem, OR 97314	Respondent / Tower:

Documents, photos, videos, and recordings submitted but not relevant to the statutes assigned to the Board to administer may be accessible to board members but are not attached to the investigation report.

CONFIDENTIAL COMPLAINANT / RESPONDENT / WITNESS/ OR OTHER INVOLVED PERSON(S) INFORMATION:

A list of witnesses or individuals with knowledge of the case.

INVESTIGATORS CONFIDENTIAL OPINION

Separate page.
Insights of the investigator on the case.

CONFIDENTIAL

BEFORE THE STATE OF OREGON
BOARD OF TOWING

In the Matter of

) Case No.

)
) Respondents.
)
)

NOTICE OF PROPOSED ACTION
(Civil Penalties)
and
NOTICE OF RIGHT TO HEARING

1.

The Oregon State Board of Towing (*Board*) is the agency responsible for administering and implementing laws regulating the towing industry under ORS Chapter 822.

2.

_____ is the registered owner of ____ tow vehicles, hereinafter individually and collectively referred to as "Respondent." Respondent is subject to the jurisdiction of the Board. Respondent's last known addresses per DMV records is _____,

FINDINGS OF FACTS

3.

Information from the Investigation Report: Case Summary

4.

Information from the Investigation Report: Tow Company Records

4.1 Oregon Secretary of State, Business Registry ("Business Registry") records

4.2 DMV records

4.3 Tow business certificates are applied for annually. As part of the tow business certificate application, the vehicle owner attests that they are the owner of the tow vehicle, use the tow vehicle for their own business, and that the information contained in the application, including the business address, is accurate. False certification on the Tow Business Certificate Application is a Class C felony under ORS 822.605, and is punishable by 5 years in jail, a fine of up to \$125,000, or both, and subject to civil penalties and disciplinary action by the Oregon State Board of Towing.

Dependent on the case: relevant statutes related to the towing event

1 4.4 Towers are required to comply with a number of Oregon's laws when towing vehicles
2 including, but not limited to:

3 4.4.1 *ORS 98.853 Prior to towing a motor vehicle ... a tower shall take at least one photograph of*
4 *the motor vehicle and record the time and date of the photograph. The photograph must show the motor*
5 *vehicle as it was left or parked at the time the tower arrived to conduct the tow.*

6 4.4.2 *ORS 98.854 Prohibitions placed on tower. A tower may not: (1) ... tow a motor vehicle from*
7 *a parking facility without ... receiving signed authorization from the owner of the parking facility or the*
8 *owner's agent that the tower should tow the motor vehicle. (5) Charge more than a price disclosed under*
9 *ORS 98.856 (Tower responsibility of disclosure to owner or operator of vehicle) when towing a motor*
10 *vehicle without the prior consent or authorization of the owner or operator of the motor vehicle. (11) Hold a*
11 *towed motor vehicle for more than 24 hours without: (a) Taking an inventory of all personal property in the*
12 *motor vehicle that is visible from the exterior of the motor vehicle; and (b) Holding the personal property in*
13 *the motor vehicle in a secure manner.*

14 4.4.3 *ORS 98.856 Tower responsibility of disclosure to owner or operator of vehicle (1) A tower*
15 *shall disclose to the owner or operator of a motor vehicle in a conspicuous written statement of at least 10-*
16 *point boldfaced type: (a) The prices the tower charges for all the goods and services that the tower offers...*
17 *(3) If the owner or operator of the motor vehicle is not present at the time of the tow, the tower shall provide*
18 *the information required under this section to the owner or person in lawful possession of the motor vehicle*
19 *prior to the time the owner or person in lawful possession of the motor vehicle redeems the motor vehicle.*

20 4.4.4 *ORS 98.858 Right of owner or person in lawful possession of vehicle to redeem or inspect*
21 *vehicle. (1) A tower in physical possession of a motor vehicle shall permit the owner or person in lawful*
22 *possession of a motor vehicle the tower has towed to: (a) Redeem or inspect the motor vehicle: (A)*
23 *Between 8 a.m. and 6 p.m. on business days ...*

24 4.4.5 *ORS 98.812 ... lien for towage ... (2) A tower is entitled to a lien on a towed vehicle and its*
25 *contents for the tower's just and reasonable charges and may retain possession of the towed vehicle and*
26 *its contents until the just and reasonable charges for the towage, care and storage ... if the tower notifies*
the local law enforcement agency of the location of the towed vehicle within one hour after the towed vehicle

1 is placed in storage. (3) A tower may not assess any storage charge against the towed vehicle ... that is
2 incurred after: (a) If the towed vehicle is registered in Oregon, three business days after the vehicle is
3 placed in storage unless, within that time, the tower delivers notice by mail or gives actual notice to the
4 owner of the towed vehicle and to each person with an interest in the vehicle as indicated by the certificate
5 of title.

6 **From the Investigation Report: Report Narrative, Supporting Evidence**

7 4.5 – 4.xx

8
9 **Board review of the case**

10 4.## The Board met and reviewed this case on DATE, at the Board's regularly scheduled board
11 meeting. The Board reviewed the case materials, considered the circumstances and mitigating factors, and
12 voted to issue a Notice of Proposed Action assessing Respondent civil penalties based on the Findings of
13 Fact and Conclusions of Law as listed in this Notice and incorporated as though fully set forth herein.

14 **CONCLUSIONS OF LAW**

15 5.

16 Based on the acts and conduct described above, the Board finds the following grounds to assess
17 civil penalties against Respondent pursuant to ORS 822.995.

18 **From the Investigation Report: Laws and Rules for Consideration**

19 5.1 Description of the statute violated and how the Respondent violated the law.

20 EXAMPLE:

21 5.1 Respondent violated ORS 98.854 (2) by towing the vehicle without a signed authorization.

22 5.2 Respondent violated ORS 98.854 and 98.856 by charging the vehicle operator a gate fee
23 during normal business hours.

24 **PROPOSED ORDER**

25 6.

26 Based on the acts and conduct of Respondent described above, the Board proposes to take the
following actions:

1 **As determined by the Board – not all violations will result in board disciplinary action**

2 6.1 Assess a civil penalty in the amount of \$_____ for CONDUCT AND VIOLATION:

3 Example:

4 6.1 Assess a civil penalty in the amount of \$500 for violation of ORS 98.854 (2) for towing the
5 vehicle without a signed authorization.

6 6.2 Assess a civil penalty in the amount of \$200 for violation of ORS 98.856 for charging an
7 after-hours gate fee not itemized on the tower's statement of fees/rate sheet.

8 6.3 Issue a Letter of Education reminding tower of the requirement to release the photographs
9 and signed authorization at the time of request, but no later than the next business day.

10 6.4 For total civil penalties in the amount of \$_____.

11 6.7 Respondent may be assessed reasonable costs incurred by the Board to resolve, defend,
12 or enforce this disciplinary action, including attorney fees, in the current amount of \$0, but in an amount
13 not to exceed \$50,000.

14 **NOTICE OF RIGHT TO HEARING**

15 7.

16 Respondent has the right, if so requested, to have a formal hearing to contest the matter set out
17 above, as provided by the Administrative Procedures Act (Chapter 183). Respondent may be represented
18 by an attorney at the hearing. The request for hearing **must be made in writing** to the Board and **received**
19 **by the Board** within 20 days from the date of mailing of this notice (or if not mailed, the date of personal
20 service). The written request is to be mailed to: Oregon State Board of Towing, ICO DMV Program
21 Services, 1905 Lana Ave., NE, Salem, OR 97314. The Board does not have a fax number to conduct
22 official state business.

23 8.

24 If Respondent is an agency, corporation, partnership, limited liability company, trust, government
25 body, or an unincorporated association, Respondent must be represented by an attorney licensed in
26 Oregon.

9.

1 If a contested case hearing is requested, before commencement of that hearing, Respondent will be
2 notified of the date, time, and location of the hearing, and given information on the procedures, rights of
3 representation, and other rights of the parties relating to the conduct of the hearing.

4 10.

5 If Respondent fails to timely request a hearing, withdraws a hearing request, or fails to appear at a
6 scheduled hearing, Respondent shall have waived Respondent's right to a hearing and the Board may
7 issue a Final Order by Default and impose against Respondent the above sanctions. If the Board issues
8 a Final Order by Default, it designates its file on this matter as the record for the purposes of proving a
9 *prima facie* case.

10 11.

11 A settlement conference is available as a collaborative dispute resolution process as an alternative
12 to a contested case hearing, if requested, within the time period stated in the notice. The request for a
13 settlement conference will not affect the right to a contested case hearing if a hearing request is received
14 by the agency within the time period in the notice and the matter is not resolved through the collaborative
15 process.

16 **NOTICE TO ACTIVE DUTY SERVICE MEMBERS**

17 12.

18 Active duty servicemembers have a right to stay these proceedings under the federal
19 Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the
20 Oregon Military Department at (503) 584-3571, or the nearest United States Armed Forces Legal
21 Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have
22 a toll-free number.

23 **COLLECTION NOTICE**

24 13.

25 13.1 Civil penalties, costs, and fees assessed against a Respondent by the Oregon State Board
26 of Towing in a Final Order are due and payable on the 10th day following the date of the Final Order.

13.2 Pursuant to ORS 293.231, the Board will forward any unpaid balance on the account to the

1 Oregon Dept. of Revenue or a private collection agency for collection 60 days after the date of the Final
2 Order.

3 13.3 Pursuant to ORS 293.231, Respondent shall be responsible for the payment of the unpaid
4 balance due to the Oregon State Board of Towing and shall be responsible for any additional percentages
5 or any increase in the amount owed due to the accrual interest at the current interest rate assessed by the
6 Dept. of Revenue and/or any other collection fees and costs assessed by Dept. of Revenue or the agency's
7 assigned collection agent on the unpaid principal amount.

8 13.4 Collection fees, costs, and accrued interest may not be waived once an account, or the
9 unpaid balance due on an account, has been assigned to the Oregon Dept. of Revenue or a private
10 collection agency for collection.

11 DATED AND SERVED upon the above-named Respondent by regular and certified mail, addressed
12 to Respondent at Respondent's last known address, this _____ day of _____, 2026.

13 **OREGON STATE BOARD OF TOWING**
14 State of Oregon

15
16
17 By: _____
18 Torey McCullough, Board Administrator
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