

# Oregon State Board of Towing



## Administrator's Report

To: Oregon State Board of Towing Board Members

From: Torey McCullough, Board Administrator

Date: February 10, 2026

### 1. Financial Report:

*Not yet received by DMV fiscal services.*

### 2. Tow Business Certificates by the numbers:

#### February 2026:

2046 Total TW Plates

803 Unique Business Names

746 Unique Business Addresses

819 Unique Names & Addresses

#### January 2026:

2012 Total TW Plates

814 Unique Business Names

752 Unique Business Addresses

826 Unique Names & Addresses

#### February 2025:

2107 Total TW Plates

795 Unique Business Names

746 Unique Business Addresses

812 Unique Names & Addresses

### 3. Update: Statutes and Administrative Rules Effective

**01/01/2026**

- SB1036, removing the exceptions under ORS 98.853 (1) and clarifying the authorization requirement under ORS 98.854 (2) is now in effect. The State's

website has been updated, but not all of the resource sites (e.g., Oregon Public Law and Justia Law) are showing the updated information.

- The only new requirement under the administrative rules is the photos required under ORS 98.853 must show the vehicle parked in violation. This has been the opinion of DOJ since 2018; there is no set number of photos that must be taken, only that the photo show the vehicle parked in violation and legible copies of the affixed notice or the nearest sign.
- The Board's rules define the "property owner's agent" for the purposes of impounding a vehicle. Prior to the Board's definition, there were concerns regarding the requirements and implications of a "property owner's agent" under other statutes. The Board's definition allows a property owner to appoint any person to act as the owner's agent to identify and authorize a tow, including employees, tenants, and third-parties.
- Tows, their employees, contractors or representatives have not been allowed to act as the owner's agent since at least 2018 except for the small number of exceptions under the former ORS 98.853 (1), removed effective January 1, 2026.
- A small number of proposed rules were not finalized on January 1, 2026 to avoid redundancy and allow additional work with partners to avoid conflicts with policies and procedures.

## 2026 Board Calendar and Proposed Administrative Rules Schedule

Attached is staff's proposed schedule for 2026.

### Upcoming Events:

- Office Closures:
  - Tuesdays and Thursday: Field Work and Investigations
  - February 13 - 16, 2026: President's Day
  - March 16-17, 2026: Staff Training
- Town Hall/Public Q & A with the Board in Beaverton, Oregon
- OTTA:
  - Quarterly Meeting: April 4, 2026 in Albany, Oregon

## Oregon State Board of Towing Updates – February 10, 2026

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### **Private Property Impounds: Senate Bill 1036**

**Senate Bill 1036** is now effective.

SB1036 represents a collaborative effort to simplify statutes, resolve contradictions within statutes, and brings vehicles towed from residential complexes, businesses, and other private parking lots in alignment with Oregon's towing laws.

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### **Operating Without Tow Business Certification**

- ORS 822.200 requires **each** vehicle used for tow or recovery services (for direct or indirect compensation) in Oregon to have a DMV issued tow business certificate and tow plates issued to the VIN of the vehicle. Violation is a Class A misdemeanor and subject to disciplinary action by the Board.
- Completing a tow business certificate application with the intent of leasing, renting, or otherwise allowing the use of that tow business certificate by another company may be a violation of ORS 822.605.
- **Compliance with the law:** The name on the tow business certificate must match the name of the company operating the tow vehicle.
- If the name of an assumed business name operating the tow vehicle is different than the name of the parent company, the assumed business name is to be listed on the tow business certificate.

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### **Board complaints, investigations and disciplinary actions**

- The Board is focusing on complaints and investigations in 2026. As of February 9, 2026, there are approximately 50 complaints under investigation.
- The purpose of a Board investigation is to determine the facts of the towing event, the statutes relevant to the towing event, and verify a tower's compliance with the statutes assigned to the Board to administer.
- The Board's compliance process is not an opportunity for a complainant to litigate a case against a tower.
- Upon review or determination of the allegations of the complaint, Complainants are provided with information and resources relevant to their complaints. The Board does not provide legal advice or guidance.
- Towers are required to cooperate with investigations. Failure to cooperate is grounds for disciplinary action.
- Most complaints can be resolved and addressed by the tower providing the required information (e.g., authorization, photos, itemized invoice and statement of fees/rate sheets).
- If violations are found, the Board considers mitigating circumstances and the circumstances of a tow before determining board action which may include a letter of education, letter of correction, or assessed civil penalties depending on the findings of fact and the tower's actions.

### **Contact Us**

Oregon State Board of Towing

 [info@towboard.oregon.gov](mailto:info@towboard.oregon.gov)

 [www.oregon.gov/sbot](http://www.oregon.gov/sbot)

 (503) 871-5481

## Proposed Amended Rules – Not Finalized

### ORS 98.853

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

- (a) The time and date of the request is documented in the tower's records.
- (b) Acknowledgment or receipt of the request is sent to the requestor at the time of submission.  
*- Removed as this requirement may create barriers for vehicle owners who do not have consistent access to the internet.*

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

- (a) A written acknowledgment of the request;
- (b) The expected date the information will be provided; and
- (c) The reason for the delay in providing the information.
- (d) If the vehicle has not been released at the time of the request for the photographs by the owner or operator of the motor vehicle, a tower may not charge additional fees, including daily storage fees, from the date of request until the requested information is provided:
  - (A) Beginning on the same day if the request is received prior to 3:00 p.m. on a business day.
  - (B) Beginning the next business day if requested after 3:00 p.m. on a business day.

*- Removed as too complicated to enforce.*

*The Board will continue reviewing complaints under current laws and requirements, and determine if there is a need for an exception to "upon request"*

### OAR 750-040-0006 Administration and Implementation of ORS 98.854.

(1) (c) Be prominently displayed inside the parking facility.

*- Removed as too vague for compliance enforcement.*

*Removed due to lack of compliance enforcement against the property owner:*

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

- (A) The name and phone number of the tower authorized by the property owner to remove vehicles from the parking facility or
- (B) The 24-hour phone number or contact information vehicle owners or operators may call if their vehicle is towed when no tow company is disclosed on the signs posted in the parking facility.
- (e) At least one sign disclosing parking prohibitions and the contact information required under subparagraph (d) of this section must be posted at each entrance to the parking facility.
- (f) Additional signs will be prominently posted in the parking facility as needed to communicate parking restrictions or prohibitions to vehicle owners or operators:
  - (A) When the parking facility consists of 20 or more parking spaces in a common area.
  - (B) When parking areas within a parking facility may be reasonably perceived as separate parking facilities or businesses.

(2) A notice affixed to a motor vehicle a minimum of 72 hours prior to the tow of a vehicle from private property described in ORS 98.830 is required when:

- (a) The vehicle is towed without the vehicle owner or operator's consent AND
- (b) No signs prohibiting or restricting public parking are posted at the entrance or within the parking facility OR

- (c) The tow is conducted by a tower other than the tower disclosed on signs posted at the parking facility, OR
- (d) When required by the city, county, or other person with authority to regulate towing or impounding a vehicle without the consent of the vehicle owner or operator.

*Note: towers do not, and cannot, attach the notice as they cannot identify their own towing business. This requirement is on the property owner, and the Board has no jurisdiction to place requirements on the property owner.*

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

- (a) Signs are posted in the parking facility in compliance with ORS 98.854 (1) and
- (b) The tow is authorized by the property owner or their agent.
- (c) The tow is conducted at the request of the vehicle owner or operator.
- (d) The tow is authorized or requested by law enforcement or other government agencies.

*- Removed due to repetitiveness and duplication of statute requirements - and the opportunity for misunderstanding and interpretation of the requirement.*

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

- (a) Post a sign disclosing a tow company operating without a valid business certificate; or
- (b) Continue to display a tower's name on parking signs in a parking facility after the tower's tow business certificate expires, or is surrendered, suspended, or revoked.

*- This is already defined in law*

*- Removed due to compliance enforcement issues; the Board can still pursue compliance as necessary.*

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

*Removed – the landlord is responsible for authorizing the tow and compliance with the laws.*

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

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

*- Removed to avoid unintended consequences – the Board will review complaints to determine if these detailed in a rule is required.*

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

- (a) The time and date of the request is documented in the tower's records.
- (b) Acknowledgment or receipt of the request is sent to the requestor at the time of submission.

*- Removed as this requirement may create barriers for vehicle owners who do not have consistent access to the internet.*

(12) If a tower is unable to provide documents upon request in compliance with ORS 98.854 (2) the tower must provide the requester with:

- (a) A written acknowledgment of the request;
- (b) The expected date the information will be provided by the tower;
- (c) The reason for the delay in providing the information.

*- Removed as too complicated to enforce.*

*The Board will continue reviewing complaints under current laws and requirements, and determine if there is a need for an exception to "upon request"*

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

- (a) Beginning on the same day if the request is received prior to 3:00 p.m. on a business day.
- (b) Beginning the next business day if requested after 3:00 p.m. on a business day.

*- Removed as too complicated to enforce.*

*The Board will continue reviewing complaints under current laws and requirements.*

#### **OAR 750-040-0008 Administration and Implementation of ORS 98.856.**

(7) A tower may not charge a vehicle owner or operator additional services or fees for a private tow or roadside assistance, motor club, or other service provider dispatched call without:

- (a) First offering the vehicle owner or operator the tower's written statement of fees required by ORS 98.856 AND
- (b) Obtaining the reasonable informed consent of the vehicle owner or operator to the additional fees and services. - *Removed so the Board may continue to review complaints and to avoid unintended consequences. The Board may still issue disciplinary actions for towers who fraudulent charge rates and fees under ORS 98.854.*

(8) A tower may not misrepresent law enforcement or other government fees on a written statement or invoice.

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

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

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

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

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

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

(C) At the tow yard or business when:

(i) The impound occurs outside of business hours AND

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

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

*- Removed due to compliance enforcement concerns – the Board can monitor complaints to determine if there are compliance issues requiring legislation or rules.*

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

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

(b) After hookup of the vehicle is complete when the tow is conducted under the signed authorization of a

property owner or their agent if the vehicle owner or operator is unable to pay the hook up fee.

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

*- Removed to avoid confusion with the type of tow, and eliminate conflict with law enforcement and other agencies. This will be visited as part of the work session and 2027 legislation.*

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

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

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

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

(D) The tow 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. *This section does not add value, and may cause confusion.*

(c) This section does not supersede a tow's obligation to comply with requirements or regulations imposed by a law enforcement agency, government agency, or other jurisdiction requiring tows to notify law enforcement prior to one hour after the tow.

*- Removed as redundant.*

(12) Storage fees for recovered stolen vehicles may not begin to accrue until the date the tow first attempts to notify the owner or the stolen vehicle in compliance with ORS 98.857.

*- Removed as redundant of ORS 98.857.*

#### **OAR 750-040-0015 Implementation and Administration of ORS 822.200**

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

*- Removed until details on this need to be worked out with DMV – ie, registration is issued to individual. This will be resolved under a business license.*

(4) when:

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

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

(c) When the tow vehicle is conducting towing business.

*- Removed as repetitive.*

#### **OAR 750-060-0001 Consumer Protection and Complaints.**

(5) If the motor vehicle is impounded by an authority described in ORS 819.140, or the tow is dispatched to provide emergency or roadside services through the vehicle owner or operator's insurance, motor club, or other service provider, the tow is required to provide a written statement of fees to the owner or operator of the vehicle in compliance with ORS 98.856 and the reasonable consent of the owner must be obtained when:

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

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

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

(B) Condition of the vehicle to be towed.

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

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

*- Removed due to lack of clarity in current Oregon law and to avoid issues with municipal tows.*



## Oregon State Board of Towing 2026 Board Public Meeting and Proposed Administrative Rules Schedule February 10, 2026

### Oregon State Board of Towing:

- The Board is a nine-member board, appointed by the Governor.
- The Board is funded by a fee paid at the time of tow vehicle registration. The board receives no general or public funds.
- Board members are volunteer positions, and are not paid positions.
- The Board has one full-time staff member.
- The Board is required to meet at least once per quarter.
- Board meetings and work sessions are open to the public.

To accommodate the resources of the board, and in mindfulness and courtesy of the time required to conduct the business of the board:

### Public Board Meetings:

The Board will meet on the second Tuesday of the following months to conduct the regular business of the Board:

- February
- June
- August
- October (Annual Meeting)

### *Agenda Items:*

- Requests to place a topic on the Agenda submitted two weeks prior to the board meeting date will be considered for inclusion on the meeting agenda.
- Agenda topics received after two weeks prior to the board meeting date will be held for the next regular board meeting.

### *Public Comments:*

- Written public comment submitted by 3:00 p.m. on the Friday prior to the board meeting date will be included with the public meeting materials of the regular board meeting.
- Written public comment submitted after 3:00 p.m. on the Friday prior to the board meeting date will be held for the next regular board meeting.
- Public comments from the floor may be accepted as time allows.

The Board may meet during the following months for check-ins to conduct board business as required:

- April

July  
November  
December

## **Complaint, Investigation, and Disciplinary Review:**

The Board will meet on the second Tuesday of the following months to conduct cases and investigations reviews for possible board action:

- January
- March
- May
- September

## **Proposed Administrative Rules Calendar:**

The Board will review case materials and other information at each board meeting to identify needs for additional administrative rules.

The public, tow industry, board advisors, and board partners may submit written proposals for draft rules to the Board January – August for consideration in the Board’s 2026 proposed rules.

A list of identified needs will be reviewed at the August 2026 meeting for board review and comment.

The Board will hold draft and proposed rules public hearings during the following months prior to adoption:

- October
- November
- December (*tentative*)

## *Outreach and Communication:*

- The Fall 2026 newsletter will contain information on the draft proposed rules and proposed rules hearings.
- The Board will reach out to board partners and advisors for distribution of the draft proposed rules and the proposed rules hearing information.
- The Board will send information via email to the Board’s towing industry mailing list, the subscription email list, and the interested parties email list (comprising of members of the public, advocates, trade organizations, small business organizations, law enforcement, and local jurisdictions).

## *Public Comment and Testimony:*

- Written public comment or testimony may be submitted at any time. The written comment or testimony will be reviewed at the next regular board meeting and reviewed at the next public hearing.

## Office Hours:

- The Board's office hours are 8:00 a.m. - 4:00 p.m., Monday through Friday.
- The Board's office is closed:
  - For state holidays.
  - Tuesdays and Thursdays for investigations and field work.
  - When staff attends trainings.
- Emails and voice messages are responded to as soon as possible, generally within three business days.
- Email auto responses and voice messaging are updated to reflect staff's availability as needed.