



Oregon

Tina Kotek, Governor

State Board of Towing

1905 Lana Ave, NE

Salem, OR 97314

Email Address: info@towboard.oregon.gov

Web Site: www.oregon.gov/sbot

BOARD MEETING NOTICE **OREGON STATE BOARD OF TOWING**

Date & Time:

February 13, 2024

1:00 – 3:00 p.m.

MEETING LOCATION:

DMV Headquarters
1905 Lana Ave., NE
Conference Room 122
Salem, OR 97314

Board Members:

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

Microsoft Teams meeting

Join on your computer, mobile app or room device

[Click here to join the meeting](#)

Meeting ID: **253 926 438 16**

Passcode: **RMEMPH**

Click Here to [Join on the web](#)

Or Copy and Paste in your web browser:

<https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting?rtc=1>

Or call in (audio only)

Phone: (971) 277-1965

Phone Conference ID: 485 750 767#

CONTACT:

Torey McCullough, State Board of Towing
info@towboard.oregon.gov

TIMES AND ORDER: The Public Board Meeting will commence at 1:00 p.m. on February 13, 2024 and end at approximately 3:00 p.m., or upon completion of agenda items.

Refer to the Board Meeting Agenda for topics.

ACCESSIBILITY: Any interested person may attend the public meeting. The Board meeting will be accessible to persons with disabilities. *Please Contact Oregon Relay at 1-800-735-2900 for TTY Services.*

Meeting Space is limited – please RSVP in-person attendance to info@towboard.oregon.gov by Friday, February 9, 2024.

COPIES: Copies of the board meeting materials will be available on the Board’s website (www.oregon.gov/sbot) by 3:00 p.m. on Monday, February 12, 2024.

EXECUTIVE SESSION: The Board may enter Executive Session to discuss certain matters on the agenda pursuant to ORS 192.660 during the Board Meeting. The nature of and authority for holding the Executive Session will be announced by the Board Chair prior to entering Executive Session.

PUBLIC COMMENT: Members of the public are invited and encouraged to attend all public Board meetings.

The Agenda provides for a forum for public comments at the beginning and end of the Public Meeting.

Written statements or correspondence received by the Board by 5:00 p.m. on February 12, 2024, will be presented to the Board during the public comment session for review.

AGENDA ITEMS: Requests for an item to be considered for placement on the Board Agenda must be submitted, in writing, and received in the board office no later than 3:00 p.m. on Thursday, February 1, 2024.

Agenda request, written statements, correspondence, or requests for meeting materials may be submitted by email, mailed, or delivered to the addresses above.



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OREGON STATE BOARD OF TOWING Board Meeting Agenda February 13, 2024

The Board Meeting Agenda has several public comment sessions scheduled.

- If attending remotely, please keep your camera and microphone turned off unless you would like to make a comment or statement during the comment periods.
- If attending in person, please wait for the public comment sessions to ask questions or make statements.

Please Note:

1. The Board cannot discuss individual complaints during public board meetings.
2. There is no forum for a consumer to “present their case” against a tow company during the Board meeting, or to ask for the Board’s assistance in resolving an issue. To file a complaint, visit the Board’s website.
3. The Board may ask questions or clarify statements made in public session, but generally the Board does not have conversations during public comment sessions in the interests of time.
4. Please limit comments or statements to 2 minutes, focused on the subject or topic currently being discussed by the Board.
5. Time permitting, there will be an opportunity for the public to make general comments at the end of the Board meeting prior to adjournment.
6. Public comments or statements may be made to the Board after the meeting in writing either by email or regular mail to the addresses above.

AGENDA ITEM	PRESENTER	TIME
1. Call Meeting to Order	Chair	1:00
2. Welcome & Introductions <i>(Board Member, Staff, and the Public)</i>	All	
3. Approve Agenda	Board	
<i>Board Vote*:</i> ___ Anderson ___ Baker ___ Coughlin ___ Iwai ___ Lindland ___ McClellan ___ Shaner ___ Hanson ___ Riley		
4. Public Comment – <i>Please keep comments related to the Board Agenda and limited to 2 minutes.</i>	All	
5. Executive Session	Board	1:10
ES4. Adjourn Executive Session	All	1:50
BREAK		
6. Return to Public Session**	Chair	2:00
7. Welcome & Introductions – <i>if needed</i>	All	

<i>(Board Member, Staff, and the Public)</i>		
8. Approve Minutes of November 14, 2023 Board Meeting	Board	
<i>Board Vote*: ___Anderson ___Baker ___Coughlin ___Iwai ___Lindland ___McClellan ___Shaner ___Hanson ___Riley</i>		
9. Approve Minutes of January 11, 2024 Work Session	Board	
<i>Board Vote*: ___Anderson ___Baker ___Coughlin ___Iwai ___Lindland ___McClellan ___Shaner ___Hanson ___Riley</i>		
10. Reports		2:10
a. Administrator Report - <i>report on Board Operations</i>	McCullough	
• Financial Report		
o \$100 Tow/Recovery Certificate Fee		
• Resources for Consumers Whose Cars are Towed		
• Completion of Trial Service		
<i>Public Questions or Comments on the Compliance Report?</i>		
b. Compliance Report - <i>report on compliance activities</i>	McCullough	
• Tracking Categories		
c. Compliance Process - Update and Next Steps	Board	
d. Other Updates and Reports	All	
11. Public Comments and Correspondence - <i>Please keep comments related to topics in the Reports or Updates and under 2 minutes.</i>	Public	2:20
12. Review of Board Executive Session Items - Actions	Board	2:30
<i>Board Vote*: ___Anderson ___Baker ___Coughlin ___Iwai ___Lindland ___McClellan ___Shaner ___Hanson ___Riley</i>		
13. Other Business		2:40
• Mission Statement/Oregon Board Book		
• Urgent Need/Personal Possessions Definition		
• Signage Requirements		
14. Public Comments <i>Please keep comments related to the Work Session Items or Board Agenda, and limited to 2 minutes.</i>	Public	
15. Next Steps	Board	
a. Review Work Assignments and Direction to Staff		
b. Announcements		
c. Next Board Meeting/ Annual Board Meeting Date		
16. Final Public Comments <i>(General Comments - Time permitting)</i>		
17. Adjourn Board Meeting***	Chair	3:00
<i>Board Vote*: ___Anderson ___Baker ___Coughlin ___Iwai ___Lindland ___McClellan ___Shaner ___Hanson ___Riley</i>		

*Board vote during the meeting may be either consensus or roll call vote, depending on the Agenda item for decision. ORS 822.255 (4) voting protocol: Anderson, McClellan; Baker, Shaner

**Public Session will resume upon completion of Executive Session discussions.

***The Board meeting will be adjourned at the conclusion of Board business.

State Board of Towing

Administrator's Report

To: SBOT Board Members

From: Torey McCullough, Board Administrator

Date: February 13, 2024

Financial Report:

- The Board fee, \$100 per tow certificate, became effective on January 1, 2024.
- The fee is applied to all tow certificate applications (renewal and initial) received by DMV after December 31, 2023.
- The Board has no other sources of revenue at this time; the fee will be used to fund the operations of the Board.
- Information on the Board's 2023 Expenditure Report and January 2024 Revenue Report should be available.
- The Board will discuss its budget and financial goals at the Annual Meeting.

Tasks accomplished since November 14, 2023, Board Meeting:

- Chief of Police Board Member Position appointed by the Governor.
- Administrative Rules effective January 1, 2024.
- First Work Session on the compliance process held January 11, 2024.
- January complaints processed for Board review; a number of forms were developed to document the process and will be reviewed by the Board. Case tracking is currently being completed in Excel pending development of a database.

January 11, 2024 Work Session:

- The Board hosted a public work session to begin defining the Board complaint process.
- Over 20 people, including DMV Program and Business Services Staff, tow industry members, Road Side Assistance representatives, and members of the general public attended.
- The Board will continue to review submitted complaints and develop criteria for Board review and processes.
- The Board will continue to encourage consumers to work with towers and the agency or person who authorized the tow before filing a complaint. *Draft Options for Consumers attached.*
- Oregon statutes are intentionally broad, and do not include details and specifics.
- The Board will review current ORSs for effectiveness and clarity and consider either working towards amending the ORSs or adopting Administrative Rules to clarify the ORS, define requirements, etc.

OSP Division 50 Rules Hearing:

- Lt. Lindland and OSP Policy Analyst Audrey Guillory hosted the proposed rules hearing for Division 50, the OSP non-preference towing program.
- Division 50 only affects those enrolled in (or applying for) the OSP program, approximately 240 tow companies.
- For reference - there are approximately 750 - 820 separate tow company owners operating in Oregon.

Meetings and Trainings Attended:

- In-person board member trainings held for required training.
- December 2023 - Oregon Tow Truck Association (OTTA) Quarterly Meeting (Grants Pass)
- January 2024 - Oregon Dealers Advisory Committee (ODAC) Quarterly Meeting
- January 2024 - OSP Division 50 Rules Hearing
- February 2024 - Meeting with City of Portland Ombudsman and Tow Regulations

Upcoming Projects and Tasks:

- The 2024 Legislation is currently underway. No current bills directly affecting the Board were introduced the first week.
- There are bills introduced regarding vehicle weights.
- HB 4047 ORS 742.450 to require *Every motor vehicle liability insurance policy issued for delivery in this state shall contain a provision that provides liability coverage for towing expenses related to a motor vehicle accident.*
- Current bills and legislation can be found here:
https://www.oregonlegislature.gov/bills_laws/listbills/CurrentSessionBills.html
- Oregon Board Book – Mission Statement
- Annual Meeting preparation.
 - The Board will hold its first annual business meeting this year.
 - This year's Annual Meeting will focus on the Board's internal structure: Define its Mission and Value Statements, Bylaws, establish Board Member roles and responsibilities, define operational processes, identify short and long term goals, identify Board priorities, and other administrative and operational tasks.
 - The Annual Board meeting is open to the public.
- Continued work on
 - Website. Several pages are under-development and restructuring.
 - Compliance and Investigation Processes.

Completion of Trial Service:

- Trial Service completed January 5, 2024.
- Annual Review will be part of the Annual Meeting



Oregon State Board of Towing
ICO DMV HQ - Program Services
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When Your Vehicle Gets Towed

This information is for general education purposes related to options when a vehicle is towed, and does not, and is not intended to, constitute legal advice. The State Board of Towing does not represent the interest of the authorities. The information may not be the most up-to-date information available. Readers should contact the appropriate authority to ensure the information is applicable or appropriate to your particular situation.

State and Municipal Tows - Tow Hearings:

Oregon Dept. of Transportation, Oregon State Police, County Sheriffs, Police Departments, and other county and city agencies have the authority to take vehicles into custody under ORS 819.110 (*Custody, towing and sale or disposal of abandoned vehicle*) or ORS 819.120 (*Immediate custody and towing of vehicle constituting hazard or obstruction*).

People who have their cars towed under these statutes have the right to request a hearing to contest the validity of the tow or to determine the reasonableness of the charge for towing and storage of the vehicle.

Statute: [ORS 819.190 Hearing to contest validity of custody and towing](#)

Who to Contact: The Public Authority who authorized the tow (ODOT, Oregon State Police, County Sheriff Department, Police Department, Code Enforcement, etc.)

When: As soon as possible. The Authority must receive a written request for a hearing within 5 days of the **date** of the Notice under the Statute.

Please refer to the attached City and County Information Page for more information.

Private Property Impounds - Signs Posted:

Private Property Impounds (PPI) are tows from a privately owned parking facility, e.g., a business, mall, apartment complex, or other property privately owned and not meant for general public parking purposes.

Owners of the privately owned parking facilities often contract with tow companies to enforce parking restrictions. There are specific requirements and conditions that must be met prior to a vehicle being towed as a PPI.

If you believe your vehicle was towed without proper authorization or was illegally towed from a privately owned parking facility, including an apartment complex, you should contact:

1. The property owner to confirm that the tow was authorized; if the tow was not authorized by the property owner or was not conducted under the terms of a contract,
2. The towing company to confirm who authorized the tow; if the tow was made in error, make arrangements directly with the tow company for return of the vehicle.
3. Local Police or Code Enforcement; many Oregon communities have City Ordinances and requirements regulating PPIs.

Private Property Owners:

If your vehicle was left without permission on a person's private property, the property owner has the right to have the vehicle towed. [ORS 98.830](#) regulates how an abandoned vehicle can be removed by the property owner.

If you believe that the vehicle was towed from a property, you should first contact the property owner regarding the towed vehicle.

If you believe the owner had the vehicle towed without following the requirements of ORS 98.830, you should contact the local law enforcement agency (usually the City Police if within the City Limits, or the County Sheriff's Office if outside the City Limits) before contacting the Board.

Owner Requested Tows:

Vehicle owners requesting towing services directly from a tow company enter into a contract with the towing company.

Fees and contract disputes between the tow company and the vehicle owner in these agreements are a civil matter, and are generally outside the scope and authority of law enforcement, city and county agencies, and the Board. Vehicle owners in these cases should work directly with the tow company to resolve any disputes, or seek legal advice to discuss available options.

Roadside Assistance:

Roadside Assistance Services are provided by tow truck drivers either employed by the Roadside Assistance program, or under a contract between the Road Side Assistance Program and a tow company.

Complaints regarding service issues, professional conduct of the tow driver, the condition of the vehicle, timeliness, or other issues related to the Road Side Assistance call should be directed to the Road Side Assistance program.

Work Product for Discussion Only

Should the following be included in the document -or as a separate document?

Other Information:

- If you believe a tower's conduct was unethical or unlawful, you should file a complaint with the Board. The Board will investigate your complaint; if violations are found, the Board will take the appropriate action against the tower.
- The Board, law enforcement, and city and county agencies are only able to take actions when they have been given the authority.

This means most jurisdictions, including the Board, do not have the authority to require a tow company to refund a customer, pay for damages, or provide other compensation. Award for damages or refunds is generally under the authority of a hearing official or civil court.

- No agency or authority can make a decision based on one side of the story. Complaints are investigated, and both sides of the story are heard. Many factors, including the reason for the tow, registered ownership, and compliance with the applicable laws by both parties, are considered.
- ORS 98.858 defines the rights of "a person in lawful possession" of a towed vehicle to inspect the vehicle and retrieve personal property of an emergency nature. The statute also defines the requirements of the tower to allow access, restricts when a vehicle owner can be charged a gate fee, and other requirements.

If the vehicle owner is not registered as the owner with DMV, the owner will need to work with the Authoritive Agency or tow company to verify ownership of urgent personal property.

ORS 98.852 (6) defines "*personal property of an emergency nature*" to include, 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 legal definition does not include electronics, work equipment, valuables, firearms, food, or other personal items. While a vehicle owner may feel that an item is "urgent", the tow company is not required to provide access to these items without payment of the tow fee and release of the vehicle.

- Damages caused during towing operations should be negotiated with the tow company or insurance company.

Prior to submitting claims for damages, vehicle owners should document damages caused by the tow through before-and-after pictures or by providing an estimate from a mechanic or other expert verifying that the damage was caused by the tow, and was not preexisting.

If unable to settle for damages through the tow company or insurance, small claims court is another available option.

Work Product for Discussion Only

Question:

Would a directory of “authoritative agencies” be a helpful resource OR – would required maintenance and updates be too cumbersome given the Board’s resources.

State Resources:

City and County Program Contacts and Information:

This information is provided to assist the public in finding resources and information only; while the information provided was current at the time this document was created, consumers should verify any information with the appropriate agency for relevance and applicability to the consumer’s situation.

Oregon State Police

Oregon Dept. of Transportation

Oregon Cities:

Eugene, Oregon

<https://www.eugene-or.gov/937/Get-an-Impound-Release>

Gresham, Oregon

**The City of Gresham has a complaint process for PPIs.*

<https://greshamoregon.gov/Police-Services-and-Resources/>

Portland, Oregon

For Municipal Tows (City of Portland, Multnomah County, Port of Portland):

For Personal Property Impounds:

<https://www.portland.gov/transportation/regulatory/towing-and-ppi>

Oregon Counties:

Washington County, Oregon

<https://www.washingtoncountyor.gov/sheriff/services-division/vehicles-and-parking>

House Bill 4047

Sponsored by Representative OSBORNE (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 requires insurance to cover tow costs after a car accident. (Flesch Readability Score: 60.7).

Requires motor vehicle liability insurance policies to provide coverage for towing expenses related to a motor vehicle accident.

A BILL FOR AN ACT

1
2 Relating to vehicles; creating new provisions; and amending ORS 742.450.

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

4 **SECTION 1.** ORS 742.450 is amended to read:

5 742.450. (1) Every motor vehicle liability insurance policy issued for delivery in this state shall
6 state the name and address of the named insured, the coverage afforded by the policy, the premium
7 charged therefor, the policy period and the limits of liability.

8 (2) Every motor vehicle liability insurance policy issued for delivery in this state shall contain
9 an agreement or indorsement stating that, as respects bodily injury and death or property damage,
10 or both, the insurance provides either:

11 (a) The coverage described in ORS 806.070 and 806.080; or

12 (b) The coverage described in ORS 806.270.

13 (3) The agreement or indorsement required by subsection (2) of this section shall also state that
14 the insurance provided is subject to all the provisions of the Oregon Vehicle Code relating to fi-
15 nancial responsibility requirements as defined in ORS 801.280 or future responsibility filings as de-
16 fined in ORS 801.290, as appropriate.

17 (4) Every motor vehicle liability insurance policy issued for delivery in this state shall provide
18 liability coverage to at least the limits specified in ORS 806.070.

19 (5) Every motor vehicle liability insurance policy issued for delivery in this state shall provide
20 liability coverage, up to the limits of coverage under the policy for a vehicle owned by the named
21 insured, for the operation by the named insured of a motor vehicle provided to the named insured,
22 without regard to whether the named insured is charged for the use of the motor vehicle, if:

23 (a) The motor vehicle is provided to the named insured by a person engaged in the business of
24 repairing or servicing motor vehicles; and

25 (b) The motor vehicle is provided to the named insured as a temporary replacement vehicle
26 while the named insured's vehicle is being repaired or serviced.

27 (6) A motor vehicle liability insurance policy issued for delivery in this state may exclude by
28 name from coverage required by subsection (2)(a) of this section any person other than the named
29 insured, for any of the reasons stated in subsection (7) of this section. When an insurer excludes a
30 person as provided by this subsection, the insurer shall obtain a statement or indorsement, signed

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.

1 by each of the named insureds, that the policy will not provide any coverage required by subsection
2 (2)(a) of this section when the motor vehicle is driven by any named excluded person.

3 (7) A person may be excluded from coverage under a motor vehicle liability insurance policy as
4 provided in subsection (6) of this section:

5 (a) Because of the driving record of the person. The Director of the Department of Consumer
6 and Business Services by rule may establish restrictions on the use of the driving record in addition
7 to other restrictions established by law.

8 (b) Because of any reason or set of criteria established by the director by rule.

9 (8) Every motor vehicle liability insurance policy issued for delivery in this state shall contain
10 a provision that provides liability coverage for each family member of the insured residing in the
11 same household as the insured in an amount equal to the amount of liability coverage purchased
12 by the insured.

13 **(9) Every motor vehicle liability insurance policy issued for delivery in this state shall**
14 **contain a provision that provides liability coverage for towing expenses related to a motor**
15 **vehicle accident.**

16 **SECTION 2. The amendments to ORS 742.450 by section 1 of this 2024 Act apply to con-**
17 **tracts issued, renewed or extended on or after the effective date of this 2024 Act.**

18

State Board of Towing

Compliance Report

To: SBOT Board Members

From: Torey McCullough, Board Administrator

Date: February 13, 2024

Complaints:

- 25 Formal Complaints received in January.
- Complaint Summary:
 - 7 Completed Compliance Actions ready for next steps
 - 12 are under the jurisdiction of other authorities
 - 2 are not under the scope of the Board.
 - 4 Complaints are incomplete, waiting for information
 - 22 Active TW Plate Towers, 2 Expired Tow Plates, 1 tower unable to identify
 - Nature of tows waiting for categories to be defined.
- Several other phone calls received requesting information; call tracking will begin after Board review of Complaint Tracking criteria.

Online Complaint Form and Excel Tracking:

- The online complaint form is still under development. The “final” version of the complaint form will be sent for Board member approval before offering to the public.
- Complaints are being sent to the Board’s email address at this time.
- Phone callers are encouraged to submit a complaint or submit the documentation supporting the complaint.
- Complaint data and process will continue to be captured in Excel datasheets to allow the Board to develop tracking and report criteria prior to development of a database.
- Attached is an updated list of categories and data to be tracked for Board review and discussion.

Additional Updates:

- Updated Complaint Form
- Meetings held with PBOT to discuss collaborative partnerships and agency roles.
- Update on identified Compliance Process.
- Complaint Review Documents used for Board review of Complaints/Cases

State Board of Towing
Complaint Process
February 13, 2024

Step 1:
Complaint Received

Complaint Processed


Case No. Assigned
E-File Created
Acknowledgment Email Sent



Request
Additional
Documents
or Info

- Narrative Statement
- Pictures
- Estimate
- Invoice or Receipt
- Police Report
- Accident Report
- Other

Step 2:
Complaint Packets Prepared for
Board Review

 <p>Case Tracking Data Oregon State Board of Towing ICO DMV HQ - Program Services 1905 Lana Ave., NE Salem, OR 97304</p>	<h1>Complaint Information</h1>
<p><input type="checkbox"/> General: <input type="checkbox"/> Date Received: <input type="checkbox"/> Case No. <input type="checkbox"/> Closed: o Date: o Reason: o _____ of days from receipt to closed</p>	<p><i>Type of Tow Service</i></p> <p><input type="checkbox"/> Abandoned Vehicle <input type="checkbox"/> Collision/Wreck Tow <input type="checkbox"/> Customer Call <input type="checkbox"/> Involuntary/Unauthorized Tow <input type="checkbox"/> Non-Preference Tow o Specify: <input type="checkbox"/> Recovery Services <input type="checkbox"/> Repo <input type="checkbox"/> Salvage/Dismantler Tow <input type="checkbox"/> Service Tow (AAA, Dealership, Insurance) <input type="checkbox"/> Other:</p>
<p><i>Allegations</i></p> <p><input type="checkbox"/> Business Hours <input type="checkbox"/> Damage to Vehicle o During Tow o During Storage <input type="checkbox"/> Fee/Charges Overcharge <input type="checkbox"/> Missing or Stolen Items <input type="checkbox"/> No Access to Personal Items <input type="checkbox"/> Personnel/Employment <input type="checkbox"/> Possessory Lien/Documentation Errors <input type="checkbox"/> Professionalism of Tow Operator <input type="checkbox"/> Refusal to provide documents/pictures <input type="checkbox"/> Safety <input type="checkbox"/> Title or Registration Issues <input type="checkbox"/> Unauthorized Tow o Specify: <input type="checkbox"/> Other:</p>	<p><i>Complainant - Consumer/Owner</i></p> <p><input type="checkbox"/> Email/Mailed <input type="checkbox"/> In-Person <input type="checkbox"/> Phone Complaint <input type="checkbox"/> Other:</p> <p><i>Complainant - Other than Consumer:</i></p> <p><input type="checkbox"/> DMV o Specify: <input type="checkbox"/> DOJ <input type="checkbox"/> Law Enforcement/Code Enforcement: o Specify: <input type="checkbox"/> ODOT <input type="checkbox"/> Other Agency/Organization: o Specify</p>
<p><i>Complaint:</i></p> <p><input type="checkbox"/> Board complaint? <input type="radio"/> Yes <input type="checkbox"/> If No: <input type="checkbox"/> Complainant missing. <input type="checkbox"/> Complainant not registered owner. <input type="checkbox"/> No Violation (<i>specify</i>) <input type="checkbox"/> Not Substantiated (<i>specify</i>) <input type="checkbox"/> No Jurisdiction (<i>specify</i>) <input type="checkbox"/> Other Authority o Specify: <input type="checkbox"/> Respondent Unidentified/Cannot Locate: <i>Was Respondent Contacted: Y/N</i></p>	<p><i>Financial Considerations:</i></p> <p><input type="checkbox"/> Claim Lost: o Damages: o Fees: o Other: <input type="checkbox"/> Tow Fees <input type="checkbox"/> Substantiated Loss:</p>



Case Tracking Data
Oregon State Board of Towing
ICO DMV HQ - Program
Services
1905 Lana Ave., NE
Salem, OR 97304

Board Actions

Investigation:

- Date Assigned:
- Investigator:
- Report Received:
- Date Prepared for Board Review:
- Board Review:
_____ of days from receipt to investigation
_____ of days from receipt to Board Review
_____ of days from receipt to close

Board Action:

- Board Review Date:
- Board Vote: _____
 - o Dismiss
 - o LOC/Education Letter
 - o Notice of Proposed Action
 - o Amount of Civil Penalties:
 - o Other:
- Violations:

Correspondence/Disciplinatory Action

- Notice/Letter Sent: _____
- Deadline to Respond: _____
- FDO Date:
- FDO Effective Date:
- Stipulated Agreement?
 - o Amount:
 - o Terms:
 - o Board Approved:

_____ of days from Board Review to Action
_____ of days from Board Action to Response
_____ of days from Board Action to Resolution

Payment/Collections:

Due Date:
Date Paid in Full:
Courtesy Letter:
To Collections:

Contested Case Hearing Request:

Received:
Review/Response:
Fwd to DOJ:
Date of Hearing:
Finding for SBOT?
Date of Final Order:



Case Tracking Data
Oregon State Board of Towing
ICO DMV HQ - Program
Services
1905 Lana Ave., NE
Salem, OR 97304

Other Demographics

Consumer Information:

- Zip Code/County?

Tower Information:

- Zip Code/County?
- Tow Business Certificate? Yes/No
- Previous Discipline? Yes/No
 - Agency:
 - Number:

For Discussion Purposes Only

Oregon State Board of Towing



Complaint Form and Instructions

The State Board of Towing (Board) regulates the commercial tow and recovery industry pursuant to laws established under Oregon Revised Statutes Chapter 822 and Oregon Administrative Rules Chapter 750.

The Board appreciates the efforts of consumers who file complaints with the Board. The complaints provide invaluable information to the Board and help the Board to protect the safety and wellbeing of the public.

A copy of the Board's statutes and rules is available on the Board's website:

www.oregon.gov/sbot

The Board has authority to regulate the commercial tow and recovery industry only as authorized by Oregon's laws and rules. Information of the appropriate agency-of-jurisdiction will be provided in the event the Board does not have authority or jurisdiction over the allegations or concerns of a complaint.

Please complete all information on the attached form, including your contact information and the full name of the tow or recovery company who is the subject of your complaint, their contact information, the name of the tow or recovery operator who provided the service, if known.

Provide the relevant background information regarding how the tow or recovery service was initiated, what steps you have taken to resolve the issues in the complaint, and any other pertinent facts that will give the Board a full understanding of the situation. Facts should be submitted in chronological order.

Please indicate N/A (*Not Applicable*) for questions that do not apply to your complaint. Please print, sign and date the complaint form.

You may attach additional sheets of paper to describe your complaint.

Do not submit original documents. Please only submit copies of documents and retain the originals for yourself. Please also retain a copy of the complaint submitted.

The Board will accept anonymous complaints. However, as anonymous complaints can be difficult to investigate, if sufficient information and documentation is not provided, anonymous complaints may be dismissed without Board action.

Please mail or email your complaint form along with related documents to:

Oregon Board of Towing
ICO DMV HQ - Program Services
1905 Lana Ave., NE - Salem, OR 97314
Email: compliance@towboard.oregon.gov



COMPLAINT FORM
 Oregon State Board of Towing
 ICO DMV HQ – Program Services
 1905 Lana Ave., NE
 Salem, OR 97304

BOARD USE ONLY:

- Date Received:
- Case No.
- Processed:
- Notes:

Type of Complaint – Please Check

- Tow Services
- Billing/Invoice, Fees/Charges
- Registration/Title Issues
- Possessory or Other Lien
- Other:

Your Contact Information:

Name: _____

Mailing Address (Street or PO Box): _____

City: _____ State: _____ Zip: _____ Phone: _____

Email: _____

Complaint Against:

Company Name: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____ Phone: _____

Email: _____

License/TW Plate No. (if known): _____ Driver Name (if known): _____

What Happened?

Please provide a concise, detailed narrative summary of the events surrounding your complaint. Attach additional sheets as necessary.

What Outcome/Resolution to Your Complaint would you like to see?

Losses and Damages:

Money Paid:\$ _____ Date of Transaction: _____

Other Damages/Losses:\$ _____

Explanation of Loss/Damages:

Evidence in Support of your Complaint:

Please list AND ATTACH COPIES of the documents you are providing in support of your complaint (i.e., invoices, receipts, police reports, correspondence, pictures, records, or any other related documents)

What Steps Have You Taken to Resolve this Issue So Far?

Have you contacted the tow company to try to resolve this issue? Yes No

Date: _____

What methods of contact? Telephone Email
 Letter In Person
 Website Other: _____

What was the result of your contact?

Please provide copies of correspondence.

Have you contacted an attorney regarding your complaint? Yes No

Name: _____

Mailing Address: _____

Phone: _____ Email: _____

What was the outcome?

Have you registered this complaint with any other person, agency, or organization? Yes No

If yes, whom?

Person/Agency/Organization Name: _____

Mailing Address or Website: _____

Phone: _____ Email: _____

What was the outcome?

Police Report Information

Was a police or law enforcement agency involved in this incident? Yes No

If Yes, please provide the following information:

Name of Agency: _____

Name of Officer/Deputy: _____

What was the police agency involvement?

Please provide a copy of the police report, receipt, or Case No. if available:

Witnesses and Persons with Direct Knowledge

Please provide the names, phone numbers, and email contact information for any witnesses or persons with direct knowledge and information of the incident and your allegations. Attach additional sheets if necessary.

VERIFICATION

I affirm that the facts that are presented in the foregoing statement are true to the best of my knowledge and belief.

Signature:

Date:

AUTHORIZATION TO RELEASE INFORMATION

Please Read Carefully.

I hereby authorize the State Board of Towing to disclose the information contained in this complaint to the towing company, law enforcement, Oregon DMV, and other third-parties in the investigation of the complaint. I acknowledge that the purpose of the Board is to protect the general public by enforcing Oregon's laws and rules regulating the towing industry, and the Board does not represent individual consumers in complaints.

Signature:

Date:

Please mail or email this complaint form together with related documents to

State Board of Towing
ICO DMV HQ – Program Services
1905 Lana Ave., NE
Salem, OR 97314
Email: compliance@towboard.oregon.gov

State Board of Towing

Compliance Action Sheet

Overview

To help streamline Board review of the Complaints and Cases:

- Complaints are divided into categories on the Compliance Action Sheet and the Confidential Agenda based on Board Complaint criteria.

Quick description of Compliance Action Sheet categories:

Section 1: Completed Complaints

Complaint Criteria: Enough information has been submitted so that the Board can identify the next part of the process

After complaint criteria has been identified by the Board, this Section will contain cases where investigations are complete and the case is ready for Board Review and Action.

Section 2: No Jurisdiction (Complaint Topic for Board Discussion)

Complaint Criteria: There is no violation, however, the complaint provides a unique situation that the Board might consider taking under advisement.

Section 3: Forward to Appropriate Authority for Investigation/Action.

Complaint Criteria: Tows where another agency has primary jurisdiction, including Law Enforcement dispatch tows, tows under Service Contracts (Roadside Assistance, Insurance, Dealership), or tows under a City/County Program established under ORS 822.230.

Section 4: Close - No Violation, No Appropriate Authority

Complaint Criteria: Complaints closed without board action due to the criteria determined by the Board:

- The Board has absolutely no jurisdiction (not in the Board's wheelhouse)
- There appears to be no other appropriate authority under Section 3
- There are no questions from staff for the Board under Section 2
- The complainant has not provided information to substantiate

-
- allegations/grounds for an investigation
 - Unable to locate tow company
 - Issue resolved prior to Board review, no other issues found.
 - Other criteria as defined by the Board.

Section 5: New Complaints Received – More Information Required

Complaint Criteria: New complaints received by the Board, but not enough documentation or information submitted to put the New Complaint under one of the previous sections.

Questions for the Board to Consider (answers confirmed in Public Session):

Question 1:

How long should the Board keep a complaint open before closing due to lack of response from Complainant e.g.,

- 30 days after initial request?

OR

- Reminder Sent 30 days after initial request, then closed
- Complaints can be re-opened once the information is received.

Question 2:

Does the Board want to be updated on the current status of all open complaints

OR

Does the Board want to only be updated when status is changed?

NOT FOR PUBLIC DISSEMINATION

Executive Session
Compliance Action Sheet for ****

This form is used for the Board to track consensus on the cases and to vote in public session. It will make more sense once we do this once or twice.

The first part – the cites and authority – is based on previous experience taking cases to hearing. Will expand on this further – but, in general, it shows that the Board is constantly mindful of consideration of the mitigating circumstances and its authority to impose disciplinary action.

ORS 822.995 Civil penalties for violations related to towing

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

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

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

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

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

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

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

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

OAR 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;

(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.

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 State Board of Towing Page 13 Administrative Rules Eff 01/01/2024 especially egregious or severe causing unnecessary risk or harm to the public and others.

Sample of Case Entry:

Agenda No. - Case No. 2024-01-### Respondent

Board Vote* ___Anderson ___Baker ___Coughlin ___Iwai ___Lindland ___McClellan ___Shaner ___Hanson ___Riley
*The Board discusses the complaints during Executive Session.
 Board vote during public session on disciplinary actions.*

SUMMARY: High level summary.

Potential Mitigating Circumstances and Factors to Consider:

- 3-5 mitigating circumstances the Board should consider relevant to the facts of the case.
- Other mitigating circumstances to consider:

Board Direction to Staff – Not Disciplinary, No formal vote:
*What is/are the next steps – the list will vary from case to case.
 The options are “cafeteria style” – the Board “checks” which options it wants to take,*

- Disciplinary Actions
 - ORS ### (summary of violation - e.g., towing without authorization)
 - ORS ### (summary of violation - e.g., refusal to provide documents to consumer)
 - ORS ### (summary of violation – e.g., refusal to allow access to personal property)
 - Other violations: (as identified by the Board)
- Close Case – No Grounds for Board Action
- Educational Letter
- Required Training
- Other:

The following information is provided for general Board discussion purposes only. Complaint information contained in this document should not be construed as violations, non-violations, findings, final decisions, or actions of the Board.

Section 1: Complete Complaints

1. Case No. 2022-01-001

SUMMARY: Unauthorized tow from an apartment complex.

Potential Mitigating Circumstances and Factors to Consider:

- Vehicle towed from residence parking space; apartment complex does not have contract with Tow Company
- Tow Company did not charge for tow, but did require Vehicle Owner to drive to tow yard to recover vehicle.
- Vehicle damaged during tow.
- Other mitigating circumstances to consider:

Board Direction to Staff – Not Disciplinary, No formal vote:

Continue forward with investigation.

OR

Other action:

AND

Update Status with Complainant.

2. Case No. 2022-01-002

SUMMARY: Original complaint alleged a vehicle was towed from private property illegally; DMV documents show errors in Possessory Lien documents.

Potential Mitigating Circumstances and Factors to Consider:

- Initial Complaint alleges Tow Company towing cars with expired TW plates, towing cars from private property without following legal processes.
- DMV document lien documents contain errors.

- *Other mitigating circumstances to consider:*

Board Direction to Staff – Not Disciplinary, No formal vote:

Proceed with investigation.

OR

Other action:

AND

Update Status with Complainant.

3. Case No. 2022-01-003

SUMMARY: Tow Company towed vehicle from a business lot; no signs postage, tow company refused to provide signed authorization.

Potential Mitigating Circumstances and Factors to Consider:

- *Vehicle towed from a business lot - businesses closed.*
- *Provided Tow Company photo does not show the vehicle parked, prior to towing.*
- *Signed authorization does not match the “towed from” property address on tow receipt.*
- *Other mitigating circumstances to consider:*

Board Direction to Staff – Not Disciplinary, No formal vote:

Open an investigation.

OR

Other action:

AND

Update Status with Complainant.

4. Case No. 2022-01-004

SUMMARY: Tow Truck operating with expired TW Plate.

Potential Mitigating Circumstances and Factors to Consider:

- *Secretary of State records show company is still in business.*
- *TW Plate in pictures is expired.*
- *DMV records show no active TW plates issued to business.*
- *Other mitigating circumstances to consider:*

Board Direction to Staff – Not Disciplinary, No formal vote:

Open an investigation.

OR

Other action:

AND

Update Status with Complainant.

Section 2: No Jurisdiction

Complaints reviewed for the board for discussion of possible board rules or process.

5. Case No. 2022-01-005

SUMMARY: Tow Company exhibited unprofessional conduct, not a violation of ORS.

Potential Mitigating Circumstances and Factors to Consider:

- *Consulted with DMV regarding options for authority, regulation.*
- *Currently no regulation over conduct.*
- *Other mitigating circumstances to consider:*

Board Direction to Staff – Not Disciplinary, No formal vote:

Forward to DOJ with information from DMV

OR

- Hold for further research and discussion.

AND

- Update Status with Complainant.

Section 3: Forward to Appropriate Authority for Investigation/Action.

Law Enforcement, Services Contract, or City/County Program under ORS 822.230

6. Case No. 2022-01-006

SUMMARY: Tower is not releasing personal property without additional payment.

Potential Mitigating Circumstances and Factors to Consider:

- *City Police Impound – vehicle totaled in accident, police investigation.*
- *Insurance Company paid tow bill in full.*
- *Tower released vehicle, is holding personal property for additional payment.*
- *Other mitigating circumstances to consider:*

Board Direction to Staff – Not Disciplinary, No formal vote:

- Forward Complaint and Board findings to LEA to investigate and confirm compliance with the City's tow/impound program.

OR

- Other action:

AND

- Update Status with Complainant.

7. Case No. 2022-01-007

SUMMARY: Complaint alleges unauthorized city impound, damage to vehicle while in storage.

Potential Mitigating Circumstances and Factors to Consider:

- *City impound tow from on-street parking.*
- *Vehicle damaged due to improper storage at the tow yard.*
- *Other mitigating circumstances to consider:*

Board Direction to Staff – Not Disciplinary, No formal vote:

- Forward Complaint and Board findings to Code Enforcement/LEA to confirm compliance with City's tow/impound program.

OR

- Other action:

AND

- Update Status with Complainant.

8. Case No. 2022-01-008

SUMMARY: Consumer paid cash for towing services, has not received receipt.

Potential Mitigating Circumstances and Factors to Consider:

- *Vehicle towed after accident – OSP Non-Preference.*
- *Consumer paid cash, did not receive an invoice or a receipt.*
- *Other mitigating circumstances to consider:*

Board Direction to Staff – Not Disciplinary, No formal vote:

- Forward to OSP for review under non-preference tow program.

OR

- Other action:

AND

- Update Status with Complainant.

9. Case No. 2022-01-009

SUMMARY: Registered owner per DMV claims vehicle sold 1-2 years before city impound.

Potential Mitigating Circumstances and Factors to Consider:

- *DMV shows Consumer as current registered owner (records requested).*
- *Code Enforcement ordered tow.*
- *City and tow records match DMV records.*
- *Other mitigating circumstances to consider:*

Board Direction to Staff – Not Disciplinary, No formal vote:

- Forward to Code Enforcement for resolution.
- Other action:

AND

- Update Status with Complainant.

10. 2022-01-010

SUMMARY: Tow from business location while Consumer in business.

Potential Mitigating Circumstances and Factors to Consider:

- *PPI Tow under City Contract*
- *Tow Operator continued to hook up vehicle with owner present.*
- *Stated the hook up was to ensure payment of tow charges for release.*
- *Other mitigating circumstances to consider:*

Board Direction to Staff – Not Disciplinary, No formal vote:

- Forward to Code Enforcement for investigation.

OR

- Other action:

AND

- Update Status with Complainant.

Section 4:

Close – No Violation, Unable to Substantiate Allegations, Documents/Info Not Received from Complainant, Unable to find respondent tower, etc.

11. Case No. 2022-01-011

SUMMARY: Fee dispute, owner not able to retrieve electronic devices without paying tow bill/tow release.

Potential Mitigating Circumstances and Factors to Consider:

- *Consumer did not provide invoice or other documentation supporting fee dispute.*
- *Fees not currently regulated under statute.*
- *Current laws do not allow access to electronics as “emergency personal items”.*
- *Other mitigating circumstances to consider:*

Board Direction to Staff – Not Disciplinary, No formal vote:

- Close case, no jurisdiction.

OR

- Other action:

AND

- Update Status with Complainant.

Section 5:

Incomplete Complaints – Hold for More Information

12. Case No. 2022-01-012

SUMMARY: Consumer unable to retrieve possessions from impounded vehicle.

Potential Mitigating Circumstances and Factors to Consider:

- *Vehicle towed.*
- *No documentation provided related to tow request or invoice. Reason for tow, Authoritative Agency unknown.*
- *Documents requested from Consumer.*
- *Other mitigating circumstances to consider:*

Board Direction to Staff – Not Disciplinary, No formal vote:

- Wait for additional documents from consumer.
- OR
- Other action:
- AND
- Update Status with Complainant.

13. Case No. 2022-01-013

SUMMARY: Vehicle towed from apartment complex, without authority per management. Consumer sent to wrong tow yard to retrieve vehicle.

Potential Mitigating Circumstances and Factors to Consider:

- *Consumer parked in assigned spot at apartment complex; towed without approval.*
- *Tow company sent vehicle owner to wrong tow yard to retrieve vehicle.*
- *Documentation requested from Consumer to verify date of tow, location, charges, etc.*
- *Other mitigating circumstances to consider:*

Board Direction to Staff – Not Disciplinary, No formal vote:

- Incomplete Complaint. Hold for documentation.
- OR
- Proceed with investigation.
- OR
- Other action:
- AND
- Update Status with Complainant.

Placeholders:

Section 6: Open Investigations

Status of each open investigation, e.g.

1. Assigned to Investigation/Investigator
2. Waiting for information from Respondent/Complainant/Etc.
3. Waiting for investigation report
4. Etc.

Section 7: Open Complaints

- Does the Board want to be updated on the status of every open complaint each Board meeting.



State Board of Towing Mission Statement

OVERVIEW

The State Board of Towing was established by the 2021 Oregon Legislature under Senate Bill 300 to implement ORS 98.853 to 98.962, and to administer other laws assigned to the Board.

AUTHORITY

ORS 822.265 Rule Making 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).

REQUEST

The Governor's Executive Appointments Team requested Oregon's boards and commissions to review and update information contained in the Oregon Board Book.

Information in the Board Book includes a Mission Statement, which the Board hasn't adopted yet.

PURPOSE OF A MISSION STATEMENT

- A single sentence or short paragraph defines why the Board exists, and what purpose it serves.
 - Why do we exist?
 - What do we do?
 - How do we use services to achieve our goals?
 - Who do we serve?
 - How do we serve them?
 - What do we do better than anyone else?
 - How do our customers describe us?

PUBLIC INPUT AND COMMENT

Mission Statement language and purpose will be discussed in public board meetings.

Members of the public, industry, and partners will have an opportunity to provide input and feedback during meetings and at any time by submitting written comments to the Board.

EXAMPLES

- 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.
- To protect the public by setting standards and expectations of qualifications, training, and professional conduct to ensure fairness and continuity of services provided by the Oregon towing industry.
- To protect the public by setting standards of qualifications, training and experience for those who seek to represent themselves to the public as towing and recovery professionals, and to promote high standards of professional performance for those engaged in the practice of towing and recovery.
- To protect and promote the welfare of those engaged in the towing and recovery business and aid in ensuring the safety of the public in Oregon. The Board's goals are to educate members and the public, promote professional and quality towing services to provide a more favorable image of the towing industry for the public, and unite towers working for the common good of the towing industry.
- To ensure the public receives ethical and fair business practices on the part of private towing companies in the State of Oregon.
- To promote a fair and informed marketplace by protecting consumer rights, enhancing industry professionalism, maintaining educational standards, and enforcing fair business practices.
- To ensure public safety by developing, implementing, and maintaining the standards of professional conduct and regulating the towing industry in the State of Oregon.

Board	State Board of Towing (Official Board)
Year established	2021
Sunset	(empty)
Authority	ORS 822.250
Primary type	Other
Secondary type	Licensing
Agency or Entity	State Board of Towing
Senate confirmed	No
Appointed by	Governor
Subcommittees	(empty)
Mission	TBD by the Board

▾ Meetings

Frequency	Once a Month
Est Monthly Hours	10
Locations	Salem, Oregon.
Format	Hybrid.

▾ Contact

Name	Torey McCullough
Email	torey.mccullough@towboard.oregon.gov
Address	ICO DMV HQ - Program Services 1905 Lana Ave., NE Salem, OR 97314
Webpage	www.oregon.gov/sbot
Phone	(503) 871-5481
Fax	(empty)

> History

Membership (min-max)	9
Gov appointed positions	9
Term length	Four Years
Consecutive term limit	No
Requires oath of office	No
Requires training	No
Requires background check	(empty)
Compensation	HB 2992
Membership Requirement	Position 1. Holds a Tow Certificate and represents an Oregon City with a pop. of 100,000 or more; Position 2. Holds a Tow Certificate and represents an Oregoncity with a pop. of less than 100,000; Position 3. Holds a Tow Certificate and has a Specialized Knowledge of Towing Equipment and Vehicles with a GVWR of more than 44,000 lbs; Position 4. Holds a Tow Certificate and has Specialized Knowledge in Towing Vehicles with a GVWR of 26,000 lbs or less; Position 5. Represents the Insurance Industry; Position 6. Member within State Police; Position 7. Member who is Chief of Police or County Sheriff; Position 8. Member of the Public; Position 9. Member who is a Consumer Advocate.

> Notes



State Board of Towing

ORS 98.858 Right of Owner to Obtain Property

OVERVIEW

The State Board of Towing was established by the 2021 Oregon Legislature under Senate Bill 300 to protect the public, implement ORS 98.853 to 98.962, and to administer and regulate other laws assigned to the Board.

ORS 98.858 requires towers in possession of a motor vehicle to permit the owner access to the vehicle to remove “personal property of an emergency nature”

AUTHORITY

ORS 98.852 As used in ORS 98.853 (Conditions allowing towing) to 98.862 (Exceptions to requirements of ORS 98.856): “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.

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:

(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.

ORS 822.265 Rule Making 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]*

HISTORY

- ❑ ORS 98.852 defines “*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.
- ❑ Current OSP Division 50 defines: OAR 257-050-0140 (18) *The qualified tow business shall allow the owner of a towed vehicle or anyone authorized in writing by the Oregon State Police, and/or an Oregon State Police Officer or other Department Member, to go to the vehicle and remove items of personal emergency nature, e/g/ eyeglasses, medication, clothing, identification, wallets-purses (and their contents), credit cards, check books, any known money-currency, child safety car and booster seats, except as provided in ORS 819.110 and 819.160.*
- ❑ Proposed OSP Division 50 defines: OAR 257-050-0140 (18) *All listed tow business shall comply with ORS 98.858. (a) A listed tow business shall allow personnel authorized by the Oregon State Police to access the vehicle and remove items as provided in ORS 98.858.*
- ❑ DOJ Consumer Protection Page informs consumers they have the right to retrieve urgently-needed personal property. *Certain items – such as prescription medication, eyeglasses, identification, wallet, purse, credit card, child safety seat, etc. – may be retrieved even if you’re not recovering your vehicle. The only fee a towing company may charge is a gate fee if it is after regular business hours.*

ISSUES TO RESOLVE:

- The Board is receiving complaints from vehicle owners not being allowed items that they believe is urgent in nature: food, trade tools required for employment or work, medical appliances, baby items, etc.
- The Board is also receiving some complaints that some PPI towers are not honouring the list of items currently defined under OAR 257-050-0140 (18).
- ORS 98.858 is assigned to the Board to administer; as the appropriate authority, the Board bears the responsibility of defining parameters of what is considered “*personal property of an emergency nature*” to include additional criteria in the interest of protecting the public.

PUBLIC INPUT AND COMMENT

- ❑ Discussions of the definition should invite public comments and testimony prior to the Board’s determination of what “*personal property of an emergency nature*” is.
- ❑ The Board should consider methods of outreach and information gathering prior to final adoption of a policy or rule defining “*personal property of an emergency nature.*”



State Board of Towing

ORS 98.858 (1) (d) (C) and ORS 98.854 (1) (a)

Posted Sign Requirements

OVERVIEW

The State Board of Towing was established by the 2021 Oregon Legislature under Senate Bill 300 to protect the public, implement ORS 98.853 to 98.962, and to administer and regulate other laws assigned to the Board.

ORS 98.853 (1) (d) (C) requires *There are signs posted that are clearly readable by an operator of a motor vehicle.*

ORS 98.854 (1) (a) prohibits a tower from towing 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.*

AUTHORITY

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 822.265 Rule Making 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]

ISSUES TO RESOLVE:

- During the January 11, 2024 work session it was noted that there are no requirements for the condition, font, size, height, or other criteria.
- The Board is receiving complaints alleging they are being towed when
 - Posted signs are faded, damaged, or do not appear to be in use.
 - Are not posted in a conspicuous location, or are notably absent from an area of a parking lot.
- ORS 98.853 and ORS 98.854 are assigned to the Board to administer; as the appropriate authority, the Board bears the responsibility of defining the parameters of any requirements or criteria for signs posted in compliance with these statutes.
- Several cities and municipalities have adopted ordinances defining sign criteria. The Board should review these ordinances if considering a state-wide requirement.

PUBLIC INPUT AND COMMENT

- Discussions of the definition should invite public comments and testimony prior to the Board's determination of sign criteria for compliance with ORS 98.853 and 98.854.
- The Board should consider methods of outreach and information gathering prior to final adoption of a policy or rule defining sign criteria for compliance with ORS 98.853 and 98.854.