



State Board of Oregon
Private Property Impound (PPI) Public Policy
Adopted: July 23, 2024
Amended: January 28, 2025

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

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

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

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



State Board of Towing Public Policy

Policy No.:
PP-24-001

Supersedes:
NA

Reference:
ORS 98.853
ORS 98.854

Subject:
Private Property Impounds – General Provisions

Effective Date:
July 23, 2024

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

ORS 822.265 Rulemaking authority

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

(a) Necessary for the administration of the laws that the board is charged with administering.

(b) To implement ORS 98.853 (Conditions allowing towing) to 98.862 (Exceptions to requirements of ORS 98.856).

ORS 98.812 Towing of unlawfully parked vehicle

(1) If a vehicle has been left or parked in violation of ORS 98.810 (Unauthorized parking of vehicle on proscribed property prohibited), the owner of the parking facility or the owner of the proscribed property may have a tower tow the vehicle from the parking facility or the proscribed property and place the vehicle in storage at a secure location under the control of the tower.

ORS 98.850 Legislative findings and declaration

(2) The Legislative Assembly declares that:

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

Purpose:

The purpose of the Board's Private Property (PPI) Public Policy is to ensure fair and equitable towing practices and protect the safety and well-being of the public, parking facility owners, and the towing industry by providing:

1. Clarity of the intent of the ORSs assigned to the Board to administer.
2. Authoritative definitions of the requirements under ORS 98.853 and 98.854.
3. Establish statewide practice standards and expectations within the towing industry.
4. Ensure compliance of the laws through education, outreach, and defining authority and responsibility of all parties involved with PPIs.
5. The Board's policies are not intended to circumvent or replace the legal requirements, obligations, or restrictions of a tenant, landlord, or property manager under ORS Chapter 90.

Policy Series:

The Board's PPI Public Policies incorporate the following attachments:

PP-24-001-A: Private Property Impounds (PPI) Signed Authorization Requirements
PP-24-001-B: Private Property Impounds (PPI) Authorization under ORS 98.853 (1)
PP-24-001-C: Private Property Impounds (PPI) Required Photographs
PP-24-001-D: Private Property Impounds (PPI) Release of Vehicle
PP-24-001-E: Private Property Impounds (PPI) Monitoring and Patrolling Parking Facilities

Private Property Impound (PPIs) Purpose:

1. PPIs are a professional towing service meeting the needs of private parking facility owners and their tenants.
2. PPIs are to be completed in compliance with Oregon's laws and administrative rules and the professional and ethical standards of the towing industry.
3. Each PPI requires an individual signed authorization, signed and dated at the time of the tow by the parking facility owner, their legal agent, or another person authorized to authorize the towing of a vehicle.*
4. By statute, towers and their employees are prohibited from acting as a parking facility owner's agent for the purposes of authorizing vehicles for the purpose of PPIs or from towing a vehicle from a parking facility.*

**Except as provided under ORS 98.854 (2).*

Board Investigation and Action:

1. The Board reviews submitted complaints for compliance or violation of Oregon's laws.
2. When a tower's actions and records comply with Oregon's laws, administrative rules, and the Board's public policy, the complaint will be closed with no formal action against the tower.
3. If review of the allegations or circumstances of a PPI indicate possible violations of Oregon's laws or the Board's administrative rules or public policy:
 - A. The Board will investigate the allegations of the complaint.
 - B. The Board, at its own discretion, may determine if the violations were reasonably:
 - a. Willful or intentional.
 - b. Negligent or reckless.
 - c. Inadvertent or in good faith.
4. The Board, at its discretion, will determine the appropriate course of corrective action and progressive discipline by:
 - A. Focusing, when reasonable, on the education of the tower and the towing community.
 - B. Progressive discipline: increasing the severity of the steps or measures against a person, persons, or entity when there is a failure to correct behavior or

conduct, or when subsequent instances of inappropriate behavior and conduct occur.

- C. To protect the safety and well-being of the public and the towing industry, the Board may determine, at its sole discretion, that the harm to the public or the egregiousness of the violations is cause for immediate escalation of the progressive disciplinary action by the Board without notice to the offending party.

5. The Board will consider mitigating circumstances as required under OAR 750-080-0020, including:

- A. The tower's history of compliance with Oregon's laws and rules;
- B. The effect of the violation on public safety and welfare;
- C. Whether the conduct or action(s) was inadvertent or intentional;
- D. The degree to which the action subject to sanction violates professional ethics and standards of the profession;
- E. Any mitigating or aggravating factors the Board may choose to consider.

Compliance and Violations

- 1. PPIs completed in violation of one or more of Oregon's statutes or the Board's administrative rules render the tow both unlawful and invalid.
 - 2. **Best practice:** Towers will adopt and publicly post its policies and process for:
 - A. How consumers may contest the legality of a tow.**
 - B. How consumers can request the signed authorization and photographs from the tow.
 - C. How and when the requested documents will be made available or delivered to the requestor.
- **For law enforcement or other government agency authorized tows.*
- 3. Requests for signed authorizations and photographs should be reviewed and responded to by the tower or tower's staff no later than the end of the next business day after receipt of the request.
 - 4. Failure to provide either the copies of the appropriate signed authorization or the required photograph(s) to the requester within the reasonable time defined under the Board's public policy is grounds for the tow to be found unlawful and invalid and grounds for Board disciplinary actions.
 - 5. Copies of all correspondence and documentation regarding the towing of a vehicle should be kept on file for a minimum of two years and made available to Board staff and other state and local authorities upon request.

6. Towers who find that a tow was completed without the required signed authorization, photos, or failure to release a vehicle prior to, or upon completion of the hook up when required by law, should reimburse the vehicle owner any costs of fees paid for an unlawful tow and return the vehicle to owner.
7. Towers are responsible for the actions and conduct of their employees; lack of training or education of tow operators on PPI requirements and regulations is not recognized by the Board as an affirmative defense.
8. The Board may, at its discretion, assess a civil penalty in an amount greater than the Schedule of Civil Penalties, or may suspend, revoke, or deny a tow certificate issued by DMV, when it is determined by the Board that a tower's violations of Oregon's laws:
 - A. Is especially egregious.
 - B. Causes demonstratable, unnecessary and avoidable risk or harm to the public and others.
 - C. Is below the minimum professional and ethical standards of the towing industry.

Exclusions

Tows excluded from the Board's PPI Public Policy:

- Tows requested by the owner or operator of the vehicle.
- Tows authorized by law enforcement, code enforcement, or other state or local agency conducting government business.
- Tows from property not designated as a private parking facility.
- Nothing in the Board's policy restricts the ability of a private property owner from instituting and enforcing regulations and conditions for towing vehicles from a private parking facility.

Tower to be Held Harmless


1. It is the intent of the Board that a tower who lawfully tows a vehicle under the Board's PPI public policy is held harmless from disciplinary action or sanction when the tower provides:
 - A. A signed authorization, meeting the requirements under the Board's public policy, signed and dated at the time of the tow by the private parking facility owner, their legal, authorized agent, or other individual with the authority to authorize the tow.
 - B. Photos clearly demonstrating the towed vehicle parked in violation of the parking facility regulations prior to the tow.
 - C. When applicable: Release of the vehicle to the reasonable owner or operator of the vehicle prior to completion of hook up (at no charge) or prior to commencement of the tow.
2. Nothing within the Board's public policies is meant to grant immunity for

- | |
|--|
| A. Failure to conduct a PPI in full compliance with Oregon’s laws, rules, and regulations; |
| B. Any loss, damage or injury arising out of any negligent or willful damage to, or destruction of, the vehicle that occurs during the course of the towing. |

Reference:

- Initial Concept Summary Document and attachments
- Board Meeting Minutes and Work Session Notes, March 2024 – June 2024

Notes under “*” and “**” added for clarity.

| | |
|---|---|
|  | Policy No.: PP-24-001-A –Amended |
| | Supersedes: |
| | Reference: ORS 98.854 (2), (3) and (4) |
| Subject: Private Property Impounds, Authorization to Tow | Effective Date: January 28, 2025 |

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

ORS 98.850 Legislative findings and declaration

(2) The Legislative Assembly declares that:

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

ORS 822.265 Rulemaking authority

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

(a) Necessary for the administration of the laws that the board is charged with administering.

(b) To implement ORS 98.853 (Conditions allowing towing) to 98.862 (Exceptions to requirements of ORS 98.856).

ORS 822.995 Civil penalties for violations related to towing

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

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

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

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

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

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

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

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

ORS 98.854 Prohibitions placed on tower.

A tower may not:

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

Purpose:

The purpose of this Public Policy is to:

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

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

Board Interpretation:

ORS 98.854 Prohibitions placed on tower.

A tower may not:

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

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

ORS 98.854 Prohibitions placed on tower.

A tower may not:

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

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

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

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

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

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

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

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

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

(2) ... Upon request, the tower shall provide a copy of the signed authorization to the owner or operator of the motor vehicle at no additional charge.

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

ORS 98.854 Prohibitions placed on tower.

A tower may not:

(3) Serve as an agent of an owner of a parking facility for the purpose of signing an authorization required by subsection (2) of this section.

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

ORS 98.854 Prohibitions placed on tower.

A tower may not:

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

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

Reference:

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



State Board of Towing Public Policy

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

Supersedes:
NA

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

Subject:
Private Property Impounds, ORS 98.853 (1)

Effective Date:
January 28, 2025

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

ORS 98.850 Legislative findings and declaration

(2) The Legislative Assembly declares that:

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

ORS 822.265 Rulemaking authority

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

(a) Necessary for the administration of the laws that the board is charged with administering.

(b) To implement ORS 98.853 (Conditions allowing towing) to 98.862 (Exceptions to requirements of ORS 98.856).

ORS 822.995 Civil penalties for violations related to towing

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

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

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

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

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

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

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

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

ORS 98.853 Conditions allowing towing

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

Purpose:

The purpose of this Public Policy is to:

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

ORS 98.853 Conditions allowing towing


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

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

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

Reference:

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

| | |
|---|--|
|  | Policy No.: PP-24-001-C |
| | Supersedes: NA |
| | Reference: ORS 98.853 (2) |
| Subject: Pre-Tow Photographs, ORS 98.853 (2) | Effective Date: July 23, 2024 |

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

ORS 822.265 Rulemaking authority

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

(a) Necessary for the administration of the laws that the board is charged with administering.

(b) To implement ORS 98.853 (Conditions allowing towing) to 98.862 (Exceptions to requirements of ORS 98.856).

ORS 98.853 Conditions allowing towing.

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

Purpose:

The purpose of this Public Policy is to interpret and define the intent and requirements of the photographs required under ORS 98.853 (2).

Policy:

The Board finds:

1. The purpose and intent of the photograph required under ORS 98.853 (2) is to demonstrate to the vehicle owner, the Board, and other authorities that the vehicle was parked in violation of the private parking facility requirements.

2. The photo must show the vehicle as it was parked at the time the tower arrived to conduct the tow.

A. While not required, towers should be aware that more than one photo may be required to sufficiently show the parking violation.

B. The photo is to be either date time stamped on the photograph or documented as attachments to the signed authorization.

Retention requirements:

1. The tower will retain copies of the photographs associated with the tow for at least two years.

2. Upon request, a tower is to provide copies of the photographs to the owner or operator of the motor vehicle, the Board, and any agency with proper jurisdiction at no additional charge.

- | |
|---|
| <p>A. Copies of the photographs are to be provided to the requester at the time of the request.</p> <p>B. If unable to provide copies of the photographs at the time of the request, the photographs are to be provided to the requestor no later than the next business day or at time of release of vehicle, whichever comes first.</p> |
|---|


Violations:

The following are grounds for Board investigation or disciplinary action:

1. Failure to produce photographs showing the vehicle parked prior to the tow within the time defined in Board policy.
2. Provided photographs do not show the vehicle prior to the tow.
3. Provided photographs do not demonstrate violation of the parking facility regulations.

Reference:

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

| | |
|--|--|
|  | Policy No.: PP-24-001-D |
| | Supersedes: NA |
| | Reference: ORS 98.853 (3) ORS 98.854 (14) |
| Subject: Private Property Impounds – Release of Tow ORS 98.853 (3), ORS 98.854 (14) | Effective Date: |

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

ORS 822.265 Rulemaking authority

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

- (a) Necessary for the administration of the laws that the board is charged with administering.
- (b) To implement ORS 98.853 (Conditions allowing towing) to 98.862 (Exceptions to requirements of ORS 98.856).

ORS 98.853 Conditions allowing towing:


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

ORS 98.854 A tower may not:

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

The Board has tabled discussion of this policy for further consideration before adopting a public policy.

The Board finds that the language under the statute are clear, and will continue to investigate complaints for violation of the plain language of the law.

| | |
|--|--|
|  | Policy No.: PP-24-001-E - Amended |
| | Supersedes: NA |
| | Reference: ORS 98.854 (8) |
| Subject: Private Property Impounds – Monitoring Parking Facilities ORS 98.854 (8) | Effective Date: January 28, 2025 |

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

ORS 98.850 Legislative findings and declaration

(2) The Legislative Assembly declares that:

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

ORS 822.265 Rulemaking authority

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

- (a) Necessary for the administration of the laws that the board is charged with administering.
- (b) To implement ORS 98.853 (Conditions allowing towing) to 98.862 (Exceptions to requirements of ORS 98.856).

ORS 822.995 Civil penalties for violations related to towing

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

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

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

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

- (a) The past history of the person incurring a penalty in taking all feasible steps or procedures necessary or appropriate to correct any violation.
- (b) Any prior violations by the person incurring the penalty of statutes, rules or orders pertaining to facilities.
- (c) The economic and financial conditions of the person incurring the penalty.
- (d) The immediacy and extent to which a violation threatens the public health or safety. [2021 c.578 §11]

ORS 98.854 Prohibitions placed on tower

A tower may not:

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

Purpose:

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

ORS 98.854 Prohibitions placed on tower

A tower may not:

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

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

Reference:

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