



OREGON STATE BOARD OF TOWING
Board Work Session Notes
June 25, 2024

Work Session Location:

Online

Attending Board Member:

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

Board and DMV Staff:

Torey McCullough, Board Administrator

Board Guests:

Tom Holt, OTTA; Tony Green, City of Portland; Tim Moore, City of Portland; Michelle Druce, Oregon Consumer League; Towers: Mike Wagner, George.

Meeting Called to Order:

Chair Riley called the meeting to order at 1:01 p.m.

Self-introductions were made. All board members attended the meeting.

Agenda approved by consensus.

PPI Public Policy Work Session:

The Board reviewed questions and discussed expectations related to draft proposed Board Public Policy related to Private Property Impounds (PPIs).

1. Expiration of signed authorization
PPIs should be completed in a reasonable period of time, within 24 hours after the tower receives the signed authorization.
2. Vehicles moved from the originally located noted in the signed authorization

If the vehicle is moved from the original location to another location within or near the parking facility after the request/authorization for tow is received by the tower, the authorization must be updated with a new signature/authorization to tow the vehicle from the new location.

Note - this will:

- A. Keep the tower from acting as the decision maker/owner's agent in authorizing the tow.
- B. Reduces the chance of errors of towing vehicles originally parked in violation, but relocated in compliance with parking facility rules.
- C. Ensures that impounded vehicles are impounded from the private parking facility, and not towed from nearby streets or properties near the parking facility.

3. Cash Payment and Receipts

- Towers are to cease hook up a vehicle upon arrival of the vehicle owner/operator. If the hook up is not complete (to the point where the vehicle is secured and can be safely towed from the parking facility), then the vehicle is to be released to the vehicle owner or operator.
 - The Board will discuss exceptions for commercial big rigs and RVs at a later date.
 - Towers may only charge a (posted) hook up fee when hook up is *complete* but the vehicle has not yet been towed from the parking facility.
- A. For the purposes of ORS 98.853 (3)(a) and ORS 98.854 (14): a "standard PPI tow rate" does not meet the legal requirements of "hook up fee".
 - B. The tow operator can only collect the tower's posted public "hook up" rate when releasing the tow, not the fee for the tow or other costs and fees.
 - C. *When a tower accepts cash payment, exact change must be provided under the terms of ORS 98.854(12) Accept cash as a method of payment for towing services unless the tower provides exact change not later than the end of the business day following receipt of payment.*

4. Other methods of payment.

Clarification: There is nothing in Oregon law requiring towers to accept cash-only payments. Many towers have opted to have a cash-only policy on most tows given the risk of chargebacks and disputes.

- A. For the purposes of PPIs, the Board reached consensus that, due to most people not having large sums of cash on hand to pay a hook up fee, towers should accept debit cards for payment of the hook up fee.
- B. The Board tabled for further discussion if credit card payments should be required, or suggested under best practices.
- C. A receipt (signed and dated/time stamped) is to be provided at the time of payment showing the amount paid, method of payment, and identification of the tow operator.
 - a. This is expected to be the employee ID used by the tow company, but can be the TW plate number if the company does not have employee numbers.
 - b. The intent is that the tower can identify to the Board who was driving the tow truck at the time of the PPI.
- D. Failure to provide a written receipt at the time of payment is grounds for Board disciplinary action.

5. Gate hours.

At this time, towers may charge a gate fee only when an owner or operator arrives at the tow yard to

- A. Retrieve non-emergency possessions during operating hours, and
- B. Emergency personal possessions after hours.

The Board tabled for further discussion:

- A. The definition of “emergency” personal possessions which can be removed from a vehicle without paying a gate fee.
- B. Portland’s proposed policy that a vehicle owner has a half hour to remove items from a vehicle parked in a tow yard; if the vehicle owner needs more than the half hour, the tow yard can begin assessing fees.

6. Personal possessions

When a vehicle owner/ operator shows up after hook up, prior to tow, and consents to the tow in lieu of paying the hook up fee, removal of personal items from the vehicle is dependent on safety concerns and left to the discretion of the tow operator; however, the Board’s expectation is that the vehicle owner be allowed to remove personal possessions:

- A. If it is safe to do so.
- B. Removal of the possessions is reasonable.

- C. Removal of the personal possessions (electronics, homework, medications, etc.) from the vehicle can be limited to what the person can carry, or can be accomplished in less than 5-10 minutes.
- D. It is not a reasonable expectation that a vehicle owner/operator is able to remove all items from the vehicle if the process takes more than 5 - 10 minutes, delay the tow for the purpose of moving the possessions to a different location, or be allowed to remove the possessions if the situation is unsafe.

7. ADA parking violations.

It is Board consensus that ADA parking violations do not meet the criteria of the provisions of ORS 98.853 (1) and must be authorized by law enforcement, the parking facility owner, or the owner's agent.

8. Board public policy

Due to the time spent discussing the above, the Board tabled discussion of the Board policy to a future meeting.

Next Steps:

Board staff will update the draft proposed public policy:

1. To remove "indemnification" and replace with "hold harmless" language.
2. Remove duplicate language among the draft public policy documents.
3. Move redundant provisions to the main policy document.

Adjourned:

There being no further business before the Board, and no public comments, Chair Riley adjourned the meeting at 2:52 p.m.

Documents Considered by the Board

Questions for the Board

Draft Proposed Public Policy - PPI

Work Session Notes prepared by Torey McCullough

Minutes APPROVED by Board vote: