



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

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 limited to 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.

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. 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.
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, is expected to 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



State Board of Towing Public Policy

Policy No.:
PP-24-001-A

Supersedes:
NA

Reference:
ORS 98.854 (2), (3) and (4)

Subject:
Private Property Impounds, Authorization to Tow

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 98.854 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 interpret and define:

- 1. The requirements of a signed authorization prior to towing a vehicle from a private parking facility.
- 2. The prohibition of a tower, the tower's employees, or a tower's representative to act as an agent or representative of the private parking facility owner for the purpose of identifying or authorizing a vehicle to be towed.

Policy:

Signed Authorization Requirements:

1. No vehicle may be involuntarily towed from a parking facility without an authorization signed by the private parking facility owner or owner's lawful agent at the time of the tow showing:
 - A. The location of where the vehicle to be towed is parked.
 - B. The color, make, model, and license plate number of the vehicle to be towed.
 - C. The reason for the tow.
 - D. The signature, printed name and title of the person authorizing the tow.
 - E. Contact information for questions regarding the authorization of the tow.
2. Signed authorizations for PPIs will include the date and time of the:
 - A. Request and authorization of the tow (if different).
 - B. Arrival of the tow operator at the vehicle to be towed (if different).
 - C. Completion of the hook up for the tow.
 - D. Completion of the tow.
3. The following forms of signature are acceptable:
 - A. Wet signature on a paper form signed by the parking facility owner or their agent at the time of tow.
 - B. A fax, email, or an electronic document showing the sender and recipient, time and date stamped, with the information required under paragraph (1) and (2) of this section.

Signature Authority Requirements:

1. Except for the provisions under ORS 98.853 (1), a private parking facility owner or their lawful agent must sign each authorization for the tow of a vehicle from a private parking facility either:
 - A. At the time of the request and authorization of a tow OR
 - B. At the time of tow.
2. Towing service agreements do not meet the requirements of an authorization signed at the time of the tow and are in violation of the intent of ORS 98.854 (2), (3) and (4).
3. The tower will have in their possession the signed authorization prior to initiating hook up and towing of a vehicle.
4. Use of pre-signed or pre- or post-dated authorizations to tow are not acceptable.
5. Each PPI must be conducted under a separate tow authorization, signed at the time of tow, prior to hook up.
6. Signed authorizations are valid for the time of the tow only; PPIs must be conducted within 24 hours after the authorization is signed.

7. An updated or new signed authorization must be obtained from the parking facility's owner or the owner's agent if the vehicle has moved from where it was parked at the time of the original authorization to tow.

Prohibition of a tower, their employees or designees acting as a parking facility owner's agent:

1. A tower or an employee of tower, including dispatch, office staff, tow operator, independent contractor, or agent of any company or business owned or contracted by the tower, cannot act as the agent of a parking facility owner for the purposes of authorizing a tow from a private parking facility.
2. A tower cannot contract with a third-party to act as the owner's agent for the purpose of authorizing PPIs.
3. A parking facility owner cannot designate a tower, or the towers employees or agents, to act as the owner's agent under a Towing Services Agreement.

Retention requirements:

1. Both the tower and the private parking facility owner should retain a copy of the signed authorization for a minimum of two years.
2. Upon request, a tower will provide a copy of the signed authorization to the owner or operator of the motor vehicle, the Board, and any agency with proper jurisdiction at no additional charge.
 - A. The signed authorization is to be provided at the time of the request.
 - B. If unable to provide a copy of the signed authorization at the time of the request, the tower will provide a copy of the signed authorization no later than the next business day or at time of release of vehicle, whichever comes first.

Violations:

The following are grounds for Board investigation or disciplinary action:

1. Towing or impounding a vehicle without an authorization signed by the parking facility owner or owner's agent at the time of the tow.
2. A tower, their employee, agent, or representative acting as the parking facility owner or owner's agent in authorizing the tow.
3. Falsifying information contained in a signed authorization, including signing the parking facility owner or owner's agent's name on the signed authorization.
4. Failure to provide a copy of the signed authorization to the vehicle owner, operator, the Board, or an agency of proper jurisdiction within the time defined in Board policy.

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

Supersedes:
NA

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

Subject:
Private Property Impounds, ORS 98.853 (1)

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

(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 interpret and define:

1. The requirements for an authorization to tow under ORS 98.853 (1).
2. The restrictions and requirements for authorizing a tow under ORS 98.853 (1) (d).
3. The prohibition of a tower, the tower's employees, or a tower's representative to act as an agent or representative of the private parking facility owner for the purpose of identifying or authorizing a vehicle to be towed.

Policy:

Signed Authorization Requirements:

1. No vehicle may be involuntarily towed from a parking facility without an authorization signed by the private parking facility owner or owner's lawful agent at the time of the tow showing:

- A. The location of where the vehicle to be towed is parked.
- B. The color, make, model, and license plate number of the vehicle to be towed.
- C. The reason for the tow.
- D. The signature, printed name and title of the person authorizing the tow.
- E. Contact information for questions regarding the authorization of the tow:
 - a. For use by the parking facility owner, the tower, the Board, and other persons authorized to confirm the tow.
 - b. The contact information of the authorization signatory is not required to be provided to the vehicle owner or operator unless the signatory is the parking facility owner.

1. Signed authorizations for PPIs must include the date and time of the:

- A. Request and authorization of the tow (if different).
- B. Arrival of the tow operator at the vehicle to be towed (if different).
- C. Completion of the hook up for the tow.
- D. Completion of the tow.

2. The following forms of signature are acceptable:

- A. Wet signature on a paper form signed by the parking facility owner or their agent at the time of tow.
- B. A fax, email, or an electronic document showing the sender and recipient, time and date stamped, with the information required under paragraph (1) and (2) of this section.

Signature Authority Requirements - ORS 98.853 (1) (a) - (c):

For the purposes of ORS 98.853 (1) (a) - (c):

- 1. ORS 98.853 (1) (a) - (c) allows towing of a vehicle without first contacting the owner of the parking facility or the owner's agent.
- 2. The Board finds the exceptions for the parking facility owner authorization under ORS 98.853 (1) (a) - (c) is reasonable to ensure the safety and wellbeing of the public.
- 3. The Board finds ORS 98.853 (1) (a) - (c) is not meant to allow the tower to act as a parking facility owner's agent or allow the tower to independently authorize a tow.
- 4. The authorization for tows under ORS 98.853 (1) (a) - (c) can be made by a tenant, a facility employee, or other individuals when a vehicle is parked in clear violation of ORS 98.853 (1) (a) - (c).

5. Towers, their employees, or their agents cannot serve as an agent of the parking facility owner for the purpose of authorizing towing a vehicle from the parking facility under ORS 98.853 (1) (a) - (c).

Signature Authority Requirements - ORS 98.853 (1) (d):

Whereas:

1. Only the landlord, complex manager, or property management company can verify compliance with the specific requirements of ORS 98.853 (1) (d) (A) - (C), specifically:
 - A. At the time of the authorization of tow, there are more residential units assigned than there are designated parking spaces available for tenant use.
 - B. That the vehicle is parked in violation of the parking facility's parking policy and in violation of the terms of a tenant or rental agreement.
 - C. That when parking spaces are assigned to tenants, reasonable attempts are made to contact the tenant to confirm that the vehicle is parked without the tenant's permission.
 - D. That a parking sticker, placard, or indicator was assigned to the vehicle.
 - E. That a vehicle has not been given authorization to park in the parking facility.
2. The Board has received information and documentation demonstrating unlawful towing of vehicles from private parking facilities under ORS 98.853 (1) (d) when the requirements of ORS 98.853 (1) (d) (A) - (C) are not met.

The Board finds:

A vehicle towed for violation of ORS 98.853 (1) (d) requires a signed authorization from the private parking facility owner or their legal agent who can verify and confirm the conditions of ORS 98.853 (1) (d) are applicable to the vehicle identified to be towed.

Prohibition of a tower, their employees or designees acting as a parking facility owner's agent:

1. A tower or any employee of tower, including dispatch, office staff, tow operator, independent contractor, or agent of any company or business owned or contracted by the tower, cannot act as the agent of a parking facility owner for the purposes of authorizing a tow from a private parking facility.
2. An owner's agent must be the parking facility owner's legal or contracted agent. A tower cannot contract with a third-party to act as the owner's agent for the purpose of authorizing PPIs.
3. A parking facility owner cannot designate a tower, or the towers employees or agents, to act as the owner's agent under a Towing Services Agreement.

Retention requirements:

1. The tower will retain a copy of the signed authorization for a minimum of two years.

2. Upon request, a tower will provide copies of the signed authorization to the owner or operator of the motor vehicle and to any agency with proper jurisdiction to request the document at no additional charge.
 - A. The signed authorization is to be provided to the requester at the time of the request.
 - B. If unable to provide a copy of the signed authorization at the time of the request, the signed authorization is to be provided to the requestor no later than the next calendar day or at time of release of vehicle, whichever comes first.

Violations:

The following are grounds for Board investigation or disciplinary action:

1. Towing or impounding a vehicle without an authorization signed at the time of the tow.
2. A tower, their employees, or other agent or representative of the tower acting as the parking facility owner or owner's agent in authorizing the tow.
3. Falsifying any information contained in a signed authorization, including signing the signed authorization using a fictitious name or the name of another.
4. Failure to provide a copy of the signed authorization to the vehicle owner, operator, the Board, or an agency of proper jurisdiction within the time defined in Board policy.

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-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.

- A. Copies of the photographs are to be provided to the requester at the time of the request.
- 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.

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.



State Board of Towing Public Policy

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.



State Board of Towing Public Policy

Policy No.:
PP-24-001-E

Supersedes:
NA

Reference:
ORS 98.854 (8)

Subject:
Private Property Impounds – Monitoring and
Patrolling Parking Facilities
ORS 98.854 (8)

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 98.854

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) to include patrolling, observing, surveillance, and other methods of monitoring a parking facility for towing business.

Policy:

A tower may not:

1. Monitor a parking facility for towing business, including:
 - A. Park within 1000 feet of a parking facility.
 - B. Park within a private parking facility.
 - C. Patrol by vehicle or on foot a private parking facility, or
 - D. Otherwise conduct surveillance of a private parking facility.
2. It is not the intent of this public policy to prevent or interfere with a private parking facility owner, or their agent, contracting with security firms, security personnel, and other third-party contractors to monitor and patrol their parking facility.
3. Towers, their employees, or contractors, or affiliates with whom the tower has a financial interest, may not act as the parking facility owner's agent or contractor for the purposes of monitoring, patrolling, or conducting surveillance of a parking facility for towing business to:
 - A. Preserve the professional standards and integrity of the towing industry
 - B. Avoid any real or potential conflict of interest of a tower monitoring a parking facility for the purpose of soliciting towing business.

4. Avoid a tower, or the towers employees, staff, or designee, acting as a parking facility owner's agent in violation of ORS 98.854 (2) - (4).

Violations:

It is a violation of Oregon's laws and rules, subject to investigation and disciplinary action by the Board, for a tower, their employee, or affiliate with whom the tower has a financial interest to patrol, monitor, or survey private parking facilities for the purpose of identifying vehicles to be towed by the tower, their employee, of other affiliate with whom the tower has a financial interest.

Reference:

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