



Oregon State Police
Oregon Administrative Rules
Chapter 257, Division 50
Non-Preference Towing
Effective: 04/09/2024

The following Oregon Administrative Rules provide an overview of the laws regulating the OSP Non-Preference Towing Program, Division 50 at an entry level and effective as of April 9, 2024

Current and complete versions of OSP's Administrative Rules, Chapter 257, are located at <https://secure.sos.state.or.us/oard>

Table of Contents

OAR 257-050-0020 - Policy and Purpose	1
OAR 257-050-0040 - Authority	2
OAR 257-050-0050 - Definitions	3
OAR 257-050-0060 - Application to be a listed tow business.....	7
OAR 257-050-0070 - Application Requirements	8
OAR 257-050-0090 - Inspections	12
OAR 257-050-0095 - Letter of Appointment.....	12
OAR 257-050-0100 - Issuance of Certification	13
OAR 257-050-0110 - Suspension, Revocation and Voluntary Relinquishment of Certification	14
OAR 257-050-0115 - Suspension and Revocation.....	17
OAR 257-050-0125 - Re-inspection and Recertification	18
OAR 257-050-0130 - Appeal.....	20
OAR 257-050-0140 - Place of Business Requirement and Business Hours	20
OAR 257-050-0145 - Felony Convictions.....	25
OAR 257-050-0150 - Towing	26
OAR 257-050-0155 - Suspension and Revocation (for Violation of a Law Chargeable as a Violation or Crime).....	28
OAR 257-050-0157 - Suspension or Revocation for Violation (other than a Law Chargeable as a Violation or Crime)	29
OAR 257-050-0170 - Hearings.....	30
OAR 257-050-0180 - Judicial Review.....	30
OAR 257-050-0200 - Mandatory Equipment and Safety Standards for Tow Trucks	31

Oregon Department of State Police
Chapter 257
Division 50 - NON-PREFERENCE TOWING

OAR 257-050-0020- Policy and Purpose

It is the policy and purpose of the Oregon State Police that:

(1) To further the Oregon State Police's interest in the prompt and orderly removal of disabled or abandoned vehicles from the highways of the State of Oregon, and to meet the towing needs of the Department, the Department has established a non-preference tow program as defined in Oregon Administrative Rules (OAR) 257-050-0020 to 257-050-0200. The program, in part, consists of a non-preference tow rotational list comprised of listed tow businesses. The non-preference tow rotational list is computer generated and does not favor any one listed tow business. The non-preference tow rotational list is not a guarantee of business to the towing industry by the Department. Listed tow businesses participating in the non-preference tow rotational list understand that they may be called upon to conduct vehicle tows at the operational need of the Oregon State Police, as may be determined by the requesting State Police Officer or Department member. A listed tow business participating in the non-preference tow program must understand that participation is a privilege and not a right.

(2) Because the non-preference tow rotational list is designed to meet the towing needs of the Department, tow businesses do not need to be on the list to conduct business with the public.

(3) The Department does not require and shall not establish, recommend, or in anyway dictate the fee charged for a non-preference tow conducted by a listed tow business under the Department's non-preference tow program.

(4) A participating tow company shall not charge a fee for any work that has not been performed by the tow company or another listed tow company.

(5) A listed tow business shall not represent to any person or business that a fee has been, or will be, charged by the Oregon State Police.

(6) Listed tow businesses conducting business with the Oregon State Police, Oregon Department of Transportation and the citizens of Oregon, must always act professionally. All listed tow businesses must cooperate, be courteous, and provide business-like treatment to all Oregon State Police employees, Oregon Department of Transportation employees and citizens. Listed tow businesses that, through their conduct, abuse the non-preference tow system or the integrity, trust or security of the Oregon State Police shall be removed from the non-preference tow rotational list through the suspension or revocation processes.

(7) The Oregon Department of Transportation as a “roadway authority” may adopt these administrative rules as they relate to the Oregon State Police non-preference Tow list. Only the Oregon Department of Transportation may use the Oregon State Police non-preference tow list as set forth in these rules. Any other agency adopting a non-preference tow program must establish and use their own non-preference tow list which will be operated and enforced by their agency.

(8) A listed tow business must adhere to these rules while conducting business with the Oregon Department of Transportation. The Oregon Department of transportation may report rule violations in writing to the Oregon State Police Tow Program. Rule violations in relation to the Oregon Department of Transportation may result in removal from the listed non-preference tow list as through the suspension or revocation process described in these rules.

(9) The Oregon State Police or the Oregon Department of Transportation may contract directly with the companies on the non-preference list to assist with roadway clearance in times of roadway incidents such as natural disaster or weather-related events. In these instances, a fee may be imposed and charged to the state according to the contract.

Statutory/Other Authority: ORS 181.440

Statutes/Other Implemented: 181.440

History:

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OSP 3-2009(Temp), f. 12-18-09, cert. ef. 1-1-10 thru 6-29-10

OSP 2-2009, f. 10-8-09 cert. ef. 1-1-10

OSP 1-2009(Temp), f. & cert. ef. 8-6-09 thru 1-31-10

OSP 5-2005, f. & cert. ef. 11-18-05

OAR 257-050-0040- Authority

(1) These Administrative Rules are promulgated pursuant to ORS 181.440, which permits the Superintendent of the Oregon State Police to make rules governing the eligibility of tow businesses to be placed and remain on any list of listed tow businesses used by the Department when it requests towing services on behalf of any person.

(2) All listed tow businesses providing service to the public and the Department through calls received from the Oregon State Police shall conduct their business operation in accordance with all applicable federal, state, and local laws.

Statutory/Other Authority: ORS 181.440

Statutes/Other Implemented: ORS 181.440

History:

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OSP 2-2009, f. 10-8-09 cert. ef. 1-1-10
OSP 1-2009(Temp), f. & cert. ef. 8-6-09 thru 1-31-10
OSP 5-2005, f. & cert. ef. 11-18-05
OSP 2-1995, f. & cert. ef. 10-20-95
OSP 3-1989, f. 10-16-89, cert. ef. 10-15-89
OSP 1-1989, f. & cert. ef. 1-3-89

OAR 257-050-0050- Definitions

- (1) "Abandoned Auto" or "Abandoned Vehicle" – A vehicle which may be taken into custody, as defined in ORS 819.110.
- (2) "Area Commander" or "Station Commander" – The local commanding officer of an area established by the Oregon State Police.
- (3) "Authorized Driver" – A driver passed background check and has been permitted to drive through the OSP Tow Program.
- (4) "Business Records" – Any record maintained, created, used, or collected in connection to providing tow services.
- (5) "Certificate" – A document issued by the Department that declares that a named tow business is listed on the Oregon State Police non-preference rotational tow list.
- (6) "Authorized Tow Business" is a tow business determined by the Department to meet the requirements of this rule and which is placed on the Departments non-preference tow rotation.
- (7) "Convicted" – An adjudication of guilt upon a verdict or finding entered in a criminal proceeding in a court of competent jurisdiction.
- (8) "Delayed Recovery" – An incident in which the Oregon State Police or Oregon Department of Transportation intend for the recovery of a vehicle to occur at a later time.
- (9) "Denial" – Action taken by the Department in denying approval to participate in the non-preference tow program.
- (10) "Department" – The Department of State Police, also referred to as "Oregon State Police," and its employees.
- (11) "Employee" – Any person in the service of a tow business under contract of hire, express or implied, oral or written, where the business has the power or right to control

and direct the employee in the material details of how the work for the business is to be performed.

(12) "Hazardous Vehicle" – A vehicle, as described in ORS 819.120, and defined in OAR 734-020-0147(2).

(13) "Hearings Officer" – A person appointed by an agency or entity contracted by the Department of State Police to conduct contested case hearings.

(14) "Highway" – Every public way, road, street, thoroughfare and place including bridges, viaducts and other structures within the boundaries of the state open, used or intended for use of the general public for vehicles or vehicular traffic as a matter of right (ORS 801.305).

(15) "Inspector" – A member or other appointed representative of the Oregon State Police who has been designated by the Department to examine tow trucks and qualified tow businesses.

(16) "Inspection" – The authorized agent or representative of the tow business shall self-certify on its application under penalty of false swearing related to Regulation of Vehicles Related to Businesses (ORS 822.605), Penalty of Perjury (ORS 162.065), suspension or revocation from the non-preference tow rotational list that its tow business, employees and vehicles meet the minimum requirements as set forth in these Administrative Rules. This self-certification shall verify that the tow business' request for a certification complies with all applicable local laws and regulations as prescribed for the geographical area where the tow business will be established. If local zoning regulations are applicable, the authorized agent or representative of the tow business must include with the application a copy of the certification of approval from the local planning department, zoning commission or other authorized unit of local government to the Department. A zoning certification will become part of the permanent record maintained for each qualified tow business by the Department.

(17) "Non-preference tow rotational List' or "Non-preference List" of "tow list" or "rotational tow list – A list of tow businesses determined by the Department to meet all the requirements of these rules and which is maintained by the Department to dispatch the tow trucks on an equitable basis when no choice or preference to a tow business is stated by the vehicle owner, driver, or other person responsible for the vehicle.

(18) "On road time" – The time it takes a listed tow business to have a tow truck started and on the road from the time the dispatcher was called by the Department.

(19) "ODOT" – Oregon Department of Transportation.

(20) "Patrol Services Division" – The administrative body of the Oregon State Police that is located at 3565 Trelstad Ave SE, Salem, OR 97317.

(21) "Place of Business" – A building or physical structure that a tow business conducts business transactions, occupies, either continuously or at regular times, where the tow business' business records are kept and can be accessed electronically.

(22) "Principal" – an owner, partner, corporate officer or other person who controls or manages the business entity or employees or agents of the business organization.

(23) "Region Commander" – The commanding officer of the region as established by the Oregon State Police.

(24) "Recovery vehicle" – A motor vehicle that meets all of the following requirements:

(a) A commercially available truck chassis equipped with a commercially manufactured tow body or bed, that is rated and issued a serial number by the manufacturer;

(b) Has a minimum GVWR of 14,500 pounds;

(c) Designed and equipped for, and used in, the towing and/or recovery of vehicles;

(d) Capable of towing a vehicle by means of a wheel lift or under lift; and

(e) Capable of recovering a vehicle by means of a boom, winch and rope.

(f) A flatbed tow truck may be considered a class D-B or Class D-C recovery vehicle if it meets the following requirements:

(A) Has a minimum GVWR of 23,000 pounds; and

(B) Is equipped with a commercially manufactured side puller system; and

(C) Is equipped with stiff legs; and

(D) Is capable of winching from either side.

(25) "Response time" – The reasonable driving time it takes a tow truck to respond to a location once the tow truck is on the road.

(26) "Revocation" and "revoked" – The termination of a certification and the removal from the Oregon State Police's non-preference towing program for a period of not less than 10 years, which becomes effective from the date of the Notice of Revocation from the Oregon State Police.

(27) "Rope" – Wire rope or synthetic rope.

(28) "Privilege to apply" – The right of a tow business or its principal(s) to apply for, and the privilege of a listed tow business and/or its principal(s) to re-apply for placement on the non-preference tow list.

(29) "Suspension" and "suspend" – The temporary removal from the Oregon State Police non-preference towing list for a period of not more than 10 years.

(30) "Tow business" – Any person, enterprise, corporation or partnership that engages in the business of impounding, transporting, recovery or storage of towed vehicles.

(31) "Tow vehicle" – A motor vehicle that is:

(a) Altered or designed and equipped for, and used in, the business of towing vehicles; and

(b) Used to tow vehicles by means of a hoist, tow bar, rope or dolly, or otherwise used to render assistance to other vehicles (ORS 801.530).

(32) "Tow zone" – The geographical area designated by the Oregon State Police Non-preference Tow Program.

(33) "Vehicle storage area" or "storage lot" or "storage yard" – The approved yard or enclosed building where a listed tow business keeps or stores towed vehicles.

(34) "Vehicle" – Vehicle as defined per ORS 801.590.

(35) "Registered owner" or "owner" as defined per ORS 801.375.

Statutory/Other Authority: ORS 181A.350

Statutes/Other Implemented: ORS 181A.350

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OSP 3-2010, f. 6-1-10, cert. ef. 6-30-10

OSP 3-2009(Temp), f. 12-18-09, cert. ef. 1-1-10 thru 6-29-10

OSP 2-2009, f. 10-8-09 cert. ef. 1-1-10

OSP 1-2009(Temp), f. & cert. ef. 8-6-09 thru 1-31-10

OSP 1-2006, f. 3-29-06, cert. ef. 3-31-06

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OSP 1-1999(Temp), f. & cert. ef. 9-10-99 thru 3-7-00
OSP 2-1995, f. & cert. ef. 10-20-95
OSP 5-1992, f. & cert. ef. 12-16-92
OSP 3-1989, f. 10-16-89, cert. ef. 10-15-89
OSP 1-1989, f. & cert. ef. 1-3-89

OAR 257-050-0060- Application to be a listed tow business

(1) An application for certification must be filed by an authorized agent or representative of the applicant tow business. All applications must be filed with the Oregon State Police Non-Preference Tow Program. If the tow business is a partnership, each partner must be listed on the application. If the tow business is a corporation, all officers, managers, and stockholders holding 10% or more of the total issued and outstanding stock of the applicant corporation must be listed on the application.

(2) The authorized agent or representative of the applicant tow business must affirm and swear, under penalty of False Swearing (ORS 822.605), in each application, that its tow business, employees and vehicles meet the minimum requirements as set forth in these Administrative Rules and Oregon Revised Statutes. False swearing may result in denial, suspension or revocation from the non-preference tow rotational list. Each application must also contain a signed affirmation from the authorized agent or representative that the tow business complies with all applicable local laws and regulations.

(3) Upon being granted certification, a certificate and vehicle stickers will be mailed to the listed tow business. The listed tow business must display the sticker on the lower left front windshield of each tow vehicle that has been approved. Any alteration of the vehicle sticker or certification may form the basis of an action to suspend or revoke the certification.

(4) A tow business may not be listed on the non-preference tow list until the Department has issued a certification to the tow business. The Department shall not call a towing business for non-preference towing unless the business has a current certification issued by the Oregon State Police Tow Program. Nothing herein shall prohibit the Department from calling a towing business upon a specific request of the person responsible for the vehicle or their agent.

(5) A certification will not be granted until the application forms have been completed in their entirety by the authorized agent or representative of a tow business and approved by the Department.

(6) A principal of multiple tow businesses may only have one listed tow business per tow zone for each classification.

(7) All authorized agents or representatives must affirm in the certification application that if listed, the tow businesses shall tow abandoned vehicles in accordance with Chapter 819 of the Oregon Revised Statutes. Failure to tow abandoned vehicles in accordance with ORS Chapter 819 may subject the tow business to suspension or revocation of the non-preference tow certification.

Statutory/Other Authority: ORS 181.440

Statutes/Other Implemented: ORS 181.440

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OSP 2-2009, f. 10-8-09 cert. ef. 1-1-10

OSP 1-2009(Temp), f. & cert. ef. 8-6-09 thru 1-31-10

OSP 2-1995, f. & cert. ef. 10-20-95

OSP 3-1989, f. 10-16-89, cert. ef. 10-15-89

OSP 1-1989, f. & cert. ef. 1-3-89

OAR 257-050-0070- Application Requirements

(1) Application for certification must be made on forms furnished by the Oregon State Police and must be accompanied by an inspection report. The information provided in the application must provide sufficient information for the Department to make all of the following determinations:

(a) The applicant tow business has an established place of business within the tow zone at the address shown on the application.

(b) The applicant tow business' place of business complies with these Administrative Rules and all other provisions of state, local, and federal law.

(c) The applicant's storage facility complies with these Administrative Rules and local, state and federal laws.

(d) The applicant tow business is properly registered with the Oregon Secretary of State.

(e) The address the tow business lists on its application shall be the place of business where the tow business maintains business records.

(f) The application shall list all locations of vehicle storage facilities and places for redemption of vehicles.

(g) Each applicant tow business owner and authorized manager has a minimum of 3 years prior towing experience as of submitting the application packet;

(2) The applicant tow business owners, principles and authorized drivers meet the following training requirements:

(a) Each applicant tow business owner and authorized driver will attend Traffic Incident Management training approved by the Oregon State Police Tow Program within one (1) year of their hire date;

(b) Each applicant tow business owner will provide written proof as required by A and B above to the Oregon State Police Tow Program.

(c) Each applicant tow business owner, principle and authorized driver has completed a state or federally recognized training for the class of tow truck they will be operating;

(d) Each applicant owner, principle and authorized driver has submitted proof of training completion with the application for certification. If a tow company has already been listed by the Department, each applicant owner, principle and authorized driver must submit written proof that the training required in has been completed within two years of the date this requirement goes into effect.

(e) All authorized drivers must complete a state or federally recognized tow training that is approved by the Oregon State Police, within one year of their date of hire. This training must be in-person training that requires classroom and practical hands-on training and testing for certification. Authorized drivers who have already been listed by the department to participate in the rotational tow program must submit written proof of certification that the training has been completed within two years of the date this requirement goes into effect.

(f) All employees of an applicant tow business or listed tow business who operate tow truck(s) have a current valid operator's license for the class of vehicles they operate for the tow business.

(g) The applicant tow business owner or designated employee shall possess a current and valid appraiser's license issued by the Oregon Department of Motor Vehicles pursuant to ORS 819.480.

(h) Written proof of the appraiser's license has been submitted to the Oregon State police Tow Program.

(i) Written proof of workers compensation insurance for each tow driver has been submitted to the Oregon State Police Tow Program.

(3) The applicant tow business has submitted to the Oregon State Police Tow Program proof of the following current, minimum insurance coverage:

(a) General Liability insurance coverage of not less than \$1,000,000, with bodily injury per occurrence of not less than \$2,000,000 aggregate, or the minimum required by the Federal Motor Carrier Regulations, or the ODOT, whichever is greater, for liability, bodily injury and property damage per occurrence;

(b) Garage keeper's legal liability insurance, for care, custody, and control of towed vehicles, per occurrence with no exclusions for on-hook coverage in the amounts of at least the following for each class:

(i) Class A -- \$100,000;

(ii) Class B -- \$200,000;

(iii) Class C -- \$250,000;

(iv) Class D-A or Other Equipment under this classification -- \$100,000;

(v) Class D-B or Other Equipment under this classification -- \$150,000;

(vi) Class D-C or Other Equipment under this classification -- \$250,000.

(c) Insurance to protect against vehicle damage including, but not limited to fire and theft, from the time a vehicle comes into custody, and control of the tow business, throughout the recovery, and until that vehicle is reclaimed or sold.

(d) Insurance for cargo transported in the amount of at least:

(i) Class A -- \$100,000;

(ii) Class B -- \$150,000;

(iii) Class C -- \$250,000;

(iv) Class D-A -- or Other Equipment under this classification -- \$100,000;

(v) Class D-B -- or Other Equipment under this classification -- \$150,000;

(vi) Class D-C -- or Other Equipment under this classification -- \$250,000.

(4) Nothing in this section relieves an applicant tow business or listed tow business from maintaining insurance in amounts and coverage type required for motor carriers in ORS Chapter 825 if those amounts exceed, or coverage differs from, that required by this section.

(5) A certificate of insurance (including worker's compensation insurance) from each insurance carrier has been provided by the insurance carrier to the Department that includes the type and amounts of coverage and provides for notification to the Department if a policy is cancelled.

(6) The applicant tow business has a dedicated recovery vehicle assigned to the tow zone applied for and which is capable of handling the classifications of tows requested in the application.

(a) An applicant tow business may list a class B recovery vehicle to cover both class A and class B tows.

(b) All applicant tow business vehicles listed in the application comply with these Administrative Rules for the tow classification applied for.

(7) Legal name, date of birth and driver's license of all drivers authorized by the applicant tow business to drive in the listed tow zones have been provided to the Oregon State Police Non-Preference Tow Program.

(8) The Department will provide a written notice to the applicant of the Department's decision within 60 days of the receipt of an application for certification.

(9) The Oregon State Police Non-Preference Tow program must be notified in writing within ten (10) days from the time an authorized agent or representative of a listed tow business changes.

(10) All tow trucks used by listed tow businesses must display the following on both sides of the truck, in a manner that is highly visible to the public and in lettering that is a minimum of 2 inches in height with ½ inch stroke:

(a) The tow business's name

(b) The Name of the city where the place of business is located.

(c) The tow businesses telephone number for a line that is answered 24 hours a day, seven days a week.

(d) The Department of Transportation (ODOT) number must also be displayed if required by United States Department of Transportation.

(11) Any applicant tow business, applying for certification or renewal of certification, which fails to demonstrate that it meets all requirements as set forth in these rules or which is in violation of any part of these Administrative Tow Rules may be denied certification. An applicant tow business which is denied certification shall be notified of the denial in writing. If the Department determines that a listed tow business is in violation of these Administrative Rules, other sanctions may include revocation of certification or criminal investigation and referral for prosecution.

Statutory/Other Authority: ORS 181.440

Statutes/Other Implemented: ORS 181.440

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OSP 2-2009, f. 10-8-09 cert. ef. 1-1-10

OSP 1-2009(Temp), f. & cert. ef. 8-6-09 thru 1-31-10

OSP 1-2006, f. 3-29-06, cert. ef. 3-31-06

OSP 5-2005, f. & cert. ef. 11-18-05

OSP 2-1995, f. & cert. ef. 10-20-95
OSP 5-1992, f. & cert. ef. 12-16-92
OSP 3-1989, f. 10-16-89, cert. ef. 10-15-89
OSP 1-1989, f. & cert. ef. 1-3-89

OAR 257-050-0090- Inspections

The authorized agent or representative of the tow business shall self-certify on its application under penalty of False Swearing related to Regulation of Vehicles related to Businesses (ORS 822.605), penalty of Perjury (ORS 162.065), suspension or revocation from the non-preference tow rotational list that its tow business, employees and vehicles meet the minimum requirements as set forth in these Administrative Rules. This self-certification shall verify that the tow business' request for a letter of appointment complies with all applicable local laws and regulations as prescribed for the geographical area where the tow business will be established. If local zoning regulations are applicable, the authorized agent or representative of the tow business must include with the application a copy of the certification of approval from the local planning department, zoning commission or other authorized unit of local government, to the Department. A zoning certification will become part of the permanent record maintained for each qualified tow business by the Department.

Statutory/Other Authority: ORS 181.440
Statutes/Other Implemented: ORS 181.440
History:

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OSP 1-2009(Temp), f. & cert. ef. 8-6-09 thru 1-31-10
OSP 1-2006, f. 3-29-06, cert. ef. 3-31-06
OSP 5-2005, f. & cert. ef. 11-18-05
OSP 2-1995, f. & cert. ef. 10-20-95
OSP 5-1992, f. & cert. ef. 12-16-92
OSP 3-1989, f. 10-16-89, cert. ef. 10-15-89
OSP 1-1989, f. & cert. ef. 1-3-89

OAR 257-050-0095- Letter of Appointment

The letter of appointment shall be completed by the Department establishing that the tow business has met the requirements for a letter of appointment. The designated tow zone(s), class of tow vehicle(s), specific vehicles authorized to operate in each zone, and any waivers will be listed in the letter.

Statutory/Other Authority: ORS 181.440
Statutes/Other Implemented: ORS 181.440
History:

OSP 3-2010, f. 6-1-10, cert. ef. 6-30-10
OSP 3-2009(Temp), f. 12-18-09, cert. ef. 1-1-10 thru 6-29-10
OSP 2-2009, f. 10-8-09 cert. ef. 1-1-10
OSP 1-2009(Temp), f. & cert. ef. 8-6-09 thru 1-31-10

ORAR 257-050-0100- Issuance of Certification

(1) Only a tow business with a valid non-preference tow certification from the Department, as described herein shall be called upon to perform non-preference towing services at the request of the Department. Non-preference tow certification shall only be issued by the Department when a completed application for non-preference tow certification has been submitted to the Oregon State Police Non-preference Tow Program and the Department determines that all qualifications set out in these Administrative Rules have been met by the applicant tow business.

(2) A non-preference tow certification is valid only for the zone or zones listed in the certification and assigned by the Oregon State Police Tow Program and only for the identified tow vehicles will identify specific vehicles authorized to operate in each zone.

(3) A tow business may petition the Oregon State Police for a waiver of a non-safety related requirement. A petition for waiver must be sent to the Oregon State Police Non-preference Tow Program at Oregon State Police, 3565 Trelstad Ave Se, Salem, OR 97317. The Department may grant a waiver if it determines:

(a) that the towing needs in a specific zone are inadequate;

(b) that the tow business seeking a waiver has the tow resources which can meet the Department's needs if a waiver is granted; and

(c) the waiver of equipment will not negatively impact the safety of any person.

(4) If a tow business meeting all requirements becomes listed for the same zone as a listed tow business a waiver granted under subsection (3) of this section, the listed tow business operating under a waiver, shall be notified that, notwithstanding the waiver, it has 30 days to become fully compliant with these rules or be removed from non-preference tow certification for the specified zone. If the listed tow business operating under a waiver fails to become compliant within the time specified by the Department, it may also have its non-preference tow certification suspended or revoked by the Department for all zones.

(5) Every certification shall be issued in the name of a tow business and the holder thereof shall not allow any other person or tow business to use the certification.

(6) A non-preference tow certification is valid only for the place of business/ listed tow company named on the non-preference tow certification application and does not apply to any other place of business.

(7) A non-preference tow certification is valid for one (1) year unless suspended or revoked by the Department.

(8) A listed tow business must have a separate non-preference tow certification for each zone in which the tow business conducts non-preference tow services.

(9) A non-preference tow certification shall state the zone the listed tow business is authorized to operate in. The zones will be determined by the Oregon State Police Tow Program.

Statutory/Other Authority: ORS 181.440

Statutes/Other Implemented: ORS 181.440

History:

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OSP 2-2009, f. 10-8-09 cert. ef. 1-1-10

OSP 1-2009(Temp), f. & cert. ef. 8-6-09 thru 1-31-10

OSP 1-2006, f. 3-29-06, cert. ef. 3-31-06

OSP 2-1995, f. & cert. ef. 10-20-95

OSP 5-1992, f. & cert. ef. 12-16-92

OSP 3-1989, f. 10-16-89, cert. ef. 10-15-89

OSP 1-1989, f. & cert. ef. 1-3-89

OAR 257-050-0110- Suspension, Revocation and Voluntary Relinquishment of Certification

(1) The Department may deny an application for non-preference tow certification, or suspend or revoke a non-preference tow certification if the Department determines the applicant tow business or listed tow business has failed to comply with the Oregon Revised Statutes.

(2) The Department may deny an application for non-preference tow certification, or suspend or revoke a non-preference tow certification if the Department determines the applicant tow business or listed tow business has failed to meet, or no longer complies with, the requirements for non-preference tow certification as set forth in OAR 257-050-0020 through 257-050-0200.

(3) A listed tow business may voluntarily relinquish its non-preference tow certification. A listed tow business which voluntarily relinquishes certification must notify the Department in writing.

(4) The Department may disqualify a tow vehicle driver employed by a listed tow business if the Department determines the driver has failed to comply with state or federal law related to performance of the duties of a driver, laws related to provision of

tow services, or laws related to the use of a tow vehicle. A tow vehicle driver disqualified under this subsection may not participate in any tow business operations relating to the non-preference tow program.

(5) The Department may disqualify a tow vehicle driver from participation in non-preference tows if the Department determines the driver has failed to comply with any requirement listed in OAR 257-050-0020 through 257-050-0200. A tow vehicle driver disqualified under this subsection may not participate in any tow business operations relating to the non-preference tow program.

(6) The Department shall deny an application for non-preference tow certification or revoke the certification of a listed tow business for any of the following:

(a) If a listed tow business, an applicant tow business, or a manager or principle of a listed tow business has been convicted of an Oregon felony offense, or an offense in another United States court equivalent to an Oregon felony offense, within fifteen (15) years preceding the date the application for non-preference tow certification is received by the Department, or any time after non-preference tow certification has been granted.

(b) If a listed tow business, an applicant tow business, or a manager or principle of a listed tow business or an applicant tow business has been convicted of two or more felony offenses, or two or more offenses in another United States court that are equivalent to two or more Oregon felony offenses.

(c) If a manager or principal has ever been convicted of a person felony under OAR 213-003-0001(14) or a sex crime as defined in ORS 163A.005(5), or an offense in another United States court that is the equivalent of an Oregon person felony or a sex crime.

(7) The Department may disqualify a tow driver from operating any tow vehicle on behalf of a listed tow business and may disqualify a tow driver from participating in any way in the towing of vehicles for a listed tow business under the Department's non-preference tow program for any of the following reasons:

(a) The tow driver has any conviction described in subsection (6) of this section.

(A) A listed tow business that employs a driver with a conviction described in subsection (6) of this section remains eligible to participate in the Department's non-preference tow program. However, the listed tow business shall not permit the driver employee to participate in any towing of vehicles related to a non-preference tow.

(B) When a listed tow businesses, applicant tow businesses, or a manager or principal of a listed tow businesses or applicant tow businesses become aware that a driver who previously qualified to participate in non-preference tows has become ineligible under these rules, the business, manager or principle must immediately notify the Oregon

State Police Tow Program by emailing to OSPTOW@osp.oregon.gov or fax to Patrol Services Division at 503-391-5910 and provide the following information:

- (i) The ineligible driver's name; and
- (ii) The ineligible driver's date of birth; and
- (iii) The reason the driver is ineligible.

(8) The Department may disqualify a driver from participating in non-preference tows for any of the following reasons: The driver has been convicted of five (5) or more traffic crimes, including an offense in another United States court that is equivalent to an Oregon traffic crime, within the preceding fifteen (15) years from the date the application for certification is received by the Department.

(9) The Department may suspend or revoke the certification of a tow business, or the participation of a driver, if a listed tow business, manager, principal or driver is charged with or arrested for any misdemeanor or felony offense for which there is a reasonable basis to believe the offense occurred at a tow business facility, or that the offense directly or indirectly involved the listed tow business and such offense occurred during the course and operation of a listed tow business.

(10) The Department may revoke or suspend the certification of a tow business or the qualification of a driver if the driver is convicted of a moving traffic violation which violation occurred during the course and operation of a listed tow business.

(11) The following suspension periods apply:

(a) "First Suspension" – a first violation shall result in a suspension for a period of not less than thirty (30) days.

(b) "Second Suspension" – a second violation that is committed within a one (1) year from the date of any final order or notice of first suspension, whichever is later, shall result in a suspension for a period of not less than thirty (30) day(s) and not more than ninety (90) days.

(c) "Third Suspension" – a third violation committed within a three (3) year period of the date of a final order, or notice of first suspension, whichever is later, shall result in a suspension for a period of not less than ninety (90) day(s) and not more than one (1) year.

(12) "Revocation" –A criminal offense for which a charge or arrest has been made and the offense occurred in the course of tow business' operation or an un-remedied safety related violation by the listed tow business or driver shall result in revocation of certification or disqualification from driving for a period of not less than ninety (90) day(s) and not more than ten (10) years from the date of any final order, or notice of revocation, whichever is later.

(13) Listed tow businesses that, through their conduct or actions, abuse the non-preference tow system, or the integrity, trust or security of the Oregon State Police shall have their certification revoked.

Statutory/Other Authority: ORS 181.440

Statutes/Other Implemented: ORS 181.440

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OSP 2-2009, f. 10-8-09 cert. ef. 1-1-10

OSP 1-2009(Temp), f. & cert. ef. 8-6-09 thru 1-31-10

OSP 1-2006, f. 3-29-06, cert. ef. 3-31-06

OSP 2-1995, f. & cert. ef. 10-20-95

OSP 5-1992, f. & cert. ef. 12-16-92

OSP 3-1989, f. 10-16-89, cert. ef. 10-15-89

OSP 1-1989, f. & cert. ef. 1-3-89

OAR 257-050-0115- Suspension and Revocation

(1) For purpose of 257-050-0115, the following suspension periods apply:

(a) "First suspension" – any first violation of OAR 257-050-0115 shall be for a period of not less than 60 days.

(b) "Second Suspension" – any second violation of OAR 257-050-0115 that is committed within a one (1) year period from the date of any final order under this rule shall be for a period of not less than one (1) year.

(c) "Third Suspension" – any third violation of OAR 257-050-0115 that is committed within a three (3) year period of the date of any final order under this rule shall be a revocation.

(2) The following constitutes grounds for suspension of a qualified tow business:

(a) A qualified tow business that commits a violation, traffic crime or traffic infraction of Oregon Law during the course and operation of the qualified tow business's business shall be suspended.

(b) An employee of a qualified tow business that commits any violation or traffic infraction of Oregon Law while in the performance of his or her duties of employment shall be suspended.

(3) The following constitutes grounds for revocation of a qualified tow business:

(a) A qualified tow business that commits a crime, other than a traffic crime and that is chargeable as a misdemeanor or felony during the course and operation of the qualified tow business's business shall be revoked.

(b) An employee of a qualified tow business that commits a crime chargeable as a misdemeanor or felony while in the performance of his or her duties of employment shall be revoked.

Statutory/Other Authority: ORS 181.440

Statutes/Other Implemented: ORS 181.440

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OSP 2-2009, f. 10-8-09 cert. ef. 1-1-10

OSP 1-2009(Temp), f. & cert. ef. 8-6-09 thru 1-31-10

OSP 1-2000, f. & cert. ef. 3-15-00

OSP 1-1999(Temp), f. & cert. ef. 9-10-99 thru 3-7-00

OAR 257-050-0125- Re-inspection and Recertification

(1) Re-inspections must be conducted at least once a year by an Oregon State Police inspector. Unscheduled inspections of a listed tow business may be conducted without notice by an Oregon State Police inspector to determine compliance with these rules. All inspections shall be done during business hours. If Oregon State Police Inspectors are not available to conduct the inspection, the Oregon State Police Tow Program may authorize a listed tow business to conduct a self-inspection that will be included with the application.

(2) If an inspection reveals that tow truck equipment, unrelated to safety related requirements, is missing from a tow truck or is defective, the Oregon State Police shall immediately advise the listed tow business in writing that a tow truck is in violation of these Oregon Administrative rules. Such notice shall identify the specific tow truck, the specific rule being violated and include a copy of the inspection report.

(a) If the listed tow business fails to remedy the missing or defective non-safety related equipment within 15 days of the date of notice, the tow truck with the missing or defective equipment shall be removed from the list of tow vehicles authorized by the non-preference tow certification issued to the listed tow business.

(b) If an inspection reveals that a listed tow business's facilities, records or other non-safety related items violates these rules, the Oregon State Police shall advise the listed tow business in writing of the violation. Such notice shall identify the specific violation(s) and include a copy of the inspection report. If the listed tow business fails to remedy the violation within 15 days of the date listed on the notice, the listed tow business's certification shall be revoked.

(c) A listed tow business may avoid revocation of non-preference tow certification under this section by voluntarily removing the violating tow vehicle or facility from the list of authorized tow vehicles or facilities. Notice advising the Oregon State Police that

the listed tow business has voluntarily removed a violating tow vehicle or facility from service must be in writing and sent to the Oregon State Police Tow Program at 3565 Trelstad Avenue SE, Salem Oregon 97317. Notification of voluntary removal must be received by the Oregon State Police Tow Program no later than 15 days after the date on the notice the Department issued to the listed tow business. If a listed tow business remedies the violations regarding the tow vehicle or facility after voluntary removal, the listed tow business may request re-inspection by the Oregon State Police. The Oregon State Police may re-authorize inclusion of a tow vehicle or facility if a listed tow business passes a re-inspection as described in this section.

(3) A safety related violation related to a tow truck or facility shall be cause to immediately suspend such tow vehicles or facilities from the list of authorized non-preference tow vehicle or facilities.

(a) If the violation is remedied and passes re-inspection within 30 days of removal from the list, the tow truck or facility shall be reinstated on the non-preference tow list. If the violation is not remedied or the tow vehicle or facility fail re-inspected within 30 days, non-preference tow certification for that tow vehicle and that facility shall be revoked.

(b) A listed tow business may avoid immediate suspension under this section by voluntarily removing the involved vehicle or facility from the list of authorized tow vehicles or facilities. A listed tow business must immediately provide an electronic submission of written documentation of voluntary removal under this section to the Oregon State Police Non-Preference Tow Program at OSPTOW@osp.oregon.gov.

(4) A listed tow business which has voluntarily removed an out of compliance tow truck or facility from service, may request re-inspection by an Oregon State Police inspector. Request for re-inspection must be in writing and sent to the Oregon State Police Non-Preference Tow Program at Oregon State Police, 3565 Trelstad Ave SE, Salem, OR 97317 or email to OSPTOW@osp.oregon.gov. Within a reasonable time following written request from the tow business for re-inspection, the Department shall re-inspect the equipment/facility. If the violation has been remedied and complies with these administrative rules, the listed tow business, vehicle or facility shall be re-listed. The Department may waive re-inspection if the Department determines that the tow business provided sufficient evidence that the violation has been remedied. If the Department determines the violations have been remedied, the vehicle or facility shall be relisted within 14 days of the Department's determination.

(5) Upon revocation, suspension, expiration or voluntary relinquishment of a certification, a listed tow business's privilege to conduct non-preference towing services at the request of the Department is terminated.

(6) A listed tow business must notify the Oregon State Police Non-Preference Tow Program within 10 days of selling or transferring an authorized tow.

Statutory/Other Authority: ORS 181.440
Statutes/Other Implemented: ORS 181.440

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OSP 2-2009, f. 10-8-09 cert. ef. 1-1-10
OSP 1-2009(Temp), f. & cert. ef. 8-6-09 thru 1-31-10
OSP 1-2006, f. 3-29-06, cert. ef. 3-31-06
OSP 5-2005, f. & cert. ef. 11-18-05

OAR 257-050-0130- Appeal

A tow business or qualified tow business aggrieved by the decision of the Hearings Program officer denying, suspending, or revoking a letter of appointment must make any further appeal of such decision to the Oregon Court of Appeals.

Statutory/Other Authority: ORS 181.440
Statutes/Other Implemented: ORS 181.440

History:

OSP 3-2010, f. 6-1-10, cert. ef. 6-30-10
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OSP 2-2009, f. 10-8-09 cert. ef. 1-1-10
OSP 1-2009(Temp), f. & cert. ef. 8-6-09 thru 1-31-10
OSP 2-1995, f. & cert. ef. 10-20-95
OSP 3-1989, f. 10-16-89, cert. ef. 10-15-89
OSP 1-1989, f. & cert. ef. 1-3-89

OAR 257-050-0140- Place of Business Requirement and Business Hours

(1) A listed tow business must have a storage facility and place of business capable of independent operation within each assigned zone. A Storage facility alone does not meet this requirement.

(2) Multiple listed tow businesses may operate on a single piece of real property, provided each tow business maintains separate business records, storage facilities and certificates.

(3) A listed tow business must be available for inspection by Oregon State Police between 8AM-5PM, excluding weekends and holidays.

(4) A listed tow business must post its primary contact telephone number in a manner that is clearly visible and prominent at each authorized place of business and storage facility. The posted phone number must reach a phone that must be answered 24 hours a day, seven (7) days a week to include holidays.

- (5) A listed tow business must maintain personnel who release towed vehicles in accordance with ORS 98.858.
- (6) A listed tow business must post and maintain its certification at its authorized place of business.
- (7) A listed tow business's place of business must have an office area accessible to the public where business can be conducted out of the weather.
- (8) A listed tow business must be available for phone contact at all times. Each tow driver for a listed tow business must have the ability to maintain constant communication with the dispatch service where geographic conditions and signal strength permit.
- (9) A listed tow business must respond to non-preference rotational tow requests from the Oregon State Police or the Oregon Department of Transportation.
- (a) The listed tow business must notify the Oregon State Police Non-Preference Tow Program at OSPTOW@osp.oregon.gov or fax to OSP Patrol Division at 503-391-5910 when the listed tow company is unavailable for calls for any reason.
- (b) The listed tow business shall advise the Oregon State Police Tow Program at OSPTOW@osp.oregon.gov or fax to OSP Patrol Division at 503-391-5910 once the listed tow business becomes available.
- (c) If a listed tow business reports that it is unavailable, or if OSP determines the tow business is unavailable, the tow business will be moved to the bottom of the rotational list as if they had responded to the call.
- (d) Failure to respond when requested for towing services by the Oregon State Police when the company has not previously notified the Oregon State Police that the company is not available may result in the suspension or revocation of the listed tow business's certification;
- (10) On road time shall meet the following requirements:
- (a) Class A and D-A tow trucks shall be on the road within fifteen minutes of the time the listed tow business accepts the tow request from the Department.
- (b) Class B, C, D-B and D-C tow trucks shall be on the road within thirty minutes of the time the tow business accepts the tow request from the Department.
- (11) A tow business shall provide an estimated response time to the Department at the time the Department requests towing service. The Department may waive this

requirement if the Department determines that due to inclement weather or unusual circumstances a tow business is not able to give an estimated response time.

(12) A listed tow business shall tow non-hazardous abandoned vehicles within 24 hours of receiving a tow request from the Department. A listed tow business must notify the requesting dispatch center as soon as possible after a vehicle is removed from the roadway and in possession of the listed tow business, if a Department member or ODOT is not on scene.

(13) Other than non-hazardous tow requests described in (12) above, a listed tow business must respond immediately to all non-preference rotational tow requests by the Department unless directed otherwise.

(14) A listed tow business must maintain all of the following business records relating to non-preference rotational tows. These records may be in either paper or electronic form and must be maintained at each authorized place of business for a period of not less than three (3) years:

(a) The towed vehicle's state issued license plate number;

(b) The make, model, color and year of the towed vehicle;

(c) The vehicle identification number (VIN) of the towed vehicle;

(d) The location vehicle was towed from;

(e) The location to where the vehicle was towed;

(f) The full name of tow truck driver who performed the tow;

(g) The reasons for the tow or related services provided;

(h) The time and date the tow or other service, including vehicle storage dates, as were performed;

(i) The tow truck which provided the tow services; and

(j) All Department documents involved in conjunction with the tow and

(k) Complete invoices for all non-preference tows.

(15) A listed tow business shall provide, upon request by the tow inspector / OSP, business records relating to non-preference rotational tows

(16) A listed tow business shall create and maintain invoice records showing itemized fees charged for each non-preference rotational tow performed by the business. Paper or electronic copies of these tow invoice fee records must be made available upon request to the Oregon State Police Tow Program or the legal owner of the vehicle towed or otherwise provided services.

(17) A listed tow business shall make every reasonable effort to minimize damage to the vehicle being towed during a tow.

(18) A 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.

(b) This subsection does not apply to vehicles towed or stored as evidence.

(19) A listed tow business shall notify the Oregon State Police Command Center or local area command immediately by telephone when any person seeks to redeem any vehicle which was towed as hazard, impounded, as evidence, or where a hold has been placed on the vehicle by the Department.

(a) No vehicle towed as a hazard, impounded identified as evidence or under a hold shall be released without written release authorization from the Oregon State Police.

(b) A listed tow business may contact the local area command to verify the authorization for release. Verification of release authorization shall not cause an unreasonable delay in releasing the vehicle.

(c) When a person entitled to take possession of a vehicle towed under this rule presents the listed tow business with an official signed Oregon State Police release form, the listed tow business shall release the vehicle to the person named upon the release form after receiving payment in full.

(d) A listed tow business may be subject to suspension or revocation if the business releases a vehicle without first obtaining a signed Oregon State Police issued release authorization or fails to release a vehicle after receiving a properly executed Oregon State Police issued release authorization form.

(20) A listed tow business must maintain a storage facility that meets all the following requirements:

(a) The storage facility is indoor, outdoor or both;

(b) The storage facility is at least 10,000 square feet in size;

(c) The storage facility complies with all zoning requirements;

(d) The storage facility is located within the assigned tow zone;

(e) A storage facility may be separate from the listed tow business's place of business provided both are within the assigned zone and tow business employees are able to respond from the place of business to the storage facility within 30 minutes;

(f) The storage facility is under the exclusive access and control of the listed tow business and authorized persons;

(g) The storage facility is not shared with any other business.

(21) The storage facility is fenced around the outside and the fencing meets the following requirements:

(a) The fencing complies with all zoning rules and regulations;

(b) The fencing is made of a woven wire composition normally referred to as "cyclone fencing-chain link fencing," made of a solid material, such as wood or concrete block, or is a permanent natural barrier which prevents access and unauthorized entry to the storage facility;

(c) The fencing is at least 6 feet in height;

(d) The fencing is topped by at least three (3) strands of tightly strung barbed or razor wire;

(22) The fences, gates and entryways must meet the following requirements:

(a) The gates and entryways are of solid frame construction;

(b) The gates and entryways have the ability to lock;

(c) The gates and entryways are at least 6 feet in height; and

(d) The gates and entryways are topped by at least three (3) strands of tightly strung barbed or razor wire.

(e) Listed tow businesses that are unable to comply with these fencing requirements because of local zoning requirements should notify the Oregon State Police Non-Preference Tow Program. The Department may allow variance from the fencing requirements on a case by case basis.

(23) A listed tow business must contact the Oregon State Police if the reason for the tow request is unclear.

(24) Listed tow businesses are responsible for the contents, storage and disposal of all personal items within a towed vehicle or from a towed vehicle.

Statutory/Other Authority: ORS 181.440

Statutes/Other Implemented: ORS 181.440

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OSP 2-2009, f. 10-8-09 cert. ef. 1-1-10

OSP 1-2009(Temp), f. & cert. ef. 8-6-09 thru 1-31-10

OSP 1-2006, f. 3-29-06, cert. ef. 3-31-06

OSP 5-2005, f. & cert. ef. 11-18-05

OSP 2-1995, f. & cert. ef. 10-20-95

OSP 5-1992, f. & cert. ef. 12-16-92

OSP 3-1989, f. 10-16-89, cert. ef. 10-15-89

OSP 1-1989, f. & cert. ef. 1-3-89

ORAR 257-050-0145- Felony Convictions

(1) The Department shall deny a tow business' application for a letter of appointment or revoke a qualified tow business' letter of appointment for any of the following reasons:

(a) A qualified tow business, tow business, manager of daily operations, or principal is convicted of any Oregon felony offense, or any offense in another United States court that is equivalent to an Oregon felony offense, within the preceding fifteen (15) years from the date the application for a letter of appointment is received by the Department. This subsection is subject to the provisions set forth under ORS 166.270(4)(b).

(b) A qualified tow business, tow business, manager of daily operations, or principal is convicted of two or more felony offenses. This subsection applies regardless of the date of the conviction.

(c) A manager of daily operations or principal is convicted of any felony offense, or any offense in another United States court that is the equivalent of an Oregon felony offense, where a weapon was used or threatened to be used in the commission of the crime. This subsection applies regardless of the date of the conviction.

(d) A manager of daily operations or principal is convicted of any sex crimes. This subsection applies regardless of the date of the conviction.

(2) Disqualified drivers.

(a) A driver that has any conviction described in subsection (1) of this administrative rule is disqualified from operating any tow vehicle on behalf of a qualified tow business and shall not participate in the towing of vehicles for a qualified tow business under the Department's non-preference tow program.

(b) A qualified tow business that employs a driver that has any conviction described in subsection (1) of this administrative rule will remain eligible to participate in the Department's non-preference tow program under a letter of appointment. However, the qualified tow business shall not allow a driver that is ineligible under this subsection to participate in the towing of vehicles on behalf of the qualified tow business under any letter of appointment issued by the Department.

(c) Qualified tow businesses, tow businesses, managers of daily operations, and principals who become aware that a driver is disqualified under this subsection shall immediately notify the Department of the driver and the reason for the disqualification.

(3) The Department may, at any time, conduct Oregon LEDS checks of qualified tow businesses, tow businesses, managers of daily operations, principals, and drivers in order to enforce its administrative rules. The Department may also conduct checks of court records in order to determine the existence of felony convictions, dates of convictions, and other disqualifying factors under its administrative rules.

(4) These rules apply to any application for a letter of appointment or any letter of appointment in effect before, on, or after the effective date of these rule amendments.

Statutory/Other Authority: ORS 181A.350

Statutes/Other Implemented: ORS 181A.350

History:

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OSP 2-2009, f. 10-8-09 cert. ef. 1-1-10

OSP 1-2009(Temp), f. & cert. ef. 8-6-09 thru 1-31-10

OSP 1-2006, f. 3-29-06, cert. ef. 3-31-06

OSP 5-2005, f. & cert. ef. 11-18-05

OAR 257-050-0150- Towing

(1) The Department shall not establish, recommend or in any way dictate the cost of a non-preference tow conducted by a listed tow business.

(2) A listed tow business that conducts a non-preference tow under these administrative rules shall not represent to any person or business that a fee has been or will be charged by the Oregon State Police.

(3) All listed tow businesses shall annually provide to the Oregon State Police Tow Program a current itemized fee schedule which lists all fees the tow business charges for non-preference tow related services.

(4) A listed tow business may only charge and collect the fees listed on the fee schedule provided to the Oregon State Police Tow Program for work related to a non-preference tow. The amounts charged for each service or other item must match the provided fee schedule provided to the Oregon State Police Tow Program. This does not include sublet services performed by another listed tow company, rental equipment required for special circumstances, mechanical work, bodywork or other repair work conducted after the tow.

(5) Complaints relating to fees charged against a listed tow business may be referred to the Oregon Department of Justice Consumer Protection Hotline. Complaints may also be forwarded to the Oregon Tow Board.

(6) Listed Tow businesses shall not transport passengers in any towed or carried vehicle (refer to OAR 257-050-0150 (6)).

(7) Vehicles towed under the non-preference rotational tow program must be stored at a listed tow company's approved storage facility and within the tow zone in which the tow occurred.

(8) If a listed tow company is operating in the tow zone via a tow waiver, the vehicle shall be towed to the listed tow company's closest approved storage facility within the county.

(9) A listed business must use only tow equipment approved by the Department in the tow zone for which it applied.

(10) In the event a listed tow business has a closer listed tow truck of the appropriate class in an adjacent zone, the listed tow business may use the closer listed truck so long as the response time to the scene is not increased.

(11) If a tow business does not have the necessary equipment to conduct a required class of tow, the business shall be removed from the non-preference tow list for that class of tow and shall not contract with another company.

(12) If a listed tow business uses unapproved drivers the business may be suspended or removed from the list.

(13) If the tow business has the appropriate equipment for a particular class of tow, and has been approved for the particular zone, it is acceptable for a tow business to contract with another tow business for additional assistance, or use rental equipment, so long as the listed tow business is on scene during the recovery and has the appropriate equipment.

(14) A contracted tow business as described in (12) must also be on the Oregon State Police non-preference tow list and may only use tow equipment and drivers listed by the Department.

(15) Only tow equipment listed by the Department may be used.

Statutory/Other Authority: ORS 181.440

Statutes/Other Implemented: ORS 181.440

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OSP 1-2009(Temp), f. & cert. ef. 8-6-09 thru 1-31-10

OSP 1-2006, f. 3-29-06, cert. ef. 3-31-06

OSP 5-2005, f. & cert. ef. 11-18-05

OSP 2-1995, f. & cert. ef. 10-20-95

OSP 3-1989, f. 10-16-89, cert. ef. 10-15-89

OSP 1-1989, f. & cert. ef. 1-3-89

OAR 257-050-0155- Suspension and Revocation (for Violation of a Law Chargeable as a Violation or Crime)

(1) The following suspension or revocation periods apply when a tow business, qualified tow business, or any principal or employee of a tow business or qualified tow business, has been convicted of a violation of law charged as a Violation or Crime:

(a) "First Suspension" – any first violation shall be for a period of not less than 60 days.

(b) "Second Suspension" – any second violation that is committed within a one (1) year period from the date of any final order under this rule shall be for a period of not less than one (1) year.

(c) "Third Suspension" – any third violation that is committed within a three (3) year period of the date of any final order under this rule shall be a revocation.

(2) The following constitute grounds for suspension:

(a) Commission of a violation or traffic crime of Oregon Law during the course and operation of the tow business' or qualified tow business' tow business.

(b) A principal or employee of a tow business or qualified tow business that commits any violation of Oregon Law while in the performance of his or her duties of employment.

(3) The following constitutes grounds for revocation:

(a) Commission of a crime, other than a traffic crime and that is chargeable as a misdemeanor or felony, by a tow business or qualified tow business during the course and operation of the tow business' or qualified tow business' tow business.

(b) A principal or employee of a tow business or qualified tow business that commits a crime chargeable as a misdemeanor or felony while in the performance of his or her duties of employment.

Statutory/Other Authority: ORS 181.440

Statutes/Other Implemented: ORS 181.440

History:

OSP 4-2011, f. 9-2-11, cert. ef. 9-7-11

Reverted to OSP 3-2010, f. 6-1-10, cert. ef. 6-30-10

OSP 5-2010(Temp), f. 7-13-10, cert. ef. 7-14-10 thru 1-10-11

OSP 3-2010, f. 6-1-10, cert. ef. 6-30-10

OSP 3-2009(Temp), f. 12-18-09, cert. ef. 1-1-10 thru 6-29-10

OSP 2-2009, f. 10-8-09 cert. ef. 1-1-10

OSP 1-2009(Temp), f. & cert. ef. 8-6-09 thru 1-31-10

OSP 1-2006, f. 3-29-06, cert. ef. 3-31-06

ORAR 257-050-0157- Suspension or Revocation for Violation (other than a Law Chargeable as a Violation or Crime)

(1) Suspensions or revocations, unless otherwise outlined or defined in these rules, shall fall under one of the following four levels:

(a) Immediate suspension – A suspension that takes place immediately, upon written notice from the Oregon State Police, as evidenced by the date of the postmark, removing a tow vehicle, tow equipment, tow business, or a qualified tow business from the non-preference rotational tow list.

(b) Level one suspension – any first violation of these Administrative Rules unless otherwise defined in the rule and shall be for a period of not less than sixty (60) days, and not more than one (1) year in length.

(c) Level two suspension – any second violation of these Administrative Rules that is committed within a one (1) year period from the date of any final order and shall be for a period of not less than one (1) year and not more than two (2) years in length.

(d) Revocation – any third violation of these Administrative Rules that is committed within a three (3) year period of the date of any final order and shall result in a revocation.

(2) A suspension shall be in effect until the violation is corrected, or the Department orders reinstatement of a letter of appointment or right to apply for a letter of appointment.

Statutory/Other Authority: ORS 181.440
Statutes/Other Implemented: ORS 181.440

History:

OSP 4-2011, f. 9-2-11, cert. ef. 9-7-11
Reverted to OSP 3-2010, f. 6-1-10, cert. ef. 6-30-10
OSP 5-2010(Temp), f. 7-13-10, cert. ef. 7-14-10 thru 1-10-11
OSP 3-2010, f. 6-1-10, cert. ef. 6-30-10
OSP 2-2009, f. 10-8-09 cert. ef. 1-1-10
OSP 3-2009(Temp), f. 12-18-09, cert. ef. 1-1-10 thru 6-29-10
OSP 1-2009(Temp), f. & cert. ef. 8-6-09 thru 1-31-10
OSP 1-2006, f. 3-29-06, cert. ef. 3-31-06
OSP 5-2005, f. & cert. ef. 11-18-05

OAR 257-050-0170- Hearings

(1) The Oregon Administrative Procedures Act shall govern the proceedings of any hearing held pursuant to these regulations All hearings shall be conducted by the Oregon Office of Administrative Hearings. The Department has final order authority.

(2) A request for an administrative hearing must be mailed to the Oregon State Police Town Program, 3565 Trelstad Ave SE, Salem, OR 97317. The request must be received within fifteen (15) days from the date of notice of denial, suspension and/or revocation as evidenced by the postmark. The Department may also initiate or request an administrative hearing, regarding a denial, suspension and/or revocation as evidenced by the postmark.

Statutory/Other Authority: ORS 181.440
Statutes/Other Implemented: ORS 181.440

History:

OSP 1-2024, amend filed 04/04/2024, effective 04/09/2024
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OSP 3-2009(Temp), f. 12-18-09, cert. ef. 1-1-10 thru 6-29-10
OSP 2-2009, f. 10-8-09 cert. ef. 1-1-10
OSP 1-2009(Temp), f. & cert. ef. 8-6-09 thru 1-31-10
OSP 1-2006, f. 3-29-06, cert. ef. 3-31-06
OSP 5-2005, f. & cert. ef. 11-18-05

OAR 257-050-0180- Judicial Review

A tow business or qualified tow business aggrieved by a final order of the Department denying, suspending, or revoking a letter of appointment may seek judicial review of such decision in the Oregon Court of Appeals. The denial, suspension or revocation shall remain in effect during the appeal.

Statutory/Other Authority: ORS 181.440
Statutes/Other Implemented: ORS 181.440

History:

OSP 3-2010, f. 6-1-10, cert. ef. 6-30-10

OSP 3-2009(Temp), f. 12-18-09, cert. ef. 1-1-10 thru 6-29-10
OSP 2-2009, f. 10-8-09 cert. ef. 1-1-10
OSP 1-2009(Temp), f. & cert. ef. 8-6-09 thru 1-31-10
OSP 1-2006, f. 3-29-06, cert. ef. 3-31-06

OAR 257-050-0200- Mandatory Equipment and Safety Standards for Tow Trucks

- (1) All equipment used by a listed tow company must meet the equipment manufacturer's recommendations/load limit. Equipment shall not exceed manufacturer's safety specifications.
- (2) All equipment used in conjunction with the tow truck winching system must be used in such a way as to not exceed the equipment safe working load.
- (3) All winching equipment, booms, snatch blocks, rigging, must have permanently affixed durable factory identification which states the safe working load. If this identification has been removed or is no longer readable, it is deemed out-of-service and may no longer be used. Equipment may be re-inspected by a recognized recertification company. If the equipment is acceptable, it may be identified with a safe working load limit and a recertification company identifier. It will be deemed acceptable if the operator maintains a copy of the certification of winching equipment.
- (4) All tow vehicles operated by a listed tow business must be equipped with the following minimum equipment: At least two (2) upper work lights (near light bar) and 2 lower work lights (36" or lower), mounted behind the cab of each tow vehicle which are controlled by a separate dedicated on/off switch at each level. This lighting must be capable of illuminating the work area;
- (5) A cellular phone, an FCC licensed two-way radio or a similar means of maintaining constant contact, where conditions permit, with each tow truck operated by the business. Citizen band radios do not meet this requirement.
- (6) Rope as required for each class of tow vehicle. Rope lengths shall be measured from the point of attachment on each drum. Ropes shall meet the following requirements:
 - (a) Each rope shall be capable of being fully extended from and fully wound onto its drum; this includes a properly functioning free spool mechanism on each winch.
 - (b) No less than five wraps of wire rope or eight wraps of synthetic rope must remain on the drum when the rope is fully extended.
- (7) Wire ropes shall be free from the following defects or conditions:
 - (a) There must be no more than six randomly distributed broken wires in one rope lay, or more than three broken wires in one strand in one rope lay;

- (b) Any evidence of heat damage from any cause;
- (c) No end attachments that are cracked, deformed, worn or loosened.
- (d) Synthetic rope must be free of the following defects:
 - (e) No evidence of heat damage;
 - (f) No evidence of abrasion damage;
 - (g) There must be no cut strands;
 - (h) No end attachments that are cracked, deformed, worn or loosened;
 - (i) No evidence of excessive damage.
- (8) LED, strobe or rotator lights. These lights must meet the following requirements:
 - (a) At least one set of portable lights for the unit being towed. The portable light set must include taillights, brake lights and directional signal lights.
 - (b) Be red or amber in color;
 - (c) Be capable of being visible from 360 degrees;
 - (d) May only be used at the scene when necessary to warn approaching traffic.
 - (9) A broom and a shovel. The tow truck driver shall clean all debris associated with said incident scene. Tow truck driver is also responsible for cleanup of injurious substances as required by ORS 822.225.
 - (10) A wheel lift, car carrier, or other comparable device incorporating a material designed to protect vehicles.
 - (11) A wheel lift, car carrier, or other comparable device that can tow motorcycles.
 - (12) At least one 40 BC rated fire extinguisher.
 - (13) At least one snatch block, or equivalent block, in good working condition for each working line.

(14) At least one commercial grade manufactured dolly on all class A recovery vehicles up to 26,000 GVWR and on a class B Tow truck if it is being used to cover a class A zone.

(15) At least one set of portable lights for the unit being towed. The portable light set must include taillights, brake lights and directional signal lights.

(16) At least two warning signs notifying approaching traffic of an incident which comply with ORS 822.220. Warning signs must conform to the Oregon Department of Transportation's publication "Oregon Temporary Traffic Control Handbook" (OTTCH) as adopted by OAR 734-020-0005.

(17) Failure to meet these minimum equipment requirements for each tow vehicle may be cause for suspension or revocation of certification and removal from the non-preference tow list.

(18) Class A tow vehicle shall be capable of towing and recovery operations for passenger cars, pickup trucks, small trailers or equivalent vehicles. Class A tow trucks must meet the requirements of subsection (1) through (17) of this section, and must be equipped with or meet all of the following additional requirements:

(a) Have at least a 14,500 pound manufacturer's gross vehicle weight rating;

(b) Have dual tires on the rear axle;

(c) Have a boom with at least an eight-ton hydraulic boom rating with dual or single winches to control a minimum of one service drum;

(d) Be equipped with either an 8000-pound winch with a minimum of one hundred (100) feet of 3/8-inch continuous length wire rope or equivalent rated synthetic rope, or with an 10,000-pound winch with a minimum of one hundred (100) feet of 7/16-inch continuous length wire rope or equivalent rated synthetic rope;

(e) A wheel lift system with at least a fully extended working load rating of 3,500 pounds.

(19) Class B tow vehicles shall be capable of towing and recovery operations for medium size trucks, trailers, motor homes with a front engine or equivalent vehicles. Class B tow trucks must meet the requirements of subsection (1) through (17) of this section, and must be equipped with or meet all of the following additional requirements:

(a) Have at least a 22,000 pound manufacturer's gross vehicle weight rating or equivalent.

(b) Be equipped with an extendable hydraulic boom with a minimum 20,000-pound rating having a minimum of dual 10,000 lb winches and 150 feet of 7/16-inch continuous length wire rope or synthetic equivalent per winch;

(c) Class B tow vehicles more than 26,001 pounds GVWR are not required to carry dollies when used for heavy towing. However, dollies are required when a Class B tow vehicle is used for Class A Towing;

(d) A wheel lift system with a minimum fully extended working load rating of 5,000 pounds;

(20) Class C tow vehicles shall be capable of towing and recovery operations for large trucks, trailers, motor homes or equivalent vehicles. Class C tow vehicles must meet the requirements of subsection (1) through (17) of this section, and be equipped with and meet the following additional requirements:

(a) Have at least a 33,000 pound manufacturer's gross vehicle weight rating or equivalent.

(b) Be equipped with a twenty-five-ton minimum rated hydraulic extendable boom with two dual 25,000-pound hydraulic winches;

(c) Have at least 2 separate, 150 feet continuous lengths of wire rope, with five-eighths inch diameter or an equivalent rated synthetic rope;

(d) Be equipped with air brakes and an air system capable of supplying air to the towed unit; Tow vehicle must be capable of operating the towed vehicles brake system.

(e) Portable dollies are not required;

(f) Be equipped with tandem rear axle truck chassis (three axle truck);

(g) Be equipped with rear axles which have dual tires;

(h) Be equipped with an under-lift suitable for Class C tow vehicles with a minimum rating of 12,000 pounds, fully extended;

(i) The tow vehicle must have a minimum wheelbase of 280 inches.

(21) Class D-A tow trucks shall meet the requirements of subsection (1) through (17) of this section, and be equipped with and meet the additional the following requirements:

(a) Class D-A tow trucks shall not be considered a recovery vehicle.

(b) Have at least a 14,500-pound manufacturer's gross vehicle weight rating;

(c) Be equipped with dual tires on the rear axle;

(d) Be equipped with at least 50 feet of 3/8-inch diameter continuous length wire rope or an equivalent rated synthetic rope;

(e) The tow vehicle may include a wheel lift, if chassis GVWR is over 17,500 pounds and the wheel lift system has at least a fully extended working load rating of 3,000 pounds.

(22) Class D-B tow trucks shall meet the requirements of subsection (1) through (17) of this section, and in be equipped with and meet the following additional requirements:

(23) Class D-B tow trucks equipped with a commercially manufactured side puller system may be considered a recovery vehicle. Must have an A or B tow vehicle within an adjoining tow zone in order to use this as a recovery vehicle.

(a) Have at least a 22,000-pound manufacturer's gross vehicle weight rating;

(b) Be equipped with dual tires on the rear axle;

(c) Be equipped with at least 75 feet of 3/8 inch continuous length diameter wire rope or an equivalent rated synthetic rope;

(d) Be equipped with a wheel lift system with a minimum fully extended working load rating of 3000 pounds;

(24) Class D-C tow trucks shall meet the requirements of subsection (1) through (17) of this section, and be equipped with and meet the following additional requirements:

(a) Class D-C tow trucks equipped with a commercially manufactured side puller system may shall be considered a recovery vehicle. There must be a Class C tow vehicle in an adjoining tow zone in order to use this vehicle as a recovery vehicle.

(b) Have at least a 33,000-pound manufacturer's gross vehicle weight rating.

(c) Be equipped with at least 100 feet of continuous wire rope of 5/8 inch diameter or its synthetic equivalent.

(d) Be equipped with a tandem rear axle truck chassis with dual tires.

(e) The tow vehicle may include a wheel lift;

(f) Be equipped with air brakes and an air system capable of supplying air to the towed unit. Tow vehicle must be capable of operating the towed vehicles brake system.

Statutory/Other Authority: ORS 181.440

Statutes/Other Implemented: ORS 181.440

History:

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OSP 2-2009, f. 10-8-09 cert. ef. 1-1-10

OSP 1-2009(Temp), f. & cert. ef. 8-6-09 thru 1-31-10

OSP 1-2006, f. 3-29-06, cert. ef. 3-31-06

OSP 5-2005, f. & cert. ef. 11-18-05