

OREGON STATE BOARD OF TOWING

Initial Concept Summary Facility Registration/Permit/Certification/License

Adoption of a facility registration/certification/permit/license issued by the State Board of Towing based on the ownership of a tow business instead of regulation of an industry through the tow business certificate issued to a vehicle by DMV.

Authority

The State Board of Towing was established by the 2021 Oregon legislature with the authority to:
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).

Identified Issues or Concerns

1. To date, there is no data collected or available to the public specific to tow business operations. The number of businesses operating as a tow or recovery business is unknown, the number of tow lots or yards is unknown, the number of tow operators is unknown.
2. There is no singular contact or address to conduct official state business by tow companies that is regulated. DMV does not require or verify SOS registered name for a tow business certificate; SOS does not regulate business operations.
3. The Board's ability to meet the legislative mandate in administering the statutes assigned to the Board is hampered by the inability to track tow company business locations and identify ownership. This creates a possibility of a tow company to operate under a different name at the same or different locations or change the company name to avoid disciplinary actions or sanctions.
4. There are few statewide regulations and requirements specific to towing yards or locations ensuring all active tow yards are held to the same level of legal requirements or protecting vehicle owners of the vehicles from damage to, or theft from, vehicles towed to tow yards.
5. There is relatively little oversight of tow business operations; businesses are not verified to be properly registered Secretary of State, Business Registration and there are complaints and information that some tow businesses are taking advantage of the lack of oversight.
6. It is known that there are tow companies operating without DMV tow certificates, there are some companies where sharing a TW plate amongst tow trucks is a common practice, and there are companies sharing or leasing the company's registered tow trucks with individuals or other companies not registered with DMV or are not operating in compliance with Oregon's laws and rules.
7. Most Oregon industry regulatory boards have a license, certificate or permit issued to a person or business, not to a vehicle. Adoption of a facility permit, registration, or certification issued to the business would bring the Board's authority in alignment with other state boards and commissions.

Current Regulation

1. ODOT and DMV regulate tow vehicle registration through an application, proof of insurance, and payment of a fee.
2. ODOT and DMV jurisdiction is generally limited to the registered vehicles, only.
3. Secretary of State Corporation Division accepts business registration applications and fees but provides no significant oversight or regulation over business operations or practices.

4. Local jurisdictions may adopt local ordinances; not all jurisdictions have adopted local ordinances, and there is no consistency across the state to ensure minimum compliance with current laws in the operation of tow companies in Oregon.
5. State Board of Towing is the state authority identified to administer the laws and rules regulating towing and recovery services; however, there are no current business regulations or requirements providing oversight of tow business operations and practices.

Adding the authority to regulate tow businesses and locations under the State Board of Towing:

1. Allows the Board to administer the laws and rules regulating the towing industry.
2. Is the most effective and cost-efficient way to provide adequate oversight and monitoring of the towing industry at the state level.
3. Is the most expedient answer to regulating the towing companies by a state agency:
 - A. The Board has the authority to regulate the towing industry;
 - B. The Board has established direct processes for public, partner, and towing industry input.
 - C. The Board has the infrastructure in place to issue permits without requiring programming or changes to existing IT options.

Benefits

Public:

1. Ability to verify if a tow company is “licensed/permitted/certified” – or operating with some assurance of protection - with the state.
2. Ability to confirm a tower’s public information, disciplinary actions, and other information through the Board’s website.
3. Once enacted by the Legislature: The Board can confirm if a towing company and tow yard meets Oregon’s legal requirements to operate.

Towing Industry:

1. A license/certificate/permit issued by the Board helps levels the playing field so all tow companies and tow yards are operating with the same minimum requirements.
2. Allows for oversight to identify trends, training needs, and resources for best practices, guidelines.
3. Provides a forum for oversight, assistance, standardization and enforcement of gaps in current law that may be exploited by a few towers to the detriment and expense of other towers and the public.

Partners:

1. Ensure towing companies and tow yards meet Oregon’s minimum requirements for operation.
2. Collaborative partnerships for inspections and investigations of gaps in current law.
3. Collaborative efforts with the Board to identify trends and implement legal standards and requirements to reach resolution of violations and to address public safety concerns.

State Board of Towing:

1. Establishment for business names, addresses, and other company information for official state business.
2. Ability to address basic and complex demographic questions regarding the tow industry.
3. Ability to track compliance issues by county, zip code, or regional area to determine trends and training needs.
4. Ability to identify and track trends based on demographics.
5. Ability to assist partners at a high level, regulation of business practices and standards, ensure compliance with legal and operational requirements (SOS, DOR, DOJ, Employment, insurance, local governments, etc.)
6. Identify training needs – work with OTTA, other state agencies, and other partners to ensure tow companies have access to business and regulation resources, training.

Examples of ORS Concepts

Facility license/permit/registration requirements

- (1) All permanent structures, lots, or other properties used in providing commercial towing services or storage of towed vehicles in Oregon must obtain a facility permit/license/registration issued by the State Board of Towing to operate.
- (2) To be issued a license/permit/registration to operate a tow facility, storage lot, or other property in connection with providing commercial towing services, each applicant shall:
 - (a) Submit an application in a form approved by the State Board of Towing and pay the applicable fees established under OAR Chapter 750.
 - (b) Be established and comply with local, state, and federal laws, rules and regulations.
 - (c) If the applicant is an entity other than a natural person, be formed and operated in accordance with Oregon law.
- (3) The State Board of Towing may adopt rules for the administration of this section.
- (4) A license/permit/certificate issued under this section shall confer on a facility owner the right to operate the facility and to advertise the services for which the facility is licensed.

Current Roadblocks:

1. While the Board can create a tow company registry based on complaint information and request volunteer registration of company information to assist with collecting data but cannot require all tow companies register.
2. Defining the effectiveness of a business permit/license/certificate vs. current laws and resources.
3. Other unknowns:
 - A. Financing and infrastructure needs required for a registration
 - B. Staffing required to implement and maintain a permit/certificate/license process
 - C. How many tow companies or tow yards are there?
 - D. How many tow companies are currently registered with SOS and DMV using different names?
 - E. Why the difference in numbers between SOS registered tow companies and tow truck certificates?
4. DMV currently has the authority to issue tow business certificates based on a truck's VIN. Collaboration between the Board and DMV is necessary to define the scope of each agency, identify objectives and responsibilities.
5. Identify the current laws, regulations, and fees regulating tow companies, including law enforcement, OSP Division 50, requirements of roadside service and repo clients, transporters, dismantlers.
6. DEQ requirements and zoning ordinances.
7. Unknown gaps and gray areas in the law which are not assigned for regulation, or when the Board or another agency may not have clear authority to enforce the regulation.

The concept is not that the Board assumes regulation of all things related to towing, or to micromanage the towing industry, only to establish a business license process that holds all members of the towing industry is held to the same level of accountability and responsibility and protects the safety and wellbeing of the public.

State agencies and local jurisdictions would continue to regulate the laws assigned to them. The Board may be able to assist protection of the public by requiring tow companies to comply with those laws as a condition of the facility permit/certificate/license. This would help address "gaps" where there is a law, but no method of enforcement of the law under current statutes.

Proposed Process/Resolution

1. Permission from the Board to explore options of a placeholder concept to introduce the concept of a facility permit issued by the Board.

2. Review of complaints and identifying possible gaps or gray areas in the law that may be resolved with a facility permit/registration/license.

Once approved:

1. Identify current laws regulating the towing industry (vehicles, business practices, storage yards)
2. Define the scope of a facility permit/license/certificate.
3. Identify an implementation plan with short- and long-term goals and objectives.
4. Identify Board infrastructure and staffing needs.
5. What does the permitting process look like – different levels depending on yard usage, size?
6. Cost: flat fee per lot, discounts depending on size of lot, number of trucks, main/corporate lot vs. storage?
7. What does regulation look like?
8. Work with partners and legislature to create statute requiring initial permit and timeline
9. Work with partners and industry to identify current tow regulations (voluntary and involuntary)
10. Determine permit requirements and form
11. Determine implementation dates and fee schedule
12. Identify partners to ensure registration and permit has value and meets the needs of the board, industry and partners.
 - A. DMV/ODOT re: vehicle registration
 - B. DMV Business Services (dismantlers, transporters, etc.)
 - C. DMV financial services
 - D. OSP and local law enforcement
 - E. OTTA and towing industry members
 - F. Local governments, local towing programs, and DEQ for zoning and yard requirements

Next Steps

To be identified by the Board:

Initially identified dates:

July 23, 2024: Board approved staff to begin initial exploration of a placeholder concept.

August 2024: Report to the Board of initial exploration and findings.

September 27, 2024: Legislative deadline for concepts for the 2025-27 session.



DEPARTMENT OF TRANSPORTATION
DRIVER AND MOTOR VEHICLE SERVICES
1905 LANA AVE NE, SALEM OREGON 97314

Application for Tow or Recovery Vehicle Business Certificate

REMARKS

TOW BUSINESS CERTIFICATE: A Tow Business Certificate is required for each tow or recovery vehicle operated on Oregon highways. The certificate is valid for one year from the date of application. For Oregon towers, the vehicle must be titled in the same name as listed on Line 4 of this form. Oregon towers must also register with DMV or Commerce and Compliance Division (CCD). Out-of-state towers towing in Oregon must have valid prorated registration with CCD (e.g., apportioned registration, international registration plan or IRP).

INSTRUCTIONS: This application is for a Tow Business Certificate and Tow Plates only. Complete Lines 1 through 7 and sign on Line 8. Send the completed form and fees to: DMV, Attn: Registration Inventory Unit, 1905 Lana Ave. NE, Salem, OR 97314.

WHERE TO REGISTER A TOW OR RECOVERY VEHICLE:

- You must register with DMV if your tow/recovery vehicle has a combined weight of 26,000 pounds or less and is not proportionally registered (prorate) for operation in other states. "Combined weight" means the loaded weight of your vehicle plus the loaded weight of any vehicle towed or recovered. Contact DMV at (503) 945-5000 if you have any questions.
- You must register with CCD if the combined weight of your tow/recovery vehicle is more than 26,000 pounds. You also may need to register with CCD on a proportional basis if you operate your tow vehicle in Oregon and other states. Contact CCD at (503) 378-6699 for more information on registering with CCD.

VEHICLE DESCRIPTION

| | | | | | | | |
|----------|---|-----------------|-------------------------------------|-----------------------|---------------------|-----------------|---|
| 1 | NEW PLATE # | STICKER # | VEHICLE IDENTIFICATION NUMBER (VIN) | | | OREGON TITLE # | \$17 BUSINESS CERTIFICATE FEE |
| 2 | PRESENT PLATE # | EXPIRATION DATE | YEAR | MAKE | REGISTRATION WEIGHT | COMBINED WEIGHT | |
| 3 | Check One: <input type="checkbox"/> The vehicle will be registered with CCD. <input type="checkbox"/> The vehicle will be registered with DMV. Attach an Application for Registration (DMV Form 735-268) with the required fee. <input type="checkbox"/> The vehicle has valid prorated registration and is an out-of-state tower, towing in Oregon. | | | | | | \$100 TOW BOARD FEE |
| 4 | REGISTERED OWNER / BUSINESS NAME (AS SHOWN ON TITLE) | | | ODL / ID / CUSTOMER # | DATE OF BIRTH | PLATE FEE | |
| 5 | REGISTERED OWNER / BUSINESS ADDRESS (NUMBER, STREET, CITY, STATE, ZIP CODE) | | | | | | TOTAL FEE |

INSURANCE INFORMATION

| | | |
|----------|---|-------------------------|
| 6 | NAME OF LIABILITY / CARGO INSURANCE COMPANY (NOT AGENT) | LIABILITY POLICY NUMBER |
| 7 | NAME OF CARGO INSURANCE COMPANY (NOT AGENT) | CARGO POLICY NUMBER |

False certification is a Class C felony under ORS 822.605, and is punishable by 5 years in jail, a fine of up to \$125,000, or both.

I certify: 1) I comply with insurance requirements for this vehicle and will continue to comply with these requirements until the registration expires or I sell the vehicle; 2) The vehicle meets all safety standards required by Oregon Administrative Rules; 3) I am the registered owner or an authorized representative; 4) All information on this application is accurate; 5) The vehicle shall be used exclusively as described in ORS 822.210; and 6) If I apply for DMV registration, the vehicle's combined weight is 26,000 pounds or less and is not subject to Oregon's weight-mile tax.

| | | | |
|------------|-----------------------|-------------------------------|--------------------|
| 8 | SIGNATURE X | TITLE | TELEPHONE # () |
| VALIDATION | | COUNTER DATE STAMP / INITIALS | |

How to Register Your Tow or Recovery Vehicle With DMV:

Complete this application and submit it to DMV along with all of the following:

1. The \$17 Tow Business Certificate fee and \$100 Tow Board fee. This can be combined into one payment.
2. The plate fee, unless renewing tow registration and the vehicle is already titled in your name.
3. A completed registration application ([DMV Form 735-268](#)).
4. A certificate issued by an insurance carrier licensed to do business in Oregon showing:
 - a) That you are covered by a policy that provides \$750,000 liability insurance per accident and \$50,000 cargo insurance, and
 - b) The policy number.
5. And the registration fee, based on the registration weight of the vehicle. You can find the registration fee on the Fee Schedule for Tow/Recovery Vehicles ([DMV Form 735-148](#)).

If you need fee or prorate tow information, go to www.oregondmv.com/tow, call (503) 945-5000, or email info@towboard.oregon.gov.

GENERAL REGULATIONS

PLATES / REGISTRATION - Each tow or recovery vehicle must have tow identification plates and a tow certificate, which are issued by DMV for any tow and/or recovery vehicle operated in Oregon. The certificate must be kept in the vehicle and the plates must be displayed on the vehicle. If the vehicle is registered with DMV, the tow identification plates are also your registration plates, and the certificate is your registration card. If the vehicle is registered with CCD, you will also receive a separate registration card and plates from CCD.

PERMITS REQUIRED - An over-dimension permit is required to operate when towing a vehicle if the combination of the tow unit and the vehicle being towed exceeds 50 feet in length or the combined weight exceeds 80,000 pounds. Over-dimensional permits are issued annually and can be obtained by calling CCD at (503) 373-0000.

INSURANCE - ORS 822.205 and OAR 740-040-0020 require that all tow or recovery units maintain a minimum of \$750,000 liability insurance per crash and \$50,000 cargo coverage. (If the applicant tows or recovers only vehicles owned by the applicant, the \$50,000 cargo coverage is not required.) Contact CCD if you have questions about insurance requirements under ORS Chapter 825 if registering with CCD.

SAFETY STANDARDS - ORS 822.205 and OAR 735-154-0040 require tow or recovery vehicles to meet specific standards.

PRIVILEGES GRANTED - ORS 822.210 authorizes the holder, or an employee of the holder, of a current valid towing business certificate to:

1. Tow and recover vehicles; and
2. Tow unregistered vehicles in this state without obtaining registration or trip permits for the towed vehicles.



License: Tow Business License / Tow Vehicle Safety Permit

Licensing Agency

[Arkansas Department of Labor and Licensing State of Arkansas Towing and Recovery Board](#) [↗](#)

7418 North Hills Blvd.

North Little Rock, AR 72116

(501) 682-3801

steven.rogers@arkansas.gov

Description

All vehicles and related equipment used to tow, recover, upright, transport, or otherwise facilitate the movement of vehicles on (Arkansas') public highways must display a current Tow Vehicle Safety Permit issued by the Arkansas Towing and Recovery Board, verifying the tow vehicle is registered with the Board and meets minimum safety equipment standards established by the Board. The Tow Vehicle Safety Permit is renewed annually. Towing businesses are required to obtain from the Board, and renew annually, a Tow Business License and any tow vehicle must have a valid Tow Vehicle Safety Permit. A Consent Towing Business is any person engaged in towing, storage, or recovery of any vehicle in which towing, storage, or recovery is done with the permission of the owner or other person in charge of the vehicle. A Non-consent Towing Business is any person engaged in towing, storage, or recovery of any unattended or abandoned vehicle, or any disabled or inoperative vehicle for which the owner preference is waived by the owner or person in charge. A Vehicle Immobilization Service is a person using a wheel clamp or similar device attached to a wheel of a vehicle that renders the vehicle immobile. Requirements: 1) A completed Business Application must be filed with the Board. 2) A valid Certificate of Insurance reflecting coverage required by the Board through its Rules including general liability, cargo and on-hook coverages. 3) Each application for a Tow Vehicle Safety Permit must be completed. Applications must include pictures of tow vehicle and a signature of the examining law enforcement officer or agency investigator. 4) All outstanding civil penalties and/or restitution to complainants must be paid in full before an application or renewal is processed. Tow Vehicle Safety Permit fee: \$72.00 renewable annually. Tow Business Safety License fee: \$150.00 renewable annually.

[More information about this license](#) [↗](#)

Additional Details

- Tied to business
- No exam
- No education required
- No continuing education requirement
- No experience required
- No criminal record requirements
- No physical requirements
- A temporary license available to military and spouses until formal license approval

SEC. 103.204. TOWING OPERATION.

(Added by Ord. No. 139,363, Eff. 11/23/69.)

(a) **Towing Operation Defined.** As used in this article, “**towing operation**” means the activity of towing vehicles for compensation within the City of Los Angeles. Towing operation includes the storing of vehicles and all other services performed incident to towing.

EXEMPTIONS:

The provisions of this section shall not apply to any towing operation:

- (1) That provides tow service exclusively to members of an association, automobile club or similar organization, and receives remuneration only from the sponsoring association, automobile club or similar organization;
- (2) That provides tow service without charge or fee for other vehicles owned or operated by the individual or organization furnishing tow service;
- (3) That provides tow service for other vehicles owned or operated by the individual or organization furnishing the tow service, but which are being operated under terms of a rent or lease agreement or contract, and such towing is performed on a non-profit basis or said fee is a part of the rent or lease agreement or contract;
- (4) That, being located in another city, enters the City of Los Angeles on a non-emergency towing assignment for the purpose of towing a disabled vehicle back to said city for repair.

A non-emergency towing assignment includes towing of vehicles that have been involved in a collision, but have been removed from the scene, that have experienced mechanical failure, but have been removed from the roadway and no longer constitute a hazard; or that, being mechanically operative, are towed for convenience. All non-emergency towing assignments require prior authorization by persons listed in (f)(1), (2), (3) or (4). Persons soliciting for such non-emergency towing assignments within the City of Los Angeles shall be deemed to come within the provisions of this article and are required to have a permit as specified herein.

(b) **Permit Required.** No person shall engage in, manage, conduct or operate a towing operation business without a written permit from the Board.

(c) **Business Location.** Any person conducting a towing operation-business shall maintain a physical location from which said business is conducted. Such physical location shall provide an office with an adjacent yard for vehicle storage. Such location shall be approved by the Board prior to the permit being issued.

(d) **Change of Location.** A change of location may be endorsed on a permit by the Board upon an application by the permittee accompanied by the change of location fee prescribed by Section 103.12 of this Code.

(e) **Towing Authorization.** A permittee shall not attach a vehicle to a tow unit without first receiving written authorization to do so by the registered owner, legal owner, driver, or other person in control of said vehicle. Such authorization shall list the services offered and the rates and charges required therefor. A copy of such authorization shall be furnished to the person authorizing the tow. Such copy shall list the name, address and telephone number of the towing operation business and the days and hours the business is open for release of vehicles. Such copy shall also be signed by the tow unit operator performing the authorized service.

(f) **Itemized Statement – When Required.** A permittee shall hereunder furnish an itemized statement to the person authorizing the towing service, or his agent. Such permittee shall furnish an itemized statement of services performed, labor and special equipment used in completing tow of vehicle and of the charges made therefor upon the request of:

- (1) The registered owner; or
- (2) The legal owner; or
- (3) The insurance carrier of either (1) or (2); or
- (4) The duly authorized agent of (1), (2), or (3).

Such permittee shall furnish a copy of the statement to any person authorized to receive the statement without demanding payment as a condition precedent.

(g) **Vehicle Repair or Alteration – When Permitted.** A permittee hereunder shall refrain from making any repairs or alterations to a vehicle without first being authorized by one of the persons listed in (f) (1), (2), (3), or (4). Parts or accessories shall not be removed from vehicles without authorization except as necessary for security purposes. Under such circumstances, the parts or accessories removed shall be listed on the itemized statement and stored in the business office. This section shall not be construed to prohibit permittees from making emergency alterations necessary to permit the removal by towing of such vehicle.

(h) **Disciplinary Action – Additional Grounds.** The following acts committed by a permittee hereunder shall be grounds for disciplinary action in addition to the grounds listed in Section 103.35 of this Code.

- (1) The permittee, his agents or employees, obtained a tow contract by use of fraud, trick, dishonesty or forgery; or
- (2) The permittee, his agents or employees, stopped on any street, highway or other public thoroughfare to render assistance to a person or disabled vehicle without first being requested to do so; or
- (3) The permittee, his agents or employees, towed a vehicle to a location other than listed as the business address of such permittee without first receiving authorization to do so by the person authorizing the tow; or
- (4) The permittee, his agents or employees, after towing a vehicle to the business location of permittee, without authorization, towed such vehicle to another location for storage; or
- (5) The permittee, his agents or employees, have conspired with any person to defraud any owner of any vehicle, or any insurance company, or any other person financially interested in the cost of the towing or storage of any vehicle, by making false or deceptive statements relating to the towing or storage of any vehicle; or
- (6) The permittee, his agent or employees, removed a vehicle involved in a collision prior to arrival by police, and; a person, as a result of such collision, suffered death or injury, or the driver of an involved vehicle, or a party to such collision, was under the influence of an intoxicant of any nature, or there is evidence that such vehicle was involved in a hit and run collision; or
- (7) The permittee, his agent or employees, have charged for services not performed, equipment not employed or used, services or equipment not needed, or have otherwise materially misstated the nature of any service performed or equipment used.
- (8) Failure of the permittee, his agent or employees, while on duty as an Official Police Garage Tow Unit Operator to wear the uniform of an Official Police Garage Tow Unit Operator as specified by the Board. **(Amended by Ord. No. 143,624, Eff. 8/24/72.)**

(i) **Prerequisite to Application.**

(1) **Insurance Required.** Before an application for a permit to operate a towing operation will be received or acted upon, the applicant must file with the City Attorney satisfactory evidence of insurance written by an insurance company admitted to do business in this State.

(2) **Insurance Coverage – Minimum Required.** Applicants are required to have minimum coverage as follows:

- (A) Bodily injury – \$100,000 any one person, \$300,000 covering two or more persons in any one accident.
- (B) Property damage – \$25,000 each accident.
- (C) Comprehensive fire and theft covering auto and contents.

(j) **Release of Vehicle.** Permittees shall provide for release of vehicles Monday through Friday from 9:00 a.m. to 4:00 p.m., excluding officially recognized holidays. Permittees may additionally release vehicles on other days and hours.

Upon the application to the Board and a showing of hardship by the permittee, the Board may permit an adjustment in the days and hours during which vehicles are to be released.

(k) **Rates and Charges – Signs – Change of.**

(1) Permittees shall maintain a sign listing the rules and charges of all services offered. Such sign shall be conspicuously placed in the office or other place where customer financial transactions take place. The letters on such sign shall be a minimum of one inch high with one quarter inch stroke. The letters shall be a contrasting color from the background.

(2) Applicants for towing operation permits shall file a schedule of rates and charges for each service offered with their application. No charge other than the rates and charges specified in such schedule shall be made except as herein provided.

Changes in rates and charges shall be made by written notice containing the new schedule of rates and charges to the Board at least 10 days prior to becoming effective. A duplicate copy of such notice shall be posted for a period of 10 days in the office next to the posted schedule of the existing rates and charges. Upon the expiration of the 10-day period the rates and charges shall be changed in accordance with such notice.

The Board may, upon a showing of hardship, permit a revision of the rate and charge schedule within the 10-day period.

(l) **Notification to the Police Department – When Required.** The Board may require a permittee to make notification to the Police Department whenever a vehicle is towed under the provisions of this article. Such notification shall be made as prescribed by the Board.

(m) **Tow Unit Operator – Identification.** A tow unit operator shall wear his name insignia attached in a conspicuous place on his clothing. A tow unit operator shall identify himself by giving his full, correct name to any patron of the towing operation upon request.

(n) **Tow Unit – Identification.** A tow unit shall have the permittee’s Police Commission identification number on both sides of the unit in a conspicuous place. Such marking shall be in addition to those required by the California Vehicle Code and shall meet the same requirements.

(o) **Investigation.** Upon the filing of such application the Board shall make investigation as it deems necessary, and if the Board finds that the conduct or operation of a towing operation would not be detrimental or injurious to the public welfare, and that the applicant is of good character and of good business repute, and has not been convicted of theft or embezzlement, or of any offense involving the unlawful use, taking or conversion of a vehicle belonging to another, and is otherwise a fit and proper person to conduct a towing operation, or if the applicant is a corporation, its officers, directors and principal stockholders are of good character and of good business repute, and have not been convicted of theft or embezzlement, or of any offense involving the unlawful use, taking or conversion of a vehicle belonging to another, and are otherwise fit and proper persons to conduct such business, issue the permit, otherwise, the application shall be denied only after the Board shall conduct a hearing on said application.

SEC. 103.204.1. TOW UNIT OPERATORS.

(Amended by Ord. No. 152,905, Eff. 10/19/79.)

(a) Permit Required. (Amended by Ord. No. 158,406, Eff. 11/20/83.)

(1) No person shall operate or drive a tow unit nor shall any person be employed as a tow unit operator until such time as said person has received a written permit from the Board to act as a tow unit operator except that any person employed as a tow unit operator may operate a tow truck without permit while under the immediate and direct supervision of a permitted tow unit operator for a period of not to exceed seven consecutive calendar days from the initial date of employment.

(2) In addition to or in lieu of a Board-issued temporary permit authorized by 103.06(b), a temporary permit not to exceed 45 days may be issued to an applicant by the Secretary of the Board provided the following conditions are met:

- a. An application for permit is on file at the main office of the City Clerk and all permit fees have been paid; and
- b. A preliminary investigation by Commission staff does not reveal information which would normally constitute grounds for denial; and
- c. The applicant possesses a valid California Driver’s license.

The Secretary of the Board may suspend such temporary permit at any time if the Secretary has reason to believe that any of the above conditions have not been met. The Secretary shall notify the applicant in writing of the reasons for any such suspension, and the application for a permanent permit shall continue to be processed according to provisions of this Code and any applicable rules and regulations of the Board.

(b) **Identification Card.** Every person possessing either a temporary or permanent permit to act as a tow unit operator shall at all times while directly engaged in the operation of a tow unit carry upon his or her person an identification card issued by the Board identifying the bearer as a tow unit operator and shall display such card to any police officer upon request. The identification card shall bear the name, physical description, business address, and photograph of the permittee and the name and address of the garage employing the permittee.

The identification card shall be returned to the Board immediately upon suspension, revocation or termination of employment.

(c) **Official Police Garage Tow Unit Operator.** As used in this article, Official Police Garage Tow Unit Operator means the driver of a tow unit employed by an Official Police Garage to respond to police-initiated requests for tow service. No person shall operate as tow unit bearing an Official Police Garage insignia without written permission from the Board.

(d) **Change of Location.** A change of location may be endorsed on a permit by the Board upon a written application by the permittee accompanied by a change of location fee prescribed in Section 103.12 of this Code.

RCW 46.55.060 Business location—Requirements. (1) The address that the tow truck operator lists on his or her application shall be the business location of the firm where its files are kept. Each separate business location requires a separate registration under this chapter. The application shall also list all locations of secure areas for vehicle storage and redemption.

(2) Before an additional lot may be used for vehicle storage, it must be inspected and approved by the state patrol. The lot must also be inspected and approved on an annual basis for continued use.

(3) Each business location must have a sign displaying the firm's name that is readable from the street.

(4) At the business locations listed where vehicles may be redeemed, the registered operator shall post in a conspicuous and accessible location:

(a) All pertinent licenses and permits to operate as a registered tow truck operator;

(b) The current towing and storage charges itemized on a form approved by the department;

(c) The vehicle redemption procedure and rights;

(d) Information supplied by the department as to where complaints regarding either equipment or service are to be directed;

(e) Information concerning the acceptance of commercially reasonable tender as defined in RCW 46.55.120(1)(f).

(5) The department shall adopt rules concerning fencing and security requirements of storage areas, which may provide for modifications or exemptions where needed to achieve compliance with local zoning laws.

(6) On any day when the registered tow truck operator holds the towing services open for business, the business office shall remain open with personnel present who are able to release impounded vehicles in accordance with this chapter and the rules adopted under it. The normal business hours of a towing service shall be from 8:00 a.m. to 5:00 p.m. on weekdays, excluding Saturdays, Sundays, and holidays. The business office may be closed for no more than one hour between the hours of 11:00 a.m. and 1:00 p.m. if a notice is clearly visible at the door with a telephone number at which personnel can be reached to return within no more than one-half of an hour to release an impounded vehicle. If the caller does in fact redeem the vehicle when the personnel returns to release the vehicle, the accrual of charges for storage ceases at the time of the call.

(7) A registered tow truck operator shall maintain personnel who can be contacted twenty-four hours a day to release impounded vehicles within a reasonable time.

(8) A registered operator shall provide access to a telephone for any person redeeming a vehicle, at the time of redemption. [2015 c 227 § 1; 1989 c 111 § 6; 1987 c 311 § 3; 1985 c 377 § 6.]