



State Board of Oregon  
Public Policy to Administer  
ORS 822.200 *Operating Illegal Towing Business*  
Effective: October 1, 2024



## State Board of Towing Public Policy

**Policy No.:**  
PP-24-002

**Supersedes:**  
NA

**Reference:**  
ORS 822.200  
ORS 822.995

**Subject:**  
Operating an Illegal Towing Business

**Effective Date:**  
10/01/2024

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

**ORS 822.200 Operating illegal towing business**

(1) A person commits the offense of operating an illegal towing business if the person does not hold a certificate issued under ORS 822.205 (Certificate) and the person does any of the following:

- (a) Engages in the towing or recovering of vehicles by any means for any direct or indirect compensation when the vehicle being towed or recovered is owned by a person other than the person performing the towing or recovery activity.
- (b) Engages in towing or recovering by any means, as part of any business operation of the person, vehicles that are wrecked, damaged, disabled or abandoned or replacement vehicles.
- (c) Purports in any way to be engaged in the business of performing activities described in this subsection.

(2) This section does not apply to any of the following:

- (a) Persons operating under and within the scope of a vehicle transporter certificate issued under ORS 822.310 (Privileges granted by certificate).
  - (b) A person who provides assistance to another motorist, whether or not compensation is received, if the assistance is not provided as part of the business operation of the person providing the assistance.
  - (c) A person engaging in any activity relating to a vehicle in which that person holds a security interest.
  - (d) An employee of a person issued a towing business certificate under ORS 822.205 (Certificate) while that employee is performing official duties as an employee.
  - (e) A person who holds a valid dismantler certificate under ORS 822.110 (Dismantler certificate) who tows a vehicle described under ORS 819.280 (Disposal of vehicle at request of person in lawful possession).
- (3) The offense described in this section, operating an illegal towing business, is a Class A misdemeanor. [1983 c.338 §811; 1985 c.16 §410; 2005 c.738 §§6,6a]

**ORS 822.215 Grounds for denial, suspension, revocation or refusal of certificate**

(1) The Department of Transportation may deny or refuse to issue any towing business certificate under ORS 822.205 (Certificate) or may suspend, revoke or refuse to renew any towing business certificate issued upon proof that the applicant for or holder of the certificate has done any of the following:

- (a) Used fraud or deception in securing the certificate.
- (b) Received in any manner or by any device any rebate or other additional fee for towing or recovery from a person who performs repairs on a vehicle who does not also own the vehicle. This paragraph does not prohibit the payment of the towing fee by a person who performs repairs on a vehicle if the fee is included in the charges by that person for repairs on the vehicle.
- (c) Used vehicles for the purposes of towing or recovering services that did not meet the minimum safety standards established by the department.
- (d) Failed to display special towing business registration plates, stickers or indicia or identification devices for proportionally registered tow vehicles authorized under ORS 805.200 (Plates and other devices with special designs) on each vehicle used to tow or recover vehicles.
- (e) Failed to maintain the amounts and types of insurance required to qualify for issuance of a towing business certificate under ORS 822.205 (Certificate).
- (f) Failed to obtain any permits or authority required under any provision of ORS chapter 825 or rules adopted thereunder.
- (g) Violated any provision of ORS 98.853 (Conditions allowing towing), 98.854 (Prohibitions placed on tower), 98.856 (Tower responsibility of disclosure to owner or operator of vehicle) or 98.858 (Right of owner or person in lawful possession of vehicle)

to redeem or inspect vehicle, contact tower and obtain property of emergency nature) or a rule adopted under ORS 822.265 (Rulemaking authority).

**ORS 822.995 Civil penalties for violations related to towing**

(1) In addition to any other penalty provided by law, any person who violates any provision of ... ORS 822.200 (Operating illegal towing business), 822.215 (Grounds for denial, suspension, revocation or refusal of certificate) ... or 822.605 (False swearing relating to regulation of vehicle related businesses) or any rule adopted by the State Board of Towing is subject to payment of a civil penalty to the board.

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

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

**Purpose:**

The purpose of the Board's Public Policy administering ORS 822.200 *Operating an Illegal Towing Business* is to ensure fair and equitable towing practices and protect the safety and well-being of the public, property owners, and the towing industry by providing:

1. Authoritative interpretations of the requirements and definitions of violations under ORS 822.200 and related statutes used in Board investigations and assessment of civil penalties.
2. Establish statewide practice standards and expectations within the towing industry and public.
3. Ensure compliance of the laws through education, outreach, and defining authority and responsibility of all parties involved with commercial towing services.
4. Assist the Board's collaborative partners in protecting the public and enforcing the laws and regulations related to tow business certificate requirements.

**Definitions:**

The Board incorporates the following definitions in its public policy:

"CCD" means: Oregon Department of Transportation, Commerce and Compliance Division

"DMV" means: Oregon Department of Transportation, Driver and Motor Vehicle Services

"Person" includes individuals, public bodies as defined in ORS 174.109 ("Public body" defined), corporations, firms, associations, partnerships, limited liability companies, joint stock companies or any other business entity created under law.

"Tow Vehicle" means: a vehicle used for the purpose of towing or recovery in Oregon.

"TW Plate" or "Tow Plate" means: the distinctive plate issued by DMV indicating a tow or recovery vehicle.

*OAR 735-154-0000 Regulations Governing Towing and Recovery Businesses*

(2) Definitions for the purposes of OAR 735-154-0000 through 735-154-0050 are as follows:

(a) As used in ORS 822.200(1)(c), "purports...to be engaged in..." means to solicit or advertise towing services through the telephone book, business directory, newspaper, radio, television, posting on vehicles, signs, business, billboards or by any other means;

(b) A "towing or recovery vehicle" means any motor vehicle used by any person(s) for the purpose of towing or recovering of vehicles;

(c) "Towing business certificate" or "certificate" means the vehicle registration card containing distinctive language indicating it is a certificate issued in conjunction with the vehicle registration, for towing or recovery services;

(d) "Distinctive plate" means the prescribed Oregon registration plate format with a five-digit identification number and two letter prefix "TW" indicating a tow or recovery vehicle; and

(e) "Stickers" means month and year stickers of a type in current use by the Driver and Motor Vehicle Services Division of the Department of Transportation to indicate staggered registration dates.

## **Compliance and Violations**

### *ORS 822.200 Operating illegal towing business*

*(1) A person commits the offense of operating an illegal towing business if the person does not hold a certificate issued under ORS 822.205 (Certificate) and the person does any of the following:*

*(a) Engages in the towing or recovering of vehicles by any means for any direct or indirect compensation when the vehicle being towed or recovered is owned by a person other than the person performing the towing or recovery activity.*

*(b) Engages in towing or recovering by any means, as part of any business operation of the person, vehicles that are wrecked, damaged, disabled or abandoned or replacement vehicles.*

*(c) Purports in any way to be engaged in the business of performing activities described in this subsection.*

Failure to comply with the following laws, rules and regulations is grounds for investigation and disciplinary action for violation by the State Board of Towing:

1. An active DMV tow business certificate must be issued to any vehicle operating in Oregon providing tow or recovery services as a business, for profit, or for compensation.
2. It is the use of the vehicle and services provided that determine if a tow business certificate is required. A vehicle not designed as a traditional tow truck, or not equipped with traditional tow equipment (i.e., a hoist, tow bar, tow line, dolly etc.) must be issued to any vehicle operating in Oregon providing tow or recovery services as a business, for profit, or for compensation.
3. A person cannot represent oneself as an Oregon tower on DMV forms, or other official documents, without at least one active DMV tow business certificate issued to providing tow or recovery services as a business, for profit, or for compensation.
4. The tow business certificate and TW plates are to be used only on the vehicle the tow business certificate and TW plates are issued to.
5. The DMV issued vehicle title and tow business certificate must be issued under the same name.
6. Tow business certificates and TW plates cannot be transferred.
  - A. TW Plates are to be removed when the vehicle is sold, transferred, wrecked, or taken out of service as a tow/recovery vehicle.
  - B. Any new owner of the vehicle must apply for an original tow business certificate and plates.
7. If a vehicle used for towing/recovery is leased:
  - A. The lessee (not the lessor) must qualify for tow/recovery registration.
  - B. The lessee must be shown on the vehicle title, registration, and DMV issued tow business certificate.
  - C. A vehicle issued a tow business certificate by DMV cannot be leased to a second party unless the second party is recorded on the vehicle title, registration, and tow business certificate.
  - D. The lease must comply with the applicable provisions of OAR 740-045-0100 to 740-045-0170.
8. To be exempt under ORS 822.200 (c), the security interest must be perfected prior to the tow.
9. A tow conducted under the dismantler certificate exemption **must fully comply** with the requirements of ORS 819.280 (1) *A person may make a request to an authority described in*

*ORS 819.140 (Agencies having authority to take vehicle into custody) (1)(b) or (c) to dispose of a vehicle that is on the private property of the person and that is appraised at a value of \$500 or less, as determined by a holder of a certificate issued under ORS 819.480 (Vehicle appraiser certificate), if the person is in lawful possession of the vehicle. For the purposes of this subsection, a person need not have the certificate of title to be in lawful possession of the vehicle.*

10. Insurance required under Oregon laws and administrative rules must be maintained on tow and recovery vehicles to comply with the tow business certificate requirements, including:
  - A. Type and amounts of insurance required for motor carriers under ORS Chapter 825
  - B. Additional \$50,000 cargo insurance coverage required under ORS 822.205
  - C. OAR 740-040-0020 Liability Insurance Carriers who are required to file liability insurance shall file evidence of such insurance for a minimum single limit of \$750,000 per accident.
11. Tow/recovery vehicles used in repossessions or as part of collection actions will:
  - A. Have a tow business certificate. The vehicle title and DMV issued tow business certificate must be issued under the same name.
  - B. Comply with all requirements of a tow business certificate.
  - C. Register with the Dept. of Consumer Business Services, Division of Financial Regulation as required under ORS Chapter 697.
12. Failure to register with appropriate state agency(ies) prior to offering collection or repossession services may invalidate a tow business certificate. This includes registration with, or certification by:
  - A. DMV registration if the tow/recovery vehicle has a combined weight of 26,000 pounds or less and is not proportionally registered (prorate) for operation in other states.
  - B. CCD registration if the combined weight of the tow/recovery vehicle is more than 26,000 pounds.
  - C. CCD registration on a proportional basis if required.
  - D. DCBS Division of Financial Regulation if the vehicle is used in repossessions or other collection actions.
  - E. DEQ testing and registration for tow/recovery vehicles within the Portland Area Vehicle Inspection Program Boundary or Medford Area Vehicle Inspection Program Boundary subject to DEQ testing.

**Exemptions**

*ORS 822.200*

*(2) This section does not apply to any of the following:*

- (a) Persons operating under and within the scope of a vehicle transporter certificate issued under ORS 822.310 (Privileges granted by certificate).*
- (b) A person who provides assistance to another motorist, whether or not compensation is received, if the assistance is not provided as part of the business operation of the person providing the assistance.*
- (c) A person engaging in any activity relating to a vehicle in which that person holds a security interest.*
- (d) An employee of a person issued a towing business certificate under ORS 822.205 (Certificate) while that employee is performing official duties as an employee.*
- (e) A person who holds a valid dismantler certificate under ORS 822.110 (Dismantler certificate) who tows a vehicle described under ORS 819.280 (Disposal of vehicle at request of person in lawful possession).*

1. A vehicle is exempt from the tow business certificate requirement when the vehicle is used exclusively for the exemption defined under ORS 822.200 (2).
2. Any use of a vehicle for towing or recovering of vehicles by any means for any direct or indirect compensation not specifically exempt under ORS 822.200 (2) requires a tow certificate, even when:
  - A. The primary use of the vehicle is exempt from the tow business certificate requirement.
  - B. The non-exempt use of the vehicle is occasional or infrequent.

**Board Investigation and Action:**

1. The Board reviews submitted complaints for compliance or violation of Oregon's laws.
2. When a tower's actions and records comply with Oregon's laws, administrative rules, and the Board's public policy, the complaint will be closed with no formal action against the tower.
3. If review of the allegations or circumstances of a complaint indicate possible violations of Oregon's laws or the Board's administrative rules or public policy:
  - A. The Board will investigate the allegations of the complaint.
  - B. The Board, at its own discretion, may determine if the violations were reasonably:
    - a. Willful or intentional.
    - b. Negligent or reckless.
    - c. Inadvertent or in good faith.
4. The Board, at its discretion, will determine the appropriate course of corrective action and progressive discipline by:
  - A. Focusing, when reasonable, on the education of the tower and the towing community.
  - B. Progressive discipline: increasing the severity of the steps or measures against a person, persons, or entity when there is a failure to correct behavior or conduct, or when subsequent instances of inappropriate behavior and conduct occur.
  - C. To protect the safety and well-being of the public and the towing industry, the Board may determine, at its sole discretion, that the harm to the public or the egregiousness of the violations is cause for immediate escalation of the progressive disciplinary action by the Board without notice to the offending party.
5. The Board will consider mitigating circumstances as required under OAR 750-080-0020, including:
  - A. The tower's history of compliance with Oregon's laws and rules;
  - B. The effect of the violation on public safety and welfare;
  - C. Whether the conduct or action(s) was inadvertent or intentional;
  - D. The degree to which the action subject to sanction violates professional ethics and standards of the profession;
  - E. Any mitigating or aggravating factors the Board may choose to consider.
6. Board disciplinary actions for violation of ORS 822.200 (1) will be forwarded to the appropriate law enforcement for further investigation pursuant to ORS 822.200 (3) *The offense described in this section, operating an illegal towing business, is a Class A misdemeanor.*

7. Board disciplinary actions for failure to maintain the appropriate type and amount of insurance will be forwarded to DMV and CCD for further investigation.

8. Board disciplinary actions for false certification of a DMV Application for Tow or Recovery Vehicle Business Certificate will be forwarded to DMV, CCD, and appropriate law enforcement for further investigation pursuant to ORS 822.605 (2) *The offense described in this section, false swearing relating to regulation of vehicle related businesses, is a Class C felony.*

**Collaborative investigations and authorization**

1. DMV and CCD are the state agencies charged with defining and interpreting title, registration, insurance, and tow business certification requirements, minimum vehicle and equipment standards, and Oregon's motor vehicle code compliance. Questions regarding these requirements will be forwarded to the appropriate agency.
2. Determination of violation of a tow business certification requirement will be confirmed with DMV or CCD prior to Board investigation.
3. Persons and businesses towing vehicles as part of a collection or repossession business will be forwarded to DCBS, Division of Financial Regulation to confirm compliance with Oregon's laws, rules, and registration requirements.
4. Determination of a violation of local ordinances or requirements will be confirmed with the appropriate agency prior to Board investigation.
5. When the Board finds that a tower's conduct or actions may reasonably be a criminal offense, the Board's findings and proposed disciplinary action will be forwarded to the appropriate law enforcement agency.

**Reference:**

- Initial Concept Summary Document and attachments
- DMV OAR Chapter 735 Division 154
- August 20, 2024 Board Work Session Notes and materials

# OREGON STATE BOARD OF TOWING

## Initial Concept Summary

### Policy to administer ORS 822.200 Operating illegal towing business

#### 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).

##### **ORS 822.280 Denial, suspension, revocation or refusal of towing business certificate**

(1) As used in this section:

- (a) "Person" includes individuals, public bodies as defined in ORS 174.109 ("Public body" defined), corporations, firms, associations, partnerships, limited liability companies, joint stock companies or any other business entity created under law.
- (b) "Relative" means an individual related within the third degree as determined by the common law, a spouse, an individual related to a spouse within the third degree as determined by the common law or an individual in an adoptive relationship within the third degree as determined by the common law.

(2) In addition to any other penalty provided under ORS 822.215 (Grounds for denial, suspension, revocation or refusal of certificate) and subject to ORS chapter 183, the State Board of Towing may order the Department of Transportation to deny, suspend, revoke or refuse to renew a towing business certificate issued under ORS 822.205 (Certificate), if the person holding or applying for the certificate:

- (a) Fails to comply with any rule adopted by the board;
- (b) Violates any provision of, or rules or ordinances adopted under, ORS 98.853 (Conditions allowing towing), 98.854 (Prohibitions placed on tower), 98.856 (Tower responsibility of disclosure to owner or operator of vehicle), 98.858 (Right of owner or person in lawful possession of vehicle to redeem or inspect vehicle, contact tower and obtain property of emergency nature), 181A.350 (Eligibility of towing business to be placed on department list), 822.200 (Operating illegal towing business), 822.215 (Grounds for denial, suspension, revocation or refusal of certificate), 822.225 (Failure to remove injurious substance), 822.230 (City or county regulation of towing businesses), 822.235 (Recovery after theft) or 822.605 (False swearing relating to regulation of vehicle related businesses);
- (c) Fails to comply with an order of the board, including but not limited to the failure to pay a civil penalty as ordered by the board;
- (d) Has performed work as a tower without the appropriate certification or letter of appointment to participate on the rotational list of towing businesses established under ORS 181A.350 (Eligibility of towing business to be placed on department list), or has employed individuals to perform work as towers without appropriate certification or letter of appointment;
- (e) Has advertised or otherwise held themselves out as being a certified towing business without holding the appropriate certification;
- (f) As a, or as a relative of a, partner, officer, member or employee of a towing business, advertises or holds themselves out as a towing business that is certified if the towing business does not possess the appropriate certification;
- (g) Has engaged in towing or recovering by any means, as part of any business operation of the person, vehicles that are wrecked, damaged, disabled or abandoned or replacement vehicles;

##### **ORS 822.995 Civil penalties for violations related to towing**

(1) In addition to any other penalty provided by law, any person who violates any provision of ... [822.200 \(Operating illegal towing business\)](#), [822.215 \(Grounds for denial, suspension, revocation or refusal of certificate\)](#), ... or any rule adopted by the State Board of Towing is subject to payment of a civil penalty to the board.



**ORS 822.200****ORS 822.200 Operating illegal towing business**

(1) A person commits the offense of operating an illegal towing business if the person does not hold a certificate issued under ORS 822.205 (Certificate) and the person does any of the following:

- (a) Engages in the towing or recovering of vehicles by any means for any direct or indirect compensation when the vehicle being towed or recovered is owned by a person other than the person performing the towing or recovery activity.
- (b) Engages in towing or recovering by any means, as part of any business operation of the person, vehicles that are wrecked, damaged, disabled or abandoned or replacement vehicles.
- (c) Purports in any way to be engaged in the business of performing activities described in this subsection.

(2) This section does not apply to any of the following:

- (a) Persons operating under and within the scope of a vehicle transporter certificate issued under ORS 822.310 (Privileges granted by certificate).
- (b) A person who provides assistance to another motorist, whether or not compensation is received, if the assistance is not provided as part of the business operation of the person providing the assistance.
- (c) A person engaging in any activity relating to a vehicle in which that person holds a security interest.
- (d) An employee of a person issued a towing business certificate under ORS 822.205 (Certificate) while that employee is performing official duties as an employee.
- (e) A person who holds a valid dismantler certificate under ORS 822.110 (Dismantler certificate) who tows a vehicle described under ORS 819.280 (Disposal of vehicle at request of person in lawful possession).

(3) The offense described in this section, operating an illegal towing business, is a Class A misdemeanor. [1983 c.338 §811; 1985 c.16 §410; 2005 c.738 §§6,6a]

**ORS 822.205 Certificate**

The Department of Transportation shall issue a towing business certificate to any person if the person meets all of the following requirements to the satisfaction of the department:

- (1) The person must complete an application in a form and in the manner established by the department by rule.
- (2) The person must maintain insurance in amounts and providing coverage of the type required for motor carriers under ORS chapter 825 and deliver a certificate of insurance to the department.
- (3) The certificate of insurance required under subsection (2) of this section must:
  - (a) Be issued by an insurance company licensed to do business in this state;
  - (b) Show that the person is insured by a policy that provides the minimum amount and limits of coverage required under ORS chapter 825;
  - (c) Contain the policy number; and
  - (d) Require the insurance company to give the department written notice of cancellation of the policy and to continue to be liable under the policy until the department receives the written notice or until the cancellation date specified in the written notice, whichever is later.
- (4) The person must maintain insurance providing \$50,000 coverage for cargo transported by the person and deliver a certificate of insurance to the department. An applicant is not required to comply with this subsection if the applicant tows or recovers only vehicles that are owned by the applicant.
- (5) The person must maintain vehicles used by the person for the purposes of towing or recovering services so that they meet minimum safety standards established by the department by rule. The department may accept the certification of the person as evidence of compliance with this subsection or may require other evidence, as the department determines appropriate.
- (6) The certificate of insurance required under subsection (4) of this section must:
  - (a) Be issued by an insurance company licensed to do business in this state;
  - (b) Show that the person is insured by a policy that provides the minimum amount and limits of coverage required under ORS chapter 825;
  - (c) Contain the policy number; and
  - (d) Require the insurance company to give the department written notice of cancellation of the policy and to continue to be liable under the policy until the department receives the written notice or until the cancellation date specified in the written notice, whichever is later.
- (7) The person must pay the fee required under ORS 822.700 (Certification fees) for issuance of a towing business certificate. [1983 c.338 §813; 1985 c.16 §412; 1985 c.400 §7; 1993 c.751 §86; 2007 c.538 §16]

**ORS 822.210 Privileges granted by certificate**

(1) The holder of a current, valid towing business certificate issued under ORS 822.205 (Certificate) may exercise the following privileges under the certificate:

(a) The person and any employee of the person who is performing official duties are not subject to the prohibitions and penalties under ORS 822.200 (Operating illegal towing business).

(b) The person is entitled to receive special indicia of towing business registration. The following apply to indicia described in this paragraph:

(A) The holder of the certificate or a person in the performance of the person's official duties as an employee of the certificate holder may use the indicia:

(i) For towing and recovering vehicles; and

(ii) For towing unregistered vehicles over the highways of this state without first obtaining registration for the vehicles or trip permits required under ORS 803.600 (Trip permits).

(B) The indicia shall be of the design provided under ORS 805.200 (Plates and other devices with special designs) and are subject to payment of fees for issuance as provided under ORS 805.250 (Fees for special plates).

(2) A towing business certificate expires one year from the date of issuance unless renewed. A certificate holder may renew the certificate by payment of the fee for renewal of a towing business certificate under ORS 822.700 (Certification fees). A person whose certificate expires must qualify for a certificate in the same manner as a person who has not previously held a certificate.

(3) The holder of a towing business certificate is subject to regulation by political subdivisions as provided in ORS 801.040 (Authority to adopt special provisions) and 822.230 (City or county regulation of towing businesses), and to regulation under ORS chapter 825. [1983 c.338 §812; 1985 c.16 §411; 1987 c.765 §4; 1993 c.741 §144; 1995 c.733 §78]

**ORS 822.215 Grounds for denial, suspension, revocation or refusal of certificate**

(1) The Department of Transportation may deny or refuse to issue any towing business certificate under ORS 822.205 (Certificate) or may suspend, revoke or refuse to renew any towing business certificate issued upon proof that the applicant for or holder of the certificate has done any of the following:

(a) Used fraud or deception in securing the certificate.

(b) Received in any manner or by any device any rebate or other additional fee for towing or recovery from a person who performs repairs on a vehicle who does not also own the vehicle. This paragraph does not prohibit the payment of the towing fee by a person who performs repairs on a vehicle if the fee is included in the charges by that person for repairs on the vehicle.

(c) Used vehicles for the purposes of towing or recovering services that did not meet the minimum safety standards established by the department.

(d) Failed to display special towing business registration plates, stickers or indicia or identification devices for proportionally registered tow vehicles authorized under ORS 805.200 (Plates and other devices with special designs) on each vehicle used to tow or recover vehicles.

(e) Failed to maintain the amounts and types of insurance required to qualify for issuance of a towing business certificate under ORS 822.205 (Certificate).

(f) Failed to obtain any permits or authority required under any provision of ORS chapter 825 or rules adopted thereunder.

(g) Violated any provision of ORS 98.853 (Conditions allowing towing), 98.854 (Prohibitions placed on tower), 98.856 (Tower responsibility of disclosure to owner or operator of vehicle) or 98.858 (Right of owner or person in lawful possession of vehicle to redeem or inspect vehicle, contact tower and obtain property of emergency nature) or a rule adopted under ORS 822.265 (Rulemaking authority).

(2) After receiving an order from the State Board of Towing under ORS 822.280 (Denial, suspension, revocation or refusal of towing business certificate), the department shall impose the disciplinary action requested by the board. [1983 c.338 §814; 1991 c.284 §30; 1993 c.741 §145; 2007 c.538 §17; 2017 c.480 §19; 2021 c.578 §13]

**Definitions**

"CCD" means ODOT's Commerce and Compliance Division

"Person" includes any natural person, corporation, partnership, firm, or other legal entity.

"Tow Certificate" means a Tow Business Certificate issued by DMV under ORS 822.205.

"Tow Plate" means the distinctive plate issued by DMV indicating a tow or recovery vehicle.

The Board incorporates the following definitions found in *OAR 735-154-0000 Regulations Governing Towing and Recovery Businesses*

(2) Definitions for the purposes of OAR 735-154-0000 through 735-154-0050 are as follows:

- (a) As used in ORS 822.200(1)(c), “purports...to be engaged in...” means to solicit or advertise towing services through the telephone book, business directory, newspaper, radio, television, posting on vehicles, signs, business, billboards or by any other means;
- (b) A “towing or recovery vehicle” means any motor vehicle used by any person(s) for the purpose of towing or recovering of vehicles;
- (c) “Towing business certificate” or “certificate” means the vehicle registration card containing distinctive language indicating it is a certificate issued in conjunction with the vehicle registration, for towing or recovery services;
- (d) “Distinctive plate” means the prescribed Oregon registration plate format with a five-digit identification number and two letter prefix “TW” indicating a tow or recovery vehicle; and
- (e) “Stickers” means month and year stickers of a type in current use by the Driver and Motor Vehicle Services Division of the Department of Transportation to indicate staggered registration dates.

## Current requirements and process

### Vehicle Registration

- Vehicle registration may be issued by either DMV or CCD, depending on the weight and type of the vehicle.
- DMV issues annual tow business certificates.
- Both the tow certificate and the vehicle registration are issued annually with the same expiration date.
- An operator must have an active drivers license or commercial driver license, depending on the equipment used. There is no state requirement for a tow operator hold an additional certificate to operate a tow truck.

### Tow Business Certificate requirements:

*Per DMV regulations:*

1. A tow business certificate and vehicle registration is required if a person:
  - A. Engages in the towing or recovery of vehicles by any means for any direct or indirect compensation, when the vehicle being towed or recovered is owned by a person other than the person performing the towing or recovery activity.
  - B. Engages in the towing or recovery by any means, as a part of any business operation of the person, vehicles that are wrecked, damaged, disabled, or abandoned or
  - C. Purports in any way to be engaged in the business of performing activities described in subsection (1) of ORS 822.200.  
*\*Purports...to be engaged in” means to solicit or advertise towing services through the telephone book, business directory, newspaper, radio, television, posting on vehicles, signs, business, billboards, or by any other means. (OAR 735-154-0000)*
2. A Tow Business Certificate is required for each tow or recovery vehicle operated on Oregon highways.
3. The certificate is valid for one year from the date of application.
4. A vehicle used for towing or recovery for compensation must be titled in the same name as listed on the Tow Certificate application.
5. If the vehicle is leased:
  - A. The lessee (not the lessor) must qualify for tow/recovery registration.

- B. The lessee must be shown on the vehicle title, registration, and DMV issued tow business certificate.
  - C. A tow business certificate cannot be leased to a second party unless the second party is recorded on the vehicle title, registration, and tow business certificate.
  - D. The lease must comply with the applicable provisions of OAR 740-045-0100 to 740-045-0170.
6. By signing the application, a tower certifies:
- 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.*
- 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.*
- 7. Out-of-State Tow/Recovery Vehicle Requirements: A tow/recovery business certificate and tow/recovery plates from DMV.
  - 8. OAR 735-154-0010. If ownership of a vehicle is transferred, the tow business certificate must be surrendered to DMV.

## Compliance Issues

Complaints submitted to the Board alleging illegal towing operations and illegal use of vehicles for towing and recovery services for compensation include:

- 1. Individuals performing, advertising and otherwise offering towing and recovery services (including recovery, salvage, and repossessions) without an active and current tow business certificate issued by DMV.
- 2. Operating tow trucks or offering towing services under an expired tow certificate.
- 3. Failure to display current active tow plates on vehicles used in towing and recovery services.
- 4. Tow companies with multiple trucks certifying a portion of the trucks in their fleet, but not all of the trucks used by the company in towing and recovery services.
- 5. Displaying a tow plate registered to the VIN of one truck on a different truck.
- 6. Registered owners selling, leasing, loaning, or transferring ownership of a vehicle to another person without
  - A. Surrendering the tow business certificate to DMV.
  - B. The new owner qualifying or maintaining the requirements of the business certificate.
- 7. Companies operating under a dismantler certificate in lieu of a tow business certificate without meeting the requirements of *ORS 822.200 Operating illegal towing business (2) (e) A person who holds a valid dismantler certificate under ORS 822.110 (Dismantler certificate) who tows a vehicle described under ORS 819.280 (Disposal of vehicle at request of person in lawful possession).*
- 8. The use of expired tow business certificate when
  - A. Selling impounded vehicles
  - B. When completing possessory lien documentation
  - C. Conducting other business requiring the use of a tow business certificate
- 9. Failure to comply with insurance and other requirements after a tow certificate is issued.

## Potential Public Risk and Harm

1. Towing services play a crucial role ensuring the removal of disabled vehicles, maintaining road safety, and providing essential services to consumers, law enforcement agencies, state and local governments, businesses, dealerships, insurance companies, roadside assistance providers, and private property owners.
2. Failure to properly register vehicles with the State of Oregon creates inherent risks and potential harm, including:
  - A. Increased deceptive, fraudulent, or illegal towing practices.
  - B. Vehicles and equipment operated below minimum safety requirements.
  - C. Knowingly or unintentionally violating Oregon laws and local ordinances regulating towing services and requirements.
  - D. Lack of mandatory insurance coverage.
  - E. Reduced consumer options and remedies for damages and loss of vehicles.
  - F. Unfair competitive advantage over tow companies operating under the legal requirements and tow certification.
  - G. Risk of environmental harms or contamination due to unsafe storage of vehicles, hazardous materials, and improper storage of fuel or other liquids.

## Benefits of Better Regulation and Enforcement

1. Protection of the public by assurance that vehicles issued a tow business certificate are operated within minimum safety and compliance standards.
2. Create and maintain a level playing field for all companies, promoting fair competition within the industry.
3. Increased expectation that a tow company operating under an active tow business certificate:
  - A. Meets minimum environmental and safety regulations.
  - B. Carries the required insurance coverage to protect against potential damage or injuries.
  - C. Complies with state laws and local ordinances.

## Identified Partners and Persons of Interest

1. DMV Business Regulation and Dealer Services (dismantler and transporter)
2. DMV Vehicle services/vehicle registration
3. DCBS, Division of Finance (repossession)
4. ODOT CCD
5. Law enforcement

## Other Considerations

1. DMV exceptions for:
  - A. Dismantlers
  - B. Transporters
  - C. Dealers
2. The variety and range of tow and recovery services provided by the towing industry to law enforcement, the public, state and local government, and other parties.
3. Other laws, administrative rules, and regulations imposed on businesses providing tow and recovery services.

## Board Determination

### ***For the purposes of Board policy:***

1. Tow business certificate requirement and exceptions:
  - An Any vehicle providing tow or recovery services as a business, for compensation, or for profit must have a tow business certificate to legally operate in Oregon.
  - “Except when” provisions: The vehicle is exempt from the tow business certificate requirement when the vehicle is used exclusively for the exemption defined under Oregon law.
  - **Any** use of the vehicle **not specifically exempted by law requires a tow business certificate**, even if the primary use of the vehicle is exempt or if the truck’s non-exempt use is occasional or infrequent.
2. Exemptions:
  - The Board will review complaints and coordinate roles and responsibilities with DMV Business Regulation and DMV Vehicle Services.
  - Investigations into complaints alleging violation of the transporter, dismantler, and other lawful exemptions may be coordinated with DMV Business Regulation.
  - Board action will be considered when a vehicle is being used for tow and recovery services for compensation and does not meet the legal exemption requirements.
3. Salvage Vehicle Appraisers
  - The Board will work with DMV Business Regulation to develop education and best practices for the salvage vehicle appraisers.
  - The Board will monitor complaints and will consider disciplinary options as appropriate.
4. Repossessions and collections
  - If used in repossessions or collection actions, a vehicle must:
    - Have an active TW plate and DMV tow business certificate
    - Comply with the tow business certificate requirements.
  - Repossession Companies are required to be registered with the Dept. of Consumer and Business Services (DCBS), Division of Financial Regulation.
  - The Board will develop educational materials, monitor complaints and consider disciplinary options as appropriate.
5. Operating an illegal tow business.  
ORS 822.200 applies to any business or person using a vehicle for tow/recovery services; compliance is determined by the services provided, not the original design, adaptation or equipment attached to the vehicle used in providing those services.
6. Leasing vehicles
  - DMV requires tow business certificates/TW plates are to be issued, and the vehicle registered, under the name of titled vehicle owner.
  - A tow business certificate holder cannot lease the registered vehicle to another person or business unless the lessee is on the title of the vehicle and tow business certificate.
  - The Board will review complaints to identify possible exceptions and work with DMV in determining when an exemption exists and when a “leased” vehicle violates the registration requirement and is grounds for disciplinary action.
7. Insurance  
Failure to comply with the TW Plate/tow business certificate insurance requirements = grounds for investigation into operating without an active tow certificate.

### ***Education:***

The Board will coordinate with DMV in creating educational materials and outreach specific to towers for:

- Salvage appraiser requirements
- Lien claimant records
- Proper use of possessory liens

- Business certificate insurance requirements

## Timeline and Next Steps

August 20, 2024:

- A. Board consultation with DMV Business Regulation and Vehicles Services regarding current DMV regulation and requirements for transporters, dismantlers, definition of security interest.
- B. Board review of current statutes and DMV documentation and other materials.
- C. Board identification of compliance requirements under current law and initial terms for public policy.

September 2024:

Draft proposed public policy on administering ORS 822.200 operating an illegal tow business distributed to partners, the Board's mailing list, the Board's Proposed Public Policy and Rules Group, and other interested parties for review and comment.

October 1, 2024:

Board review and discussion of proposed public policy.

## Resources:

- Submitted complaints
- ORSs related to towing.
- OAR Chapter 735 Division 154
- DMV documents and materials related to towing
- DMV documents and materials related to transporters
- ORSs related to security interest
- DMV documents and materials related to dismantlers
- DMV documents and materials related to salvage appraisers



# Oregon

Tina Kotek, Governor

State Board of Towing  
DMV HQ - 1905 Lana Ave, NE  
Salem, OR 97314

Email Address: [info@towboard.oregon.gov](mailto:info@towboard.oregon.gov)  
Web Site: [www.oregon.gov/sbot](http://www.oregon.gov/sbot)

## OREGON STATE BOARD OF TOWING DRAFT Board Work Session Notes August 20, 2024

### *Work Session Location:*

Oregon DMV HQ  
1905 Lana Avenue  
Salem, OR 97314

### *Attending Board Member:*

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

### *Board Staff:*

Torey McCullough, Board Administrator

### *Absent:*

Chris Coughlin

### *Guests:*

DMV: Larry Purdy, DMV Business Regulation and Dealer Services; Dave Adams, DMV Vehicle Services; Kelly Garcia, DMV Investigator. OTTA: Tom Holt, Chelsie Kemp. Michelle Druce, Oregon Consumer League, Csilla Wischner PBOT, Jean Underwood, John Corbin, Ronn Crews, North Valley Towing & Recovery.

### *Meeting Called to Order:*

Mr. Riley called the meeting to order at 1:00 p.m.  
Self-introductions were made.

### *Agenda:*

Agenda approved by consensus.

### *Work Session:*

#### Overview of DMV certificates and requirements.

Larry Purdy provided information on DMV's transporter, dismantler, and salvage appraiser programs. Dave Adams provided additional information relating to possessory liens, current tow business certificates, insurance requirements, and related information.



### Transporters

- Transporter certificates are issued to transport vehicles from the manufacturers or vehicle dealers in Oregon.
- Companies who use transporter certificates to transport vehicles from a location other than a manufacturer or certified dealer do not meet the exemption and cannot use the transporter certificate.
- There is no state reciprocity for transporter certificates.

### Security interest

- The definition of security interest is under ORS 801.465 “*Security interest*” means an interest in a vehicle reserved or created by agreement and which secures payment or performance of an obligation as more particularly defined by [ORS 71.2010 \(General definitions\)](#)
- Security interest/ownership is required prior to the tow to meet the exemption.
- Tows who are hired to tow a vehicle for an entity with the security interest must have an active Oregon TW plate (repossession, insurance tows, scrap tows, etc.)
- An entity submitting a possessory lien must have possession of the vehicle prior to executing a possessory lien.

### Dismantlers

- The purpose of the dismantler exemption is related to ORS 819.280 (1) *A person may make a request to an authority described in [ORS 819.140 \(Agencies having authority to take vehicle into custody\)](#) (1)(b) or (c) to dispose of a vehicle that is on the private property of the person and that is appraised at a value of \$500 or less, as determined by a holder of a certificate issued under [ORS 819.480 \(Vehicle appraiser certificate\)](#), if the person is in lawful possession of the vehicle. For the purposes of this subsection, a person need not have the certificate of title to be in lawful possession of the vehicle.*
- Any person or business providing towing, recovery, or scrapping services outside of ORS 819.280 requires an active TW plate and DMV tow business certificate.

### For the purposes of Board policy:

#### **1. Tow business certificate requirement and exceptions:**

- A. Any vehicle providing tow or recovery services as a business, for compensation, or for profit must have a tow business certificate to legally operate in Oregon.
- B. “Except when” provisions: The vehicle is exempt from the tow business certificate requirement when the vehicle is used exclusively for the exemption defined under Oregon law.
- C. Any use of the vehicle not specifically exempted by law requires a tow business certificate, even if the primary use of the vehicle is exempt or if the truck’s non-exempt use is occasional or infrequent.

#### **2. Exemptions:**

- A. The Board will review complaints and coordinate roles and responsibilities with DMV Business Regulation and DMV Vehicle Services.
- B. Investigations into complaints alleging violation of the transporter, dismantler, and other lawful exemptions may be coordinated with DMV Business Regulation.
- C. Board action will be considered when a vehicle is being used for tow and recovery services for compensation and does not meet the legal exemption requirements.

### 3. Salvage Vehicle Appraisers

- The Board will work with DMV Business Regulation to develop education and best practices for the salvage vehicle appraisers.
- The Board will monitor complaints and will consider disciplinary options as appropriate.

### 4. Repossessions and collections

- If used in repossessions or collection actions, a vehicle must:
  - Have an active TW plate and DMV tow business certificate
  - Comply with the tow business certificate requirements.
- Repossession Companies are required to be registered with the Dept. of Consumer and Business Services (DCBS), Division of Financial Regulation.
- The Board will develop educational materials, monitor complaints and consider disciplinary options as appropriate.

### 5. Operating an illegal tow business.

ORS 822.200 applies to any business or person using a vehicle for tow/recovery services; compliance is determined by the services provided, not the original design, adaptation or equipment attached to the vehicle used in providing those services.

### 6. Leasing vehicles

- DMV requires tow business certificates/TW plates are to be issued, and the vehicle registered, under the name of titled vehicle owner.
- A tow business certificate holder cannot lease the registered vehicle to another person or business unless the lessee is on the title of the vehicle and tow business certificate.
- The Board will review complaints to identify possible exceptions and work with DMV in determining when an exemption exists and when a “leased” vehicle violates the registration requirement and is grounds for disciplinary action.

### 7. Insurance

Failure to comply with the TW Plate/tow business certificate insurance requirements equals grounds for investigation into operating without an active tow certificate.

#### Education:

The Board will coordinate with DMV in creating educational materials and outreach specific to towers for:

- Salvage appraiser requirements
- Lien claimant records
- Proper use of possessory liens
- Business certificate insurance requirements

#### ***Compliance Process Updates:***

1. Correspondence sent by regular mail in the complaint process will be sent with a certificate of mailing.
2. Complainants will have 30 days to provide information required to complete the complaint. If the information is not provided within 30 days, the complaint will be closed.

3. Complaint files may be reopened if the complainant submits the required information within a reasonable time frame (determined by the factors and circumstances of the complaint, and timeliness of the submission of the required documents).
4. Towers with active TW plates/business certificates will be advised when a complaint has been (a) closed or (b) when a complaint is open for investigation, whichever comes first, and kept informed on the complaint and investigation status.
5. If the complaint is closed at the initial review stage (incomplete, no jurisdiction, no violation, etc.) the Complainant information will remain confidential- UNLESS the tower is already aware of the complainant (e.g., DOJ forwarded complaint).
6. "Closed File" letters to towers and complainants may contain information to educate either the consumer or the tower on Oregon laws or additional resources as appropriate and when the information is relevant to the situation.
7. For complaints requiring information from the tower or an investigation: Towers will have 30 days to provide requested information and respond to a records request.

### ***Upcoming Events:***

10/01/2024: Board of Towing Regular Meeting

09/24-25/2024: Oregon Traffic Incident Management (TIM) Conference (Albany)

09/28/2024: OTTA Quarterly Meeting (Eugene)

10/29/2024: Towing Board Annual Board Meeting with possible proposed rules hearing.

### ***Legislative Concepts:***

#### ***Concept 1: ORS 822.250***

A technical correction to the plain language of ORS 822.250 to represent the intent of the original 2021 legislation in creating the Board as a Governor Appointed Board separate and distinct from ODOT. The requested clarification of the text is supported by DMV, OTTA, the original sponsors and many of the supporters of SB 300.

#### ***ORS 822.250 State Board of Towing***

~~1. The State Board of Towing is established within the Department of Transportation.~~

1. The Department of Transportation is charged for administrative and technical support of the State Board of Towing until such time the administrative and technical support is no longer needed.
2. The State Board of Towing is established separate and distinct from the Department of Transportation and its operations.

Jason Shaner moved to forward the suggested on for legislative consideration.

Motion passed by unanimous vote (McClellan and Anderson abstaining per tower vote requirements).

#### ***Concept 2: Business or Facility Permit/License issued by the Board***

Discussion tabled until the Board members review complaints and information to determine need, identify scope and define relationship/differences between the current DMV tow business certificate registration of the vehicles and a tow business license issued by the Board.

***Adjourned:***

There being no further business before the Board, and no public comments, Chair Riley adjourned the meeting at 3:20 p.m.

***Documents Considered by the Board***

- Agenda
- Policy on ORS 822.200 - Initial Concept and Policies
- ORS 822.200 Objectives Worksheet
- Compliance Process Work Session Packet

*Minutes prepared by Torey McCullough*

*Minutes APPROVED by Board vote: 10/01/2024*



State Board of Oregon  
Work Session: Operating Illegal Towing Business  
August 20, 2024



State Board of Towing  
ORS 822.200 Operating illegal towing business - Objectives  
August 20, 2024

## Reason for policy:

A State Board of Towing Public Policy is required to identify and define *ORS 822.200 Operating an illegal towing business*:

1. So the Board can effectively administer the statute as assigned.
2. For clarity and uniformity in answers and information provided to the public.
3. To ensure clarity, consistency and fairness in the interpretation of the laws and expectation of professional standards in the towing industry.
4. To:
  - A. educate businesses on Oregon's tow business certificate requirements.
  - B. hold businesses accountable for compliance with the laws to ensure fairness in the industry.

## Initial Concept Summary:

Initial Draft attached.

## Discussion: Exceptions:

### Basic concept:

Any vehicle providing tow or recovery services as a business, or outfitted to provide towing and recovery services as a business, must have a tow business certificate to legally operate in Oregon.

### "Except when" provisions:

The vehicle is exempt when the tow vehicle is used exclusively for the exemption defined under Oregon law.

Thoughts?

Any use of the tow vehicle not specifically exempted in law requires that the tow vehicle operate under a tow certificate, even if the primary use is exempt, and the truck's non-exempt use is occasional or infrequent.

Thoughts?

## Transporter

ORS 822.200 (2) (a) *Persons operating under and within the scope of a vehicle transporter certificate issued under ORS 822.310 (Privileges granted by certificate).*

Per DMV transporter plates are to be used to transport:

1. From Oregon manufacturers or Oregon certified vehicle dealers, to the vehicle purchaser or dealer in Oregon;
2. To an Oregon manufactured structure dealer's place of business

What does this mean?

Difference between a transporter and a tow truck?

## Good Samaritan

ORS 822.200 (2) (b) *A person who provides assistance to another motorist, whether or not compensation is received, if the assistance is not provided as part of the business operation of the person providing the assistance.*

## Security Interest

ORS 822.200 (2) (c) *A person engaging in any activity relating to a vehicle in which that person holds a security interest.*

Definition of "security interest" for the purposes of the exemption of the tow certificate requirement. What does this mean? What does it look like?

Is the security interest required prior to the tow?

Examples for discussion:

1. Mechanic tows a vehicle to the shop to repair a vehicle. The security interest (mechanic's lien) does not occur until after the tow.
2. Company acts as the agent of an insurance company in towing vehicles from a tow yard to an auction house, storage yard, metal scraper, etc. The agent is compensated for the towing of the vehicles.
3. Can a dealer use a tow truck to move vehicles around the dealer's lot without a tow plate?

## Employee

*ORS 822.200 (2) (d) An employee of a person issued a towing business certificate under ORS 822.205 (Certificate) while that employee is performing official duties as an employee.*

How far does this exemption extend? Can the tow truck only be used to perform official duties for the registered owner?

## Dismantler

*ORS 822.200 (2) (e) A person who holds a valid dismantler certificate under ORS 822.110 (Dismantler certificate) who tows a vehicle described under ORS 819.280 (Disposal of vehicle at request of person in lawful possession).*

Difference between a dismantler certificate and a tower certificate?

## Salvage Vehicle Appraiser

*ORS 819.280 (1) A person may make a request to an authority described in ORS 819.140 (Agencies having authority to take vehicle into custody) (1) (b) or (c) to dispose of a vehicle that is on the private property of the person and that is appraised at a value of \$500 or less, as determined by a holder of a certificate issued under ORS 819.480 (Vehicle appraiser certificate), if the person is in lawful possession of the vehicle. For the purposes of this subsection, a person need not have the certificate of title to be in lawful possession of the vehicle.*

Is this requirement something the Board wants to include in the policies?

## Any other exemptions?

Repossessions?

## Discussion: Other Considerations

Difference between “operating illegal towing business” and “operating a tow truck without a tow certificate?”

Is there one?



Tow business certificate requires the tow certificate application be under the name of the vehicle title owner.

Any thoughts?

Can a tow certificate holder lease the tow vehicle to another company under the same certificate? Under what conditions?

Insurance requirements: what happens when there isn't the insurance there that should be?

Any thoughts?

### Class A Misdemeanor

*ORS 822.200 Operating illegal towing business (3) The offense described in this section, operating an illegal towing business, is a Class A misdemeanor.*

Any thoughts?

### Discussion: What is not under the Board's jurisdiction and scope?

Regulation of dismantlers, transporters.

Vehicle registration and requirements.

# OREGON STATE BOARD OF TOWING

## Initial Concept Summary

### ORS 822.200 Operating illegal towing business

#### 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).

ORS 822.995 Civil penalties for violations related to towing

(1) In addition to any other penalty provided by law, any person who violates any provision of ... [822.200 \(Operating illegal towing business\)](#), [822.215 \(Grounds for denial, suspension, revocation or refusal of certificate\)](#), ... or any rule adopted by the State Board of Towing is subject to payment of a civil penalty to the board.

#### ORS 822.200

##### ORS 822.200 Operating illegal towing business

(1) A person commits the offense of operating an illegal towing business if the person does not hold a certificate issued under ORS 822.205 (Certificate) and the person does any of the following:

- (a) Engages in the towing or recovering of vehicles by any means for any direct or indirect compensation when the vehicle being towed or recovered is owned by a person other than the person performing the towing or recovery activity.
  - (b) Engages in towing or recovering by any means, as part of any business operation of the person, vehicles that are wrecked, damaged, disabled or abandoned or replacement vehicles.
  - (c) Purports in any way to be engaged in the business of performing activities described in this subsection.
- (2) This section does not apply to any of the following:
- (a) Persons operating under and within the scope of a vehicle transporter certificate issued under ORS 822.310 (Privileges granted by certificate).
  - (b) A person who provides assistance to another motorist, whether or not compensation is received, if the assistance is not provided as part of the business operation of the person providing the assistance.
  - (c) A person engaging in any activity relating to a vehicle in which that person holds a security interest.
  - (d) An employee of a person issued a towing business certificate under ORS 822.205 (Certificate) while that employee is performing official duties as an employee.
  - (e) A person who holds a valid dismantler certificate under ORS 822.110 (Dismantler certificate) who tows a vehicle described under ORS 819.280 (Disposal of vehicle at request of person in lawful possession).

(3) The offense described in this section, operating an illegal towing business, is a Class A misdemeanor. [1983 c.338 §811; 1985 c.16 §410; 2005 c.738 §§6,6a]

##### ORS 822.205 Certificate

*The Department of Transportation shall issue a towing business certificate to any person if the person meets all of the following requirements to the satisfaction of the department:*

- (1) *The person must complete an application in a form and in the manner established by the department by rule.*

- (2) The person must maintain insurance in amounts and providing coverage of the type required for motor carriers under ORS chapter 825 and deliver a certificate of insurance to the department.
- (3) The certificate of insurance required under subsection (2) of this section must:
- (a) Be issued by an insurance company licensed to do business in this state;
  - (b) Show that the person is insured by a policy that provides the minimum amount and limits of coverage required under ORS chapter 825;
  - (c) Contain the policy number; and
  - (d) Require the insurance company to give the department written notice of cancellation of the policy and to continue to be liable under the policy until the department receives the written notice or until the cancellation date specified in the written notice, whichever is later.
- (4) The person must maintain insurance providing \$50,000 coverage for cargo transported by the person and deliver a certificate of insurance to the department. An applicant is not required to comply with this subsection if the applicant tows or recovers only vehicles that are owned by the applicant.
- (5) The person must maintain vehicles used by the person for the purposes of towing or recovering services so that they meet minimum safety standards established by the department by rule. The department may accept the certification of the person as evidence of compliance with this subsection or may require other evidence, as the department determines appropriate.
- (6) The certificate of insurance required under subsection (4) of this section must:
- (a) Be issued by an insurance company licensed to do business in this state;
  - (b) Show that the person is insured by a policy that provides the minimum amount and limits of coverage required under ORS chapter 825;
  - (c) Contain the policy number; and
  - (d) Require the insurance company to give the department written notice of cancellation of the policy and to continue to be liable under the policy until the department receives the written notice or until the cancellation date specified in the written notice, whichever is later.
- (7) The person must pay the fee required under ORS 822.700 (Certification fees) for issuance of a towing business certificate. [1983 c.338 §813; 1985 c.16 §412; 1985 c.400 §7; 1993 c.751 §86; 2007 c.538 §16]

### **ORS 822.210 Privileges granted by certificate**

- (1) The holder of a current, valid towing business certificate issued under ORS 822.205 (Certificate) may exercise the following privileges under the certificate:
- (a) The person and any employee of the person who is performing official duties are not subject to the prohibitions and penalties under ORS 822.200 (Operating illegal towing business).
  - (b) The person is entitled to receive special indicia of towing business registration. The following apply to indicia described in this paragraph:
    - (A) The holder of the certificate or a person in the performance of the person's official duties as an employee of the certificate holder may use the indicia:
      - (i) For towing and recovering vehicles; and
      - (ii) For towing unregistered vehicles over the highways of this state without first obtaining registration for the vehicles or trip permits required under ORS 803.600 (Trip permits).
    - (B) The indicia shall be of the design provided under ORS 805.200 (Plates and other devices with special designs) and are subject to payment of fees for issuance as provided under ORS 805.250 (Fees for special plates).
- (2) A towing business certificate expires one year from the date of issuance unless renewed. A certificate holder may renew the certificate by payment of the fee for renewal of a towing business certificate under ORS 822.700 (Certification fees). A person whose certificate expires must qualify for a certificate in the same manner as a person who has not previously held a certificate.
- (3) The holder of a towing business certificate is subject to regulation by political subdivisions as provided in ORS 801.040 (Authority to adopt special provisions) and 822.230 (City or county regulation of towing businesses), and to

regulation under ORS chapter 825. [1983 c.338 §812; 1985 c.16 §411; 1987 c.765 §4; 1993 c.741 §144; 1995 c.733 §78]

### **ORS 822.215 Grounds for denial, suspension, revocation or refusal of certificate**

(1) The Department of Transportation may deny or refuse to issue any towing business certificate under ORS 822.205 (Certificate) or may suspend, revoke or refuse to renew any towing business certificate issued upon proof that the applicant for or holder of the certificate has done any of the following:

- (a) Used fraud or deception in securing the certificate.
  - (b) Received in any manner or by any device any rebate or other additional fee for towing or recovery from a person who performs repairs on a vehicle who does not also own the vehicle. This paragraph does not prohibit the payment of the towing fee by a person who performs repairs on a vehicle if the fee is included in the charges by that person for repairs on the vehicle.
  - (c) Used vehicles for the purposes of towing or recovering services that did not meet the minimum safety standards established by the department.
  - (d) Failed to display special towing business registration plates, stickers or indicia or identification devices for proportionally registered tow vehicles authorized under ORS 805.200 (Plates and other devices with special designs) on each vehicle used to tow or recover vehicles.
  - (e) Failed to maintain the amounts and types of insurance required to qualify for issuance of a towing business certificate under ORS 822.205 (Certificate).
  - (f) Failed to obtain any permits or authority required under any provision of ORS chapter 825 or rules adopted thereunder.
  - (g) Violated any provision of ORS 98.853 (Conditions allowing towing), 98.854 (Prohibitions placed on tower), 98.856 (Tower responsibility of disclosure to owner or operator of vehicle) or 98.858 (Right of owner or person in lawful possession of vehicle to redeem or inspect vehicle, contact tower and obtain property of emergency nature) or a rule adopted under ORS 822.265 (Rulemaking authority).
- (2) After receiving an order from the State Board of Towing under ORS 822.280 (Denial, suspension, revocation or refusal of towing business certificate), the department shall impose the disciplinary action requested by the board. [1983 c.338 §814; 1991 c.284 §30; 1993 c.741 §145; 2007 c.538 §17; 2017 c.480 §19; 2021 c.578 §13]

## **Definitions**

“CCD” means ODOT’s Commerce and Compliance Division

“Tow Certificate” means a Tow Business Certificate issued by DMV under ORS 822.205.

“Tow Plate” means the distinctive TW plate issued by DMV to tow vehicles.

The Board incorporates the following definitions found in *OAR 735-154-0000 Regulations Governing Towing and Recovery Businesses*

(2) Definitions for the purposes of OAR 735-154-0000 through 735-154-0050 are as follows:

- (a) As used in ORS 822.200(1)(c), “purports...to be engaged in...” means to solicit or advertise towing services through the telephone book, business directory, newspaper, radio, television, posting on vehicles, signs, business, billboards or by any other means;
- (b) A “towing or recovery vehicle” means any motor vehicle used by any person(s) for the purpose of towing or recovering of vehicles;
- (c) “Towing business certificate” or “certificate” means the vehicle registration card containing distinctive language indicating it is a certificate issued in conjunction with the vehicle registration, for towing or recovery services;

- (d) "Distinctive plate" means the prescribed Oregon registration plate format with a five-digit identification number and two letter prefix "TW" indicating a tow or recovery vehicle; and
- (e) "Stickers" means month and year stickers of a type in current use by the Driver and Motor Vehicle Services Division of the Department of Transportation to indicate staggered registration dates.

## Current requirements and process

### Vehicle Registration

- ▲ Vehicle registration may be issued by either DMV or CCD, depending on the weight and type of the vehicle.
- ▲ DMV issues annual tow business certificates.
- ▲ Both the tow certificate and the vehicle registration are issued annually with the same expiration date.
- ▲ An operator must have an active drivers license or commercial driver license, depending on the equipment used. There is no state requirement for a tow operator hold an additional certificate to operate a tow truck.

### Tow Business Certificate requirements:

Per DMV:

- ▲ A person needs a towing business certificate and tow vehicle registration if the person:
  - Engages in the towing or recovery of vehicles by any means for any direct or indirect compensation, when the vehicle being towed or recovered is owned by a person other than the person performing the towing or recovery activity.
  - Engages in the towing or recovery by any means, as a part of any business operation of the person, vehicles that are wrecked, damaged, disabled, or abandoned or
  - Purports in any way to be engaged in the business of performing activities described in subsection (1) of ORS 822.200.

*\*Purports...to be engaged in" means to solicit or advertise towing services through the telephone book, business directory, newspaper, radio, television, posting on vehicles, signs, business, billboards, or by any other means. (OAR 735-154-0000)*

1. A Tow Business Certificate is required for each tow or recovery vehicle operated on Oregon highways.
2. The certificate is valid for one year from the date of application.
3. The tow vehicle must be titled in the same name as listed on the Tow Certificate application.
5. By signing the application, a tower certifies:
  - 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.*

*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.*

- ▲ Out-of-State Tow/Recovery Vehicle Requirements: A tow/recovery business certificate and tow/recovery plates from DMV.
- ▲ OAR 735-154-0010. If ownership of a tow vehicle is transferred, the tow business certificate must be surrendered to DMV.

## Compliance Issues

Complaints submitted to the Board include allegations of illegal towing operations and illegal use of tow vehicles including:

- ▲ Operating tow trucks and offering towing services (including recovery, salvage, and repossession) without an active tow business certificate issued by DMV.
- ▲ Operating tow trucks or offering towing services under an expired tow certificate.
- ▲ Failure to display tow plates on tow vehicles.
- ▲ Tow companies with multiple trucks certifying some trucks in their fleet, but not all the vehicles used by the company in towing and recovery services.
- ▲ Displaying a tow plate registered to the VIN of one truck on another truck.
- ▲ Registered owners selling, leasing, loaning, or transferring tow trucks ownership of a tow vehicle to another person without the new owner qualifying or maintaining the requirements of the business certificate.
- ▲ Companies operating under a dismantler certificate in lieu of a tow business certificate without meeting the requirements of *ORS 822.200 Operating illegal towing business (2) (e) A person who holds a valid dismantler certificate under ORS 822.110 (Dismantler certificate) who tows a vehicle described under ORS 819.280 (Disposal of vehicle at request of person in lawful possession)*.
- ▲ The use of expired tow plate numbers when selling vehicles or to complete possessory lien documentation.
- ▲ Failure to comply with insurance and other requirements after a tow certificate is issued.

## Potential Public Risk and Harm

To be identified by the Board.

## Benefits of Better Regulation and Enforcement

To be identified by the Board.

## Identified Partners and Persons of Interest

- DMV Business Services (dismantler and transporter)
- DMV Vehicle services/vehicle registration
- ODOT CCD
- Law enforcement

### Other Considerations

- Requirements for DMV exceptions for
- Dismantlers
- Transporters
- Dealers

### Board Determination

TBD by the Board

### Timeline and Next Steps

TBD by Board.

### Resources:

- Submitted complaints
- ORS's related to towing.
- DMV documents and materials related to towing
- DMV documents and materials related to transporters
- ORSs related to security interest
- DMV documents and materials related to dismantlers
- DMV documents and materials related to salvage appraisers

What other information does the Board need to make informed decisions?

# ORS 822.200

## Operating illegal towing business

- exceptions
  - penalties
- 

- (1)** A person commits the offense of operating an illegal towing business if the person does not hold a certificate issued under ORS 822.205 (Certificate) and the person does any of the following:
- (a)** Engages in the towing or recovering of vehicles by any means for any direct or indirect compensation when the vehicle being towed or recovered is owned by a person other than the person performing the towing or recovery activity.
  - (b)** Engages in towing or recovering by any means, as part of any business operation of the person, vehicles that are wrecked, damaged, disabled or abandoned or replacement vehicles.
  - (c)** Purports in any way to be engaged in the business of performing activities described in this subsection.
- (2)** This section does not apply to any of the following:
- (a)** Persons operating under and within the scope of a vehicle transporter certificate issued under ORS 822.310 (Privileges granted by certificate).
  - (b)** A person who provides assistance to another motorist, whether or not compensation is received, if the assistance is not provided as part of the business operation of the person providing the assistance.
  - (c)** A person engaging in any activity relating to a vehicle in which that person holds a security interest.
  - (d)** An employee of a person issued a towing business certificate under ORS 822.205 (Certificate) while that employee is performing official duties as an employee.
  - (e)** A person who holds a valid dismantler certificate under ORS 822.110 (Dismantler certificate) who tows a vehicle described under ORS 819.280 (Disposal of vehicle at request of person in lawful possession).



- (3) The offense described in this section, operating an illegal towing business, is a Class A misdemeanor. [1983 c.338 §811; 1985 c.16 §410; 2005 c.738 §§6,6a]
- 

*Location:*

[https://oregon.public.law/statutes/ors\\_822.200](https://oregon.public.law/statutes/ors_822.200)

*Original Source: Section 822.200 — Operating illegal towing business; exceptions; penalties*, [https://www.oregonlegislature.gov/bills\\_laws/ors/ors822.html](https://www.oregonlegislature.gov/bills_laws/ors/ors822.html) (last accessed Aug. 25, 2023).

# ORS 822.205

## Certificate

- qualifications
  - fee
- 

The Department of Transportation shall issue a towing business certificate to any person if the person meets all of the following requirements to the satisfaction of the department:

- (1) The person must complete an application in a form and in the manner established by the department by rule.
- (2) The person must maintain insurance in amounts and providing coverage of the type required for motor carriers under ORS chapter 825 and deliver a certificate of insurance to the department.
- (3) The certificate of insurance required under subsection (2) of this section must:
  - (a) Be issued by an insurance company licensed to do business in this state;
  - (b) Show that the person is insured by a policy that provides the minimum amount and limits of coverage required under ORS chapter 825;
  - (c) Contain the policy number; **and**
  - (d) Require the insurance company to give the department written notice of cancellation of the policy and to continue to be liable under the policy until the department receives the written notice or until the cancellation date specified in the written notice, whichever is later.
- (4) The person must maintain insurance providing \$50,000 coverage for cargo transported by the person and deliver a certificate of insurance to the department. An applicant is not required to comply with this subsection if the applicant tows or recovers only vehicles that are owned by the applicant.
- (5) The person must maintain vehicles used by the person for the purposes of towing or recovering services so that they meet minimum safety standards established by the department by rule. The department may accept the certification of the person as evidence of compliance with this subsection or may require other evidence, as the department determines appropriate.

- (6) The certificate of insurance required under subsection (4) of this section must:
- (a) Be issued by an insurance company licensed to do business in this state;
  - (b) Show that the person is insured by a policy that provides the minimum amount and limits of coverage required under ORS chapter 825;
  - (c) Contain the policy number; **and**
  - (d) Require the insurance company to give the department written notice of cancellation of the policy and to continue to be liable under the policy until the department receives the written notice or until the cancellation date specified in the written notice, whichever is later.
- (7) The person must pay the fee required under ORS 822.700 (Certification fees) for issuance of a towing business certificate. [1983 c.338 §813; 1985 c.16 §412; 1985 c.400 §7; 1993 c.751 §86; 2007 c.538 §16]

---

*Location:*

[https://oregon.public.law/statutes/ors\\_822.205](https://oregon.public.law/statutes/ors_822.205)

*Original Source: Section 822.205 — Certificate; qualifications; fee*, [https://www.oregonlegislature.gov/bills\\_laws/ors/ors822.html](https://www.oregonlegislature.gov/bills_laws/ors/ors822.html) (last accessed Aug. 25, 2023).

# ORS 822.210

## Privileges granted by certificate

- duration
  - renewal
  - regulation of holder
- 

- (1) The holder of a current, valid towing business certificate issued under ORS 822.205 (Certificate) may exercise the following privileges under the certificate:
  - (a) The person and any employee of the person who is performing official duties are not subject to the prohibitions and penalties under ORS 822.200 (Operating illegal towing business).
  - (b) The person is entitled to receive special indicia of towing business registration. The following apply to indicia described in this paragraph:
    - (A) The holder of the certificate or a person in the performance of the person's official duties as an employee of the certificate holder may use the indicia:
      - (i) For towing and recovering vehicles; **and**
      - (ii) For towing unregistered vehicles over the highways of this state without first obtaining registration for the vehicles or trip permits required under ORS 803.600 (Trip permits).
    - (B) The indicia shall be of the design provided under ORS 805.200 (Plates and other devices with special designs) and are subject to payment of fees for issuance as provided under ORS 805.250 (Fees for special plates).
- (2) A towing business certificate expires one year from the date of issuance unless renewed. A certificate holder may renew the certificate by payment of the fee for renewal of a towing business certificate under ORS 822.700 (Certification fees). A person whose certificate expires must qualify for a certificate in the same manner as a person who has not previously held a certificate.
- (3) The holder of a towing business certificate is subject to regulation by political subdivisions as provided in ORS 801.040 (Authority to adopt special provisions) and 822.230 (City or county regulation of towing businesses), and to regulation

under ORS chapter 825. [1983 c.338 §812; 1985 c.16 §411; 1987 c.765 §4; 1993 c.741 §144; 1995 c.733 §78]

---

*Location:*

[https://oregon.public.law/statutes/ors\\_822.210](https://oregon.public.law/statutes/ors_822.210)

*Original Source: Section 822.210 — Privileges granted by certificate; duration; renewal; regulation of holder,*

[https://www.oregonlegislature.gov/bills\\_laws/ors/ors822.html](https://www.oregonlegislature.gov/bills_laws/ors/ors822.html) -

(last accessed Aug. 25, 2023).

# ORS 822.213

## Transporting property for hire

---

- (1) In addition to the privileges described under ORS 822.210 (Privileges granted by certificate), the holder of a current, valid towing business certificate issued under ORS 822.205 (Certificate) may use a tow vehicle to transport property for hire other than as described in ORS 822.210 (Privileges granted by certificate) if:
  - (a) The tow vehicle is used primarily for the purposes described in ORS 822.210 (Privileges granted by certificate) in a manner specified by the department by rule;
  - (b) The tow vehicle has a combined weight of 26,001 pounds or more;
  - (c) The holder of the towing business certificate has submitted a declaration of weight under ORS 803.435 (Declaration of weight for fee determination) and has registered the tow vehicle under ORS 803.420 (Registration fees) (14)(a); **and**
  - (d) The holder of the towing business certificate operates in accordance with the provisions of ORS chapter 825.
- (2) A tow vehicle that is used to transport property for hire other than as described in ORS 822.210 (Privileges granted by certificate) is subject to the weight-mile tax imposed under ORS 825.474 (Motor carrier tax for use of highways). [2011 c.287 §2; 2017 c.750 §39t]

Note: 822.213 (Transporting property for hire) was added to and made a part of the Oregon Vehicle Code by legislative action but was not added to ORS chapter 822 or any series therein. See Preface to Oregon Revised Statutes for further explanation.

---

*Location:*

[https://oregon.public.law/statutes/ors\\_822.213](https://oregon.public.law/statutes/ors_822.213)

*Original Source: Section 822.213 — Transporting property for hire*, <https://www.oregonlegislature.->

[gov/bills\\_laws/ors/ors822.html](http://gov/bills_laws/ors/ors822.html) (last accessed Aug. 25, 2023).

# ORS 822.215

## Grounds for denial, suspension, revocation or refusal of certificate

- disciplinary action
- 

- (1) The Department of Transportation may deny or refuse to issue any towing business certificate under ORS 822.205 (Certificate) or may suspend, revoke or refuse to renew any towing business certificate issued upon proof that the applicant for or holder of the certificate has done any of the following:
- (a) Used fraud or deception in securing the certificate.
  - (b) Received in any manner or by any device any rebate or other additional fee for towing or recovery from a person who performs repairs on a vehicle who does not also own the vehicle. This paragraph does not prohibit the payment of the towing fee by a person who performs repairs on a vehicle if the fee is included in the charges by that person for repairs on the vehicle.
  - (c) Used vehicles for the purposes of towing or recovering services that did not meet the minimum safety standards established by the department.
  - (d) Failed to display special towing business registration plates, stickers or indicia or identification devices for proportionally registered tow vehicles authorized under ORS 805.200 (Plates and other devices with special designs) on each vehicle used to tow or recover vehicles.
  - (e) Failed to maintain the amounts and types of insurance required to qualify for issuance of a towing business certificate under ORS 822.205 (Certificate).
  - (f) Failed to obtain any permits or authority required under any provision of ORS chapter 825 or rules adopted thereunder.
  - (g) Violated any provision of ORS 98.853 (Conditions allowing towing), 98.854 (Prohibitions placed on tower), 98.856 (Tower responsibility of disclosure to owner or operator of vehicle) or 98.858 (Right of owner or person in lawful possession of vehicle to redeem or inspect vehicle, contact tower and obtain property of emergency nature) or a rule adopted under ORS 822.265 (Rulemaking authority).



- (2) After receiving an order from the State Board of Towing under ORS 822.280 (Denial, suspension, revocation or refusal of towing business certificate), the department shall impose the disciplinary action requested by the board. [1983 c.338 §814; 1991 c.284 §30; 1993 c.741 §145; 2007 c.538 §17; 2017 c.480 §19; 2021 c.578 §13]

---

*Location:*

[https://oregon.public.law/statutes/ors\\_822.215](https://oregon.public.law/statutes/ors_822.215)

*Original Source: Section 822.215 — Grounds for denial, suspension, revocation or refusal of certificate; disciplinary action*, [https://www.oregonlegislature.gov/bills\\_laws/ors/ors822.html](https://www.oregonlegislature.gov/bills_laws/ors/ors822.html) (last accessed Aug. 25, 2023).

# Chapter O

## Tow/Recovery Vehicles

For general information about tow/recovery vehicles, call DMV at (503) 945-5000.

A person needs a towing business certificate and tow vehicle registration if the person ([ORS 822.200](#)):

- Engages in the towing or recovery of vehicles by any means for any direct or indirect compensation, when the vehicle being towed or recovered is owned by a person other than the person performing the towing or recovery activity.
- Engages in the towing or recovery by any means, as a part of any business operation of the person, vehicles that are wrecked, damaged, disabled, or abandoned or
- Purports in any way to be engaged in the business of performing activities described in subsection (1) of [ORS 822.200](#).

*“Purports...to be engaged in” means to solicit or advertise towing services through the telephone book, business directory, newspaper, radio, television, posting on vehicles, signs, business, billboards, or by any other means. ([OAR 735-154-0000](#))*

When registered with DMV, the business certificate and the vehicle registration are used together and expire at the same time.

When registered with the Commerce and Compliance Division (CCD), the CCD registration and DMV towing business certificate are issued separately and may expire on different dates.

If the tow vehicle is leased, the lessee (not the lessor) must qualify for tow/recovery registration and must be shown on the title as the lessee. This applies when the vehicle is registered with DMV or CCD.

Tow/recovery vehicles may tow unregistered vehicles. The vehicle being towed does not need registration or a trip permit.

**Note:** Tow/recovery vehicles cannot be renewed online or at DEQ.

### City or county regulations

A city or county may, by charter or ordinance, further regulate towing businesses. ([ORS 822.230](#))

### Insurance

Instead of liability insurance for registration as required under [ORS Chapter 806](#), owners of tow/recovery vehicles must maintain the type and amounts of insurance required for motor carriers under [ORS Chapter 825](#). If customers have questions about insurance requirements under Chapter 825, they may contact the Oregon Tow Truck Association by email at [OTTAtow@gmail.com](mailto:OTTAtow@gmail.com), or visit the website at [Oregon Tow Truck Association](#). Owners must also maintain an additional \$50,000 cargo insurance coverage, unless the owners only tow or recover vehicles they own. ([ORS 822.205](#))

Applicants for tow registration are required to provide a certificate of insurance showing that the applicant is insured by a policy which provides the minimum amount and limits of coverage required under ORS Chapter 825 and ORS 822.205. The certificate must include the policy number and the Vehicle Identification Number (VIN). The insurance company must provide DMV written notice of cancellation of the policy and will continue to be liable under the policy until the department receives the notice of cancellation or until the cancellation date specified in the written notice, whichever is later. The certificate of insurance must be provided with initial registration and at each renewal.

## **DEQ**

Tow/recovery vehicles within the Portland Area Vehicle Inspection Program Boundary or Medford Area Vehicle Inspection Program Boundary are subject to DEQ testing. Prorated vehicles are exempt from DEQ testing. For more information about DEQ, see [Chapter K](#).

The customer must submit a completed Application for Tow or Recovery Vehicle Certificate, [Form 387](#), for each vehicle. A [Form 226](#) or [Form 268](#) is also required if the title is being transferred or the vehicle is registered with DMV.

The title and business certificate must always be issued in the same name.

The business certificate is valid for one year from the last day of the month in which the original certificate was issued.

Both the registration and business certificate must be current to operate as a tow/recovery vehicle.


When completing Form 387, all applicable boxes and spaces must be completed. See example of Form 387 below.

**Note:** Tow/recovery vehicles cannot be renewed online or at DEQ.

DMV TITLE AND REGISTRATION HANDBOOK  
Chapter O: Tow/Recovery Vehicles

Example of APPLICATION FOR TOW OR RECOVERY VEHICLE BUSINESS  
CERTIFICATE, FORM 387

Actual size 8½" x 11"

 <b>Application for Tow or Recovery Vehicle Business Certificate</b>						REMARKS
<p><b>TOW BUSINESS CERTIFICATE:</b> 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 prorate registration with CCD (e.g., apportioned registration, international registration plan or IRP).</p> <p><b>INSTRUCTIONS:</b> 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.</p> <p><b>WHERE TO REGISTER A TOW OR RECOVERY VEHICLE:</b></p> <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> </ul>						
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	
3	<b>Check One:</b> <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 prorate 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		
<p>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.</p> <p>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.</p>						
8	SIGNATURE		TITLE		TELEPHONE #	
X VALIDATION					( )	
				COUNTER DATE STAMP / INITIALS		

736 387 (1-24)

## Determining how to register tow/recovery vehicles

Tow/recovery vehicles with a **combined** weight over 26,000 pounds are subject to the Oregon weight-mile tax and must register with CCD. If the combined weight is 26,000 pounds or less, the vehicle is not subject to the tax and must be registered with DMV. (Prorating a vehicle is an option the customer has whether the vehicle is subject to the weight-mile tax or not.)

DMV registration fees are based on **registration** weight and not **combined** weight. Therefore, when determining whether the vehicle needs to be registered with DMV or CCD, the combined weight must first be determined.

Any questions concerning CCD or prorate requirements should be addressed to ODOT Commerce and Compliance Division, 550 Capitol St. NE, Salem OR 97310. The phone number is **(503) 378-6699**.

## Registration weight for tow/recovery vehicles

To determine whether to register with DMV or CCD and to determine registration weight, use the following information:

COMBINED WEIGHT is the empty weight of all vehicles in a combination plus the weight of the load carried on that combination of vehicles.

REGISTRATION WEIGHT of a tow vehicle is the weight of the tow truck equipped for service. Do not include the weight of the vehicle being towed unless the tow vehicle is towing a "heavy trailer." (A "heavy trailer" is a trailer which has a loaded weight of more than 8,000 pounds. "Heavy trailer" does not include campers, travel trailers, special use trailers, or fixed load vehicles.) If the tow vehicle is towing in excess of its registration weight, a registration weight trip permit is needed.

There is one situation where the weight of the trailer and its load is not included in the registration weight of the tow/recovery vehicle, nor would a registration weight trip permit be required. This is when the tow/recovery vehicle is towing a truck and trailer combination, the truck being towed is currently registered, and the registration weight of the trailer and trailer load is included in that truck's registration weight.

## State Board of Towing

The State Board of Towing was created by the 2021 Legislature under Senate Bill 300 to "implement the laws regulating the Towing Industry under ORS 98.853 to 98.862, and to administer additional statutes under the Board's jurisdiction."

Effective January 1, 2024, a \$100 board fee will be assessed to Tow and Recovery Vehicle Business Certificate holders and applicants. The board fee is paid with the DMV certification fee at the time of renewal or initial application (for total fees paid in the amount of \$117).

The Board does not receive any tax payer or general fund dollars; the Board fee will fund the operational and business expenses of the Board. See the [State Board of Towing](#) website for more information.

## Certificate fees

All tow/recovery vehicles must have a tow business certificate. The fee for the business certificate is \$117 (including the tow board fee) and is renewed annually. See [Chapter M](#) regarding additional registration fees.

## Plates issued and plate fees

Tow/recovery vehicles, including prorated tow/recovery vehicles, are issued plates with a “TW” prefix. All “TW” plates are issued from DMV headquarters in Salem.

The plate fee is charged each time a tow plate is issued to vehicles registered with DMV or CCD. The plate fee and a replacement plate fee are charged for all tow replacement plates issued. See [Chapter M](#) regarding plate fees.

## Registration and tow/recovery card

If the vehicle is registered by DMV, the registration card is combined with the Tow Business Certificate and is identified as the “Tow Recovery Certificate/Registration Card.”

If registered with CCD, a “Tow Business Certificate” is issued by DMV, and a separate registration card is issued by CCD.

## Surrender of “TW” plates

TW plates cannot be transferred. When a tow vehicle is sold, transferred, wrecked, or taken out of service as a tow/recovery vehicle, the certificate and TW plates must be surrendered to DMV.

Any new owner must apply for an original tow business certificate and plates.

## Prorated tow/recovery vehicles

Prorated tow vehicles register through the Prorate Section at CCD. CCD issues registration plates and DMV issues the TW plates and the business certificate. Prorated vehicles may title in Oregon or another state.

For information on obtaining prorated registration, call CCD at (503) 378-6699.

For information on obtaining a business certificate for a prorated vehicle, call DMV Customer Assistance at (503) 945-5000. Do not call Business Regulation.

## Towers who sell Oregon registered vehicles

Oregon licensed towers are required to remove unexpired year registration stickers from both of the Oregon registration plates on passenger vehicles they sell, unless the buyer is an Oregon licensed dealer or an Oregon licensed dismantler. (Oregon licensed dealers must also remove year registration stickers from the Oregon registration plates on passenger vehicles they sell unless they submit the title documents to DMV on behalf of the customer, or unless the buyer is an Oregon licensed dealer.)

When towers and dealers are required to remove stickers from the registration plates of a vehicle they sell, a Dealer/Tower Trip Permit, Form 307 may be sold to the vehicle buyer.

DMV TITLE AND REGISTRATION HANDBOOK  
*Chapter O: Tow/Recovery Vehicles*

Towers must apply with DMV Business Regulation to be a DMV Trip Permit Agent in order to obtain and sell these permits. See [Chapter R](#) for a description and example of the Dealer/Tower Trip Permit, and how to complete it.

# Department of Transportation

## Driver and Motor Vehicle Services Division - Chapter 735

[OARD Home](#)[Search Current Rules](#)[Search Filings](#)[Access the Oregon Bulletin](#)[Access the Annual Compilation](#)[FAQ](#)[Rules Coordinator / Rules  
Writer Login](#)

### Division 154 TOWING BUSINESSES

#### **735-154-0000**

##### **Regulations Governing Towing and Recovery Businesses**

(1) Failure to meet or maintain any of the requirements of ORS 822.200 to 822.215 or OAR 735-154-0000 through 735-154-0050 relating to a towing or recovery business shall be cause to deny, suspend, revoke or refuse to issue or renew a towing business certificate.

(2) Definitions for the purposes of OAR 735-154-0000 through 735-154-0050 are as follows:

(a) As used in ORS 822.200(1)(c), "purports...to be engaged in..." means to solicit or advertise towing services through the telephone book, business directory, newspaper, radio, television, posting on vehicles, signs, business, billboards or by any other means;

(b) A "towing or recovery vehicle" means any motor vehicle used by any person(s) for the purpose of towing or recovering of vehicles;

(c) "Towing business certificate" or "certificate" means the vehicle registration card containing distinctive language indicating it is a certificate issued in conjunction with the vehicle registration, for towing or recovery services;

(d) "Distinctive plate" means the prescribed Oregon registration plate format with a five-digit identification number and two letter prefix "TW" indicating a tow or recovery vehicle; and

(e) "Stickers" means month and year stickers of a type in current use by the Driver and Motor Vehicle Services Division of the Department of Transportation to indicate staggered registration dates.

**Statutory/Other Authority:** ORS 802.010, 822.205 & 822.215

**Statutes/Other Implemented:** ORS 822.215

**History:**

MV 21-1991, f. & cert. ef. 9-18-91

MV 15-1983, f. & ef. 12-5-83, Renumbered from 735-071-0100

MV 15-1982, f. & ef. 9-23-82

MV 14-1981, f. 10-30-81, ef. 11-1-81

#### **735-154-0005**

##### **Authority of Towing Business to Issue 10-day Trip Permits**

(1) A towing business may issue 10-day trip permits as provided in ORS 803.600, if the towing business:

(a) Submits a completed and signed agreement to issue trip permits to DMV; and

(b) Agrees to abide by the Oregon statutes and administrative rules relating to the issuance and sale of 10-day trip permits, including but not limited to ORS 803.600 and OAR 735-034-0010.

(2) DMV may revoke the authority of a towing business to issue 10-day trip permits if the towing business fails to comply with the requirements of ORS 803.565 and OAR 735-034-0010.

**Statutory/Other Authority:** ORS 184.616, 184.619, 802.010, 803.600, 822.205 & 822.215

**Statutes/Other Implemented:** ORS 803.600 & 822.215

**History:**

DMV 3-2011, f. & cert. ef. 3-16-11

DMV 9-2004, f. & cert. ef. 5-24-04

DMV 28-2003(Temp), f. 12-15-03 cert. ef. 1-1-04 thru 6-28-04

#### **735-154-0010**

##### **Requirements for Towing Business Certificate**



(1) In addition to meeting the requirements for an application for a towing business certificate under ORS 822.200 to 822.215 or a renewal under 822.210, an applicant for a towing vehicle certificate must submit the following to the DMV for each tow vehicle:

- (a) A completed and signed Application for Tow or Recovery Vehicle Business Certificate (DMV Form 735-387);
- (b) An application for title and registration, if titling and registering a vehicle;
- (c) An application for registration, if only registering a vehicle; and
- (d) All applicable fees.

(2) At the time that a tow or recovery vehicle is transferred or no longer operates as a tow or recovery vehicle, the towing business certificate, plates and stickers issued to the vehicle must be surrendered to DMV.

**Statutory/Other Authority:** ORS 184.616, 184.619, 802.010, 822.205 & 822.215

**Statutes/Other Implemented:** ORS 822.205

**History:**

DMV 5-2006, f. & cert. ef. 5-25-06

Renumbered from 735-071-0105, MV 21-1991, f. & cert. ef. 9-18-91

MV 15-1982, f. & ef. 9-23-82

MV 14-1981, f. 10-30-81, ef. 11-1-81

### **735-154-0040**

#### **Minimum Safety Standards**

(1) At the time of original application, the applicant shall certify the tow or recovery vehicle is in compliance with the minimum safety standards required by this rule. These standards only apply to tow and recovery vehicles registered under OAR 735-154-0000 through 735-154-0050.

(2) The Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) may make random safety-related inspections without notice to ensure compliance.

(3) No motor vehicle shall be used for tow or recovery services unless the following safety requirements are met:

- (a) The vehicle is in compliance with equipment and lighting requirements of the Oregon Revised Statutes;
- (b) The vehicle is in compliance with Title 49 Code of Federal Regulations, Parts 570.4, 570.5, 570.6, 570.7 (except paragraph "d"), 570.8, 570.9, 570.10, 570.54, 570.55, 570.56, 570.57, 570.58, 570.59 (except the combination of vehicles and truck tractors must stop in a distance of not more than 35 feet), 570.60 (except paragraph "d"), 570.61, 570.62 and 570.63.

(4)(a) Cables or wire ropes shall have a minimum diameter of 3/8 inch and be free from the following defects or conditions:

(A) More than six randomly-distributed broken wires in one rope lay, or more than three broken wires in any one strand in one rope lay;

(B) Evidence of any heat damage from any cause;

(C) Core protrusion along the main length of the cable unless tension applied to the cable restores proper rope structure;

(D) End attachments that are cracked, deformed, worn or loosened.

(b) Where a wire rope is attached to a hook with clamps instead of being swagged, a minimum of three clamps shall be used. Clamps shall be spaced at least six rope diameters apart and attached with the base or saddle of the clamp against the longer or "live" end of the rope. The "U-bolt" shall be placed over the short or "dead" end of the rope.

(5) All booms, lift equipment, hydraulic hoses, connections, and any other equipment mounted or used on the tow or recovery vehicle shall be maintained in proper working order as recommended by the manufacturer of the equipment.

(6) All equipment, cable or wire rope, connectors, slings, or any other tow or recovery equipment used in conjunction with the basic vehicle and vehicle-mounted equipment shall be commensurate with the manufacturer's basic load and boom rating for each vehicle or vehicle-mounted equipment.

**Statutory/Other Authority:** ORS 802.010, 822.205 & 822.215

**Statutes/Other Implemented:** ORS 822.205

**History:**

Renumbered from 735-071-0120, MV 21-1991, f. & cert. ef. 9-18-91

MV 15-1982, f. & ef. 9-23-82

MV 14-1981, f. 10-30-81, ef. 11-1-81

### **735-154-0050**

#### **Inspection of Vehicles**

(1) Every tow or recovery business shall make their vehicles available for inspection by authorized representatives of the Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) upon request during reasonable business hours.

(2) No DMV representative may inspect a vehicle when the inspection would cause a disruption of normal business.

(3) No DMV representative may road-test any vehicle or remove any wheels in the course of an inspection.

(4) A DMV representative, when there is cause, may require the owner or a designee, to road-test a vehicle or require the removal of a wheel or wheels by a mechanic of the owner's choice.

**Statutory/Other Authority:** ORS 802.010, 822.205 & 822.215

**Statutes/Other Implemented:** ORS 822.215

**History:**

Renumbered from 735-071-0125, MV 21-1991, f. & cert. ef. 9-18-91

MV 15-1982, f. & ef. 9-23-82

MV 14-1981, f. 10-30-81, ef. 11-1-81

**735-154-0060**

**Lessee as Owner on Leased Tow or Recovery Vehicle**

Notwithstanding ORS 801.375(1)(b) and 803.050, the lessee shall appear as owner on the Certificate of Title for a vehicle when:

(1) Application for a towing business certificate is made and the vehicle is engaged in any towing or recovery business operation; and

(2) Special tow or recovery plates or identification devices are issued in conjunction with the vehicle registration.

**Statutory/Other Authority:** ORS 801.375, 802.010, 803.050, 805.200, 822.205, 822.210 & Ch. 551 & OL 1991

**Statutes/Other Implemented:** ORS 801.375 & 803.050

**History:**

MV 30-1991, f. & cert. ef. 12-16-91

v2.0.12

[System Requirements](#) [Privacy Policy](#) [Accessibility Policy](#) [Oregon Veterans](#) [Oregon.gov](#)

**Oregon State Archives** • 800 Summer Street NE • Salem, OR 97310

Phone: 503-373-0701 • Fax: 503-373-0953 • [Adminrules.Archives@sos.oregon.gov](mailto:Adminrules.Archives@sos.oregon.gov)

© 2024 Oregon Secretary of State

All Rights Reserved

# ORS 801.530

## “Tow vehicle.”

---

“Tow vehicle” means a motor vehicle that is:

- (1) Altered or designed for, equipped for and used in the business of towing vehicles;  
**and**
- (2) Used to tow vehicles by means of a crane, hoist, tow bar, tow line or dolly or otherwise used to render assistance to other vehicles. [1983 c.338 §97; 1985 c.71 §2]

---

*Location:*

[https://oregon.public.law/statutes/ors\\_801.530](https://oregon.public.law/statutes/ors_801.530)

*Original Source: Section 801.530 — “Tow vehicle.”,*

[https://www.oregonlegislature.gov/bills\\_laws/ors/ors801.html](https://www.oregonlegislature.gov/bills_laws/ors/ors801.html) (last accessed Jun. 16, 2023).



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

# Instructions for Completing a Transporter Application for a 3-Year Vehicle Transporter Certificate

(Originals and Renewals)

**Complete the application. You must include an email address on Line 5.**

**Legal Name** - If your business is a sole proprietorship, list your full name as the legal name. If your business is a partnership, list the full names of each partner or the partnership name. If your business is an LLC, list the name of the limited liability company (includes "LLC") registered with Oregon's Secretary of State Corporations Section (Business Registry). If your business is a corporation, list the name of the corporation (includes Inc, Corp, etc.) registered with Business Registry. All partnerships, LLCs, and corporations must be registered with Oregon's Secretary of State.

**Business Name** - If using an assumed business name or trade name, list the business name registered with Business Registry.

**Oregon Registry Numbers** - If you do not know your Oregon registry number(s), contact Business Registry at 503-986-2200 or [sos.oregon.gov/business/pages/default.aspx](https://sos.oregon.gov/business/pages/default.aspx)

**Federal Employer Identification Number (FEIN)** - You must provide your FEIN. To apply for an FEIN, visit [www.irs.gov](http://www.irs.gov). It is free from the IRS.

**Business Location** - List the main business location of the transporter business.

**If main location is outside Oregon** -

- List any Oregon location(s) on Lines 6 and 7.
- Attach a copy of your certificate, license, permit or similar document from the jurisdiction of your main location (state listed on Line 3).

**Type of Organization** - Check your organization type and if a corporation, list the state under whose law the business is incorporated.

**Use of Transporter Plates** - Transporter plates have limited uses. Be specific on how you will use the transporter plate(s) in your response on page 2. See "Use of Transporter Plates" on page 3 for additional information. The application will be returned if the statement of use is missing.

**Registered Agent** - If your business is an LLC or a corporation, provide the registered agent's name, street address and mailing address on lines 10-12.

**Ownership/Applicant's Certification Signature** - Provide name, residence address, mailing address and signature of owner, partners, LLC members or corporate officers on page 4.

**Plate Billing List and Calculation sheet (Renewals only)** - Follow the instructions on the calculation sheet for fees and submit the calculation sheet and plate list with your renewal.

Read all parts of the application before completing it. Your application will be returned to you if any part is incomplete or missing. Submit your completed application and fees to:

DMV Business Licensing  
1905 Lana Ave NE  
SALEM OR 97314  
Phone: 503-945-5052

**Lost/Missing/Stolen Transporter Plate(s):** To report a lost or missing plate, send the lost or stolen plate's number to DMV Business Licensing at 1905 Lana Ave NE, Salem OR 97314, or fax 503-945-5289, or email [DMVinsert@odot.oregon.gov](mailto:DMVinsert@odot.oregon.gov)

**Purchasing Additional Plate(s):** To purchase an additional plate(s), submit your request on form 735-6938 <https://www.oregon.gov/odot/Forms/DMV/6938fill.pdf> and \$18.00 per plate to DMV Business Licensing by mailing to the address above. A maximum of 10 plates is allowed at any given time.



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

# APPLICATION FOR 3-YEAR VEHICLE TRANSPORTER CERTIFICATE

**Clear Form**

CUSTOMER NUMBER	EFFECTIVE DATE	EXPIRATION DATE	TRANSPORTER NUMBER	<input type="checkbox"/> ORIGINAL <input type="checkbox"/> RENEWAL
-----------------	----------------	-----------------	--------------------	---

**If this is a renewal, do not complete the fee information. Use the attached billing list to calculate your fees. The billing list MUST be submitted with your renewal application.**

3-year Certificate Fee ..... \$ **450.00**

Plates \_\_\_\_\_ @ \$18.00 each..... \$ \_\_\_\_\_

Transporters are limited to a maximum of 10 plates. **TOTAL \$ 450.00**

- For instructions to complete an application, see Page 1.
- If you need information on Oregon registry numbers, call (503) 986-2200.

**OFFICE USE**

CERTIFICATE FEE

RENEWAL PLATES

ADDITIONAL PLATES

**TOTAL \$**

TEMPORARY PLATES

## LEGAL AND BUSINESS NAME AND ADDRESS

1 LEGAL NAME OF APPLICANT (OWNER, PARTNERSHIP, LLC OR CORPORATION NAME)	FEDERAL EMPLOYER ID NUMBER	OREGON REGISTRY NUMBER (IF LLC OR CORPORATION)		
2 BUSINESS NAME OF APPLICANT (IF ASSUMED BUSINESS NAME, OR TRADE NAME)	OREGON REGISTRY NUMBER (IF USING ASSUMED BUSINESS NAME OR TRADE NAME)		BUSINESS TELEPHONE	
3 MAIN BUSINESS LOCATION (STREET AND NUMBER)	CITY	STATE	ZIP CODE	COUNTY
4 MAILING ADDRESS	CITY	STATE	ZIP CODE	COUNTY
5 EMAIL ADDRESS (REQUIRED)				

## IF MAIN LOCATION OUTSIDE OF OREGON (List any business locations in Oregon)

6 BUSINESS ADDRESS (STREET AND NUMBER)	CITY	ZIP CODE	COUNTY	TELEPHONE
7 BUSINESS ADDRESS (STREET AND NUMBER)	CITY	ZIP CODE	COUNTY	TELEPHONE

8 Attach copy of permit, certificate, license or similar documents from the jurisdiction of your main location (State listed on Line 3 above).

## TYPE OF ORGANIZATION

9 CHECK ORGANIZATION TYPE:  Individual  Partnership  LLC  Corporation

If corporation, list the state under whose law business is incorporated: \_\_\_\_\_

## TRANSPORTER PLATES

1) Transporter plates will be issued to transport vehicles (ORS 822.310):

From Oregon manufacturers or Oregon certified vehicle dealers, to the vehicle purchaser or dealer in Oregon; or

2) Transporter plates will be used to transport manufactured structures (ORS 822.310) from the place of manufacture in Oregon:

To an Oregon manufactured structure dealer's place of business

Write a statement on how the transporter plate(s) requested will be used in conjunction with the checking of box(es) (1) and/or (2) above. Your application will be deemed incomplete without this information.

I AM USING THE TRANSPORTER PLATES TO:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Provide copies of ALL owners, partners, LLC members or corporate officers' valid government photo ID's (driver license or state issued identification cards ONLY) to your application. If the residence address on the photo ID is different than the residence address listed, write a statement explaining why the addresses do not match.**

**The reason the photo ID differs from the residence address:**

## **USE OF TRANSPORTER PLATES**

- Transporter plates can only be used to transport vehicles that are for sale. Please explain how you will use the transporter plates.
- A transporter plate must be displayed on the rear of the vehicle being driven or towed.
- Transporter plates cannot be used on a power unit that is towing a vehicle. Towing is an activity subject to a towing business license.
- Transporter plates are not to be used on any commercial vehicles or any vehicles carrying a load.
- Any other movement of a manufactured structure must be by a manufactured structure trip permit.
- Transporter plates can only be used within the State of Oregon.

**Complete the section(s) below and sign.**  
(Be sure to attach a separate sheet to show additional owners.)

- List the primary owner, partners, LLC members or corporate officers below.
- If a member of a limited liability company (LLC) is a corporation, the president must provide information below.
- If a partner of a partnership is a corporation, the president must provide information below.
- If corporation or LLC, the Oregon registered agent name and address must be provided on lines 10-12.

<b>10</b>	OREGON REGISTERED AGENT NAME		TELEPHONE NUMBER	
<b>11</b>	OREGON REGISTERED AGENT MAILING ADDRESS	CITY	STATE	ZIP CODE
<b>12</b>	OREGON REGISTERED AGENT STREET ADDRESS	CITY	STATE	ZIP CODE

**OWNERSHIP INFORMATION**

<b>13</b>	PRINT NAME OF OWNER, PARTNER, LLC MEMBER, OR CORPORATE OFFICER		TITLE		RESIDENCE TELEPHONE NUMBER	
<b>14</b>	DATE OF BIRTH	DRIVER LICENSE NUMBER		STATE OF ISSUANCE		
<b>15</b>	RESIDENCE ADDRESS		CITY	STATE	ZIP CODE	
<b>16</b>	EMAIL ADDRESS	MAILING ADDRESS (IF DIFFERENT)		CITY	STATE	ZIP CODE
<b>17</b>	CERTIFYING SIGNATURE OF OWNER SHOWN ON LINE 13 ABOVE <b>X</b>				DATE	

<b>18</b>	PRINT NAME OF OWNER, PARTNER, LLC MEMBER, OR CORPORATE OFFICER		TITLE		RESIDENCE TELEPHONE NUMBER	
<b>19</b>	DATE OF BIRTH	DRIVER LICENSE NUMBER		STATE OF ISSUANCE		
<b>20</b>	RESIDENCE ADDRESS		CITY	STATE	ZIP CODE	
<b>21</b>	EMAIL ADDRESS	MAILING ADDRESS (IF DIFFERENT)		CITY	STATE	ZIP CODE
<b>22</b>	CERTIFYING SIGNATURE OF OWNER SHOWN ON LINE 18 ABOVE <b>X</b>				DATE	

<b>23</b>	PRINT NAME OF OWNER, PARTNER, LLC MEMBER, OR CORPORATE OFFICER		TITLE		RESIDENCE TELEPHONE NUMBER	
<b>24</b>	DATE OF BIRTH	DRIVER LICENSE NUMBER		STATE OF ISSUANCE		
<b>25</b>	RESIDENCE ADDRESS		CITY	STATE	ZIP CODE	
<b>26</b>	EMAIL ADDRESS	MAILING ADDRESS (IF DIFFERENT)		CITY	STATE	ZIP CODE
<b>27</b>	CERTIFYING SIGNATURE OF OWNER SHOWN ON LINE 23 ABOVE <b>X</b>				DATE	

**28** I certify I am an owner, partner(s), member(s) of LLC or corporate officer(s) of this business and all information on this application is true and correct. I understand it is a crime under ORS 162.085 to certify the truth of a statement when you know it is not true. Such a crime is a Class B misdemeanor and is punishable by a jail sentence of up to 6 months, a fine of up to \$2,500, or both.

SIGNATURE <b>X</b>	TITLE
-----------------------	-------

# ORS 822.300

## Acting as vehicle transporter without certificate

- exemptions
  - penalty
- 

- (1) A person commits the offense of acting as a vehicle transporter without a certificate if the person is not the holder of a vehicle transporter certificate issued under ORS 822.310 (Privileges granted by certificate) and the person drives or tows over the highways of this state:
- (a) A vehicle that is:
- (A) Required to be registered under the vehicle code;
- (B) Driven or towed on its own wheels;
- (C) Driven or towed from outside this state or from a manufacturer or vehicle dealer within this state; **and**
- (D) Driven or towed to a prospective purchaser, manufacturer or dealer or the agent thereof either in this state or in any other state, territory or foreign country; **or**
- (b) A manufactured structure.
- (2) The offense described in this section does not apply to persons or vehicles exempted from this section under ORS 822.305 (Exemptions from vehicle transporter certification requirement).
- (3) The offense described in this section, acting as a vehicle transporter without a certificate, is a Class D traffic violation. [1983 c.338 §817; 1985 c.16 §413; 1995 c.383 §116; 2003 c.655 §138]
- 

*Location:*

[https://oregon.public.law/statutes/ors\\_822.300](https://oregon.public.law/statutes/ors_822.300)



*Original Source: Section 822.300 — Acting as vehicle transporter without certificate; exemptions; penalty,*  
[https://www.oregonlegislature.gov/bills\\_laws/ors/ors822.html](https://www.oregonlegislature.gov/bills_laws/ors/ors822.html) (last accessed Aug. 25, 2023).

# ORS 822.305

## Exemptions from vehicle transporter certification requirement

---

In addition to any exemptions from the vehicle code under ORS 801.026 (General exemptions), ORS 822.300 (Acting as vehicle transporter without certificate) does not apply to the following:

- (1) Vehicles lawfully operated with plates furnished to vehicle dealers under ORS 822.040 (Privileges granted by certificate).
- (2) Vehicles lawfully operated with registration plates issued by this state.
- (3) Vehicles being towed by other vehicles lawfully operated with plates issued for towing businesses under ORS 822.210 (Privileges granted by certificate). [1983 c.338 §818; 1985 c.16 §414]

---

*Location:*

[https://oregon.public.law/statutes/ors\\_822.305](https://oregon.public.law/statutes/ors_822.305)

*Original Source: Section 822.305 — Exemptions from  
vehicle transporter certification requirement,*

[https://www.oregonlegislature.gov/bills\\_laws/ors/ors822.html](https://www.oregonlegislature.gov/bills_laws/ors/ors822.html) (last accessed Aug. 25, 2023).

# ORS 822.315

## Improper use of vehicle transporter plate

- penalty
- 

- (1) A person commits the offense of improperly using a vehicle transporter plate if the person is the holder of a vehicle transporter certificate and the person does any of the following:
    - (a) Exercises privileges granted under ORS 822.310 (Privileges granted by certificate) for vehicles with special vehicle transporter plates issued under ORS 822.310 (Privileges granted by certificate) without conspicuously displaying the plates on the rear of each vehicle.
    - (b) Uses a special vehicle transporter plate to transport a manufactured structure to a situs not permitted under the privileges granted under ORS 822.310 (Privileges granted by certificate).
    - (c) Allows any person other than the transporter or transporter's employee to use the special vehicle transporter plates issued to the transporter under ORS 822.310 (Privileges granted by certificate).
  - (2) The offense described in this section, improper use of vehicle transporter plates, is a Class D traffic violation. [1983 c.338 §820; 1995 c.383 §117]
- 

*Location:*

[https://oregon.public.law/statutes/ors\\_822.315](https://oregon.public.law/statutes/ors_822.315)

*Original Source: Section 822.315 — Improper use of vehicle transporter plate; penalty, <https://www.> -*

[oregonlegislature.gov/bills\\_laws/ors/ors822.html](http://oregonlegislature.gov/bills_laws/ors/ors822.html)  
(last accessed Aug. 25, 2023).

## Chapter P

# Dismantlers

Under Oregon law, a dismantler is a person engaged in the business of:

- Buying, selling, dealing in, or processing (except for processing into scrap metal), motor vehicles for the purpose of destroying, salvaging, dismantling, disassembling, reducing to major component parts, crushing, compacting, recycling or substantially altering in form; or
- Buying, selling, dealing in, or processing motor vehicle major component parts that are stocked in the inventory of the business, if the buying, selling, dealing in, or processing of major component parts is not part of a business selling new vehicles or repairing vehicles. (See definition of [major component part](#) later in this chapter.)

DMV Business Licensing Unit processes and issues dismantler certificates. DMV Dealer Investigations regulates dismantlers.

### When a dismantler acquires a motor vehicle

To “acquire” a motor vehicle means to have physical possession of it and its ownership record (title or other primary ownership document).

Within 30 days of acquiring a motor vehicle, a dismantler must submit to DMV:

1. A completed and signed Vehicle Dismantler’s Notice to DMV, [Form 270](#), with
2. The Oregon or out-of-state title, or other primary ownership document.

Mail the Vehicle Dismantler’s Notice to DMV, Form 735-270, and the title or other ownership document together to:

DMV  
Attn: Totaled Vehicle Desk  
1905 Lana Avenue NE  
Salem OR 97314

Dismantlers must also remove and destroy any plates on the vehicle.

**NOTE:** Submitting a Vehicle Dismantler’s Notice, Form 270 to DMV indicates the dismantler is certifying that the vehicle was dismantled unless sold to another dismantler. DMV will not remove the dismantler indicator from the record and DMV will reject subsequent applications for title unless:

- the dismantler supplies a statement that the Form 270 was submitted in error,
- **and** the dismantler amends the report to NMVTIS.

### Dismantlers selling vehicle frame or unibody

A dismantler is not required to obtain a salvage title prior to selling the vehicle frame or unibody. The frame or unibody is a major component part, which the dismantler may sell with a bill of sale to reconstruct or assemble another vehicle. Any vehicle that is reconstructed or assembled must be retitled with the corresponding damage brand.

### When a dismantler is also an Oregon vehicle dealer

The business must make a determination up front under which certificate, dismantler or

dealer, they purchase the vehicle. Dismantlers may only sell whole vehicles to other dismantlers. In order to be able to sell a whole vehicle, the dealer business must acquire the vehicle. However, certain vehicles can only be acquired by a dismantler.

When the business acquires a vehicle under the dealer certificate, the dealer may sell the whole vehicle to the public, to another vehicle dealer, or to other types of businesses.

When the business has acquired a vehicle under the dismantler certificate, the dismantler may only sell the whole vehicle to another dismantler. The dismantler may not transfer or sell the vehicle, even to their own dealer business, or to anyone other than another dismantler.

Mail the Vehicle Dismantler's Notice to DMV, Form 735-270, and the title or other ownership document to:

DMV  
Attn: Totaled Vehicle Desk  
1905 Lana Avenue NE  
Salem OR 97314

## **Notations on the Vehicle Record (formerly Flags)**

### ***In Dismantler Stock (formerly Flags 35 & 38)***

DMV adds this indicator to the vehicle record upon receipt of the Dismantler's Notice, Form 735-270, and the ownership document. DMV enters the dismantler's identification number in the message field. Customers who order a vehicle record will see an "In Dismantler Stock" notation.

## **Dismantler's records**

In addition to keeping a copy of the Form 735-270, the dismantler must comply with the record keeping requirements of [ORS 822.135](#) and [ORS 822.137 \(2\) \(a\)](#).

### ***Dismantler record keeping requirements***

Dismantlers must maintain records at the dismantler's business location for three years for each motor vehicle or major component part from the date of its acquisition.

**"Acquisition" means having physical possession of a motor vehicle together with possession of the vehicle's ownership record.**

### ***Records must include the following for a motor vehicle:***

1. If last titled in Oregon, the Oregon title number; or, if the title is not available, a copy of the vehicle ownership document;
2. If last titled in another jurisdiction, a copy of the out-of-state title or ownership document;
3. If available, the registration plate number and the name of the jurisdiction where the vehicle was last registered;
4. The year, make and model;
5. The VIN number;

6. The date the vehicle was acquired;
7. The vehicle, stock, or yard number assigned to the vehicle by the dismantler.

***Records must include the following for a major component part:***

1. The physical characteristics of the part;
2. The stock or yard number assigned to the part by the dismantler;
3. The VIN number of the motor vehicle from which the part came.


***Definition of major component part***

Includes significant parts of a motor vehicle such as:

- Air bags
- Bumpers
- Cabs
- Catalytic converters
- Differentials
- Doors
- Engines
- Fenders
- Frames
- Front or rear clips
- Hoods
- Quarter panels
- Short blocks
- Transfer cases
- Transmissions
- Truck beds or boxes

**Example of DISMANTLER'S VEHICLE NOTICE TO DRIVER AND MOTOR VEHICLE SERVICES, FORM 735-270**

*Actual size is 5½" x 8½"*

		<h2>VEHICLE DISMANTLER'S NOTICE</h2>	
<p><b>INSTRUCTIONS:</b></p> <ul style="list-style-type: none"> <li>▶ Destroy the registration plates once you receive the ownership document.</li> <li>▶ Verify the VIN on the ownership document and this form <b>match the vehicle</b>.</li> <li>▶ Within 30 days after a motor vehicle is destroyed, submit to DMV:                     <ul style="list-style-type: none"> <li>• This completed form; and</li> <li>• The title or other ownership document.</li> </ul> </li> <li>▶ If sold, you must immediately notify DMV using this form. You can only sell a destroyed vehicle to a dismantler certified under ORS 822.110.</li> <li>▶ <b>Do not submit this notice and then sell the vehicle. DMV will not remove this notice from our records.</b></li> </ul> <p>Failure to follow these procedures [ORS 822.133(2)(e), 822.135(1)(d) and OAR 735-152-0034] is a Class "A" misdemeanor and punishable by a jail sentence of up to one year, a fine of up to \$6,250 or both. [ORS 822.135(2)(a)]</p>			
PLATE NUMBER	YEAR	MAKE	STYLE
VEHICLE IDENTIFICATION NUMBER (VERIFY VIN ON VEHICLE)		OREGON TITLE NUMBER	
DISMANTLER BUSINESS NAME			
DISMANTLER BUSINESS LOCATION (STREET ADDRESS)			
CITY, STATE, ZIP CODE			
MAILING ADDRESS (IF DIFFERENT)		TELEPHONE NUMBER	
DMV DISMANTLER CERTIFICATE NUMBER		INVENTORY OR STOCK NUMBER (if any)	
<p>I certify that this wrecked motor vehicle has been dismantled, disassembled, or damaged, or has been "Substantially Altered" if the box is marked below:</p> <p><input type="checkbox"/> Substantially Altered</p>			
SIGNATURE OF AUTHORIZED REPRESENTATIVE OF DISMANTLER BUSINESS		DATE SUBMITTED TO DMV	
X			
<b>SOLD TO DISMANTLER:</b>			
DISMANTLER NAME		DATE OF SALE	
DMV DISMANTLER CERTIFICATE NUMBER			
ADDRESS (STREET ADDRESS OR PO BOX)			
CITY, STATE, ZIP CODE			
735-270 (3-22)		<b>PLEASE SIGN THIS FORM</b>	
		STK # 300112	





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

# INSTRUCTIONS FOR COMPLETING AN APPLICATION FOR AN ANNUAL DISMANTLER CERTIFICATE (Originals and Renewals)

**OFFICE HOURS** for Business Licensing in the Salem DMV Headquarters office:  
**8:00 a.m. - 4:30 p.m., Monday through Friday, except Thursdays 9:00 am - 4:30 p.m. (closed holidays).**

**Read the entire application before completing it.** This application will be returned to you if incomplete.

**Submit your completed application and fees to:**

DMV Business Licensing

1905 Lana Ave NE

SALEM OR 97314

Phone: 503-945-5052 / Website: [www.oregondmv.com](http://www.oregondmv.com) / Email: [DMVinsert@odot.oregon.gov](mailto:DMVinsert@odot.oregon.gov)

**RENEWALS: If renewing between 15 days and 45 days AFTER your certificate expires, add a late fee of**

**\$150. When submitting your application and fees at the Business Licensing counter (1965 Lana Ave NE):**

- If paying cash, please have exact amount since Business Licensing cannot make change.
- Make copies of your application for your records.

**Legal Name** – If your business is a sole proprietorship, list your full name as the legal name. If your business is a partnership, list the full names of each partner. If your business is an LLC, list the name of the limited liability company (includes “LLC”) registered with the Office of the Oregon Secretary of State Corporation Division (Business Registry). If your business is a corporation, list the name of the corporation registered with the Oregon Business Registry.

**Business Name** – If using an assumed business name or trade name, list the business name registered with the Office of the Secretary of State Corporation Division. Otherwise, your dismantler certificate will be issued using its legal name.

**FEDERAL EMPLOYER IDENTIFICATION NUMBER (FEIN)** – Provide your FEIN, not your SSN. For more information go to <https://www.irs.gov>.

**Oregon Business Registry Numbers** – If you do not know or you do not have your Business Registry number(s), contact the Office of the Secretary of State Corporation Division for this information at 503-986-2200 or go to <https://sos.oregon.gov/business>.

**Main Business Location** – Business location where dismantling business is being (or will be) conducted.

**Type of Organization** – Check your organization type and if a corporation, list the state where the business is incorporated.

**National Motor Vehicle Title Information System (NMVTIS)** – Provide your NMVTIS number. To obtain a NMVTIS Reporting ID, register at <https://www.vehiclehistory.gov>.

**Description of the Location of the Dismantling Business** – To verify compliance with ORS 822.115 and 822.135, submit a plat map or other acceptable site information that clearly shows compliance with all legal requirements. You must also provide the dimensions of the property where the business is located, including identification of the area of the property exclusively used by the dismantler business (if not the entire property).

**Local Government Approval** – Pursuant to ORS 822.140, an applicant must comply with any regulation established by a city or county zoning, and must obtain the approval of the city or county governing body. Take your dismantler application to the applicable city or county office for their approval; (DMV will not accept if location approval is more than 6 months old). Some cities and counties charge a fee for signing the application.

**Registered Agent** – The registered agent’s name, street address and mailing address are required, and must be consistent with the registered agent identified in the Business Registry.

**DEQ Permit Requirements** – If the dismantler business is required by the Oregon Department of Environmental Quality (DEQ) to possess any permits issued by DEQ, list the permit name(s) & number(s), and describe the permit requirements.

**Ownership/Applicant’s Certification Signature** – Provide the name, residence address, mailing address and signature of owners, partners, LLC members or corporate officers on Page 3 (do not list CEOs, Chairs of the Board, General Managers, Directors). Every owner, partner, member or officer listed on the application must provide a certifying signature. Attach (staple) copies of all listed person’s valid, government-issued photo ID to the application. The copy must be legible. If the residence address on the photo ID and on Page 3 are not the same, attach a statement explaining why they do not match.

**Bond or Letter of Credit** – The bond or letter of credit required for a dismantler certificate must be in the sum of \$100,000 and must be completed, signed and sealed by the bonding company. The owner, a partner, an LLC member or a corporate officer must sign the bond. The legal name, business name and business location on the bond must match the dismantler application. The bond must expire on the last day of the month.

**Fire Response Plan** – A fire response plan must be submitted with new and renewal applications and must contain:

- (1) Procedures for reporting an incident to emergency fire-fighting resources;
- (2) Procedures for notifying people on the premises of the protocol for reporting an incident and emergency evacuation, and alerting people on the premises to a current emergency;
- (3) A diagram or map of evacuation routes and the occupancy assembly point, with procedures for emergency evacuation;
- (4) A diagram or map of the routes of fire department vehicle access; and
- (5) A diagram or map of fire hydrant locations, if any, at or within 500 feet of the dismantler’s premises (wrecking yard).

**Supplemental Location Using the Same Business Name** – A separate supplemental application (Form 735-373A) must be completed for each additional location where you operate the dismantler business. You must conduct business at each supplemental location under the same name as the primary location, which includes obtaining the local government’s approval for the supplemental location.

**Renewal Application Requirement** – In addition to the application requirements for initial application, a renewal application must also include a copy of the local fire inspector’s report based on an inspection of the applicant’s business premises conducted within 90 days of being issued a renewed dismantler certificate.

## ADDITIONAL INFORMATION

**CHANGING YOUR BUSINESS NAME** – You need to file a correction application (Form 735-373B) with Business Licensing before you conduct dismantler business using a new name. The correction application needs to be signed by an owner, partner, LLC member, or corporate officer and include a bond rider from your bonding company.

- Contact the Oregon Secretary of State Corporation Division at 503-986-2200 or <https://sos.oregon.gov/business> to change your business name (update Business Registry information).
- There is no fee for a name change.

**CHANGING YOUR BUSINESS LOCATION** – If you move your dismantler business location, you need to file a correction application (Form 735-373B) with DMV **before** you conduct dismantler business at the new location. The correction application needs to be signed by an owner, partner, LLC member, or corporate officer and include:

- Location approval from the city or county;
- A bond rider from your bonding company; and
- A plat map or description of the location of the premises; and
- Information for any required DEQ Permits;
- Fire response plan and a fire inspection report dated within 90 days of the issuance date;
- There is no fee for a location change.

**CHANGING YOUR BUSINESS NAME AND LOCATION** – You need to file a correction application (Form 735-373B) with the Business Licensing Unit if you change your business name **AND** location. The correction application needs to be signed by an owner, partner, LLC member, or corporate officer and include:

- Location approval from the city or county;
- A bond rider from your bonding company;
- A plat map or description of the location of the premises; and
- Contact the Secretary of State Corporation Division at 503-986-2200 or <https://sos.oregon.gov/business> to change your business name.
- Information for any required DEQ Permits;
- Fire response plan and a fire inspection report dated within 90 days of the issuance date;
- There is no fee required.

**OTHER CHANGES** – You need to file a correction application (Form 735-373B) with DMV if you add or remove a partner, LLC member or corporate officer or change your ownership structure (e.g., individual to partners, partners to corporation, LLC to corporation, etc.). The correction application needs to be signed by an owner, partner, LLC member, or corporate officer (including all new owners, partners, LLC members or corporate officers being added or removed) and include:

- A bond rider from your bonding company;
- A copy of a valid government-issued photo ID for any owner/partner/member additions to the business.
- There is no fee required.

**SUPPLEMENTAL CERTIFICATE** – A supplemental business certificate is required for each additional location where you conduct dismantler business. The supplemental location **must** use the same business name as the primary location. A supplemental application must be filed with DMV **before** you conduct dismantler business at the additional location. The supplemental application (Form 735-373A) must be signed by an owner, partner, LLC member, or corporate officer and include:

- Location approval from the city or county;
- A plat map or description of the location of the premises;
- An endorsement from your bonding company (you may attach a rider);
- Information for any required DEQ Permits;
- Fire response plan and a fire inspection report dated within 90 days of the issuance date; and
- A fee of \$500.

**DUPLICATE CERTIFICATE** – If you need a duplicate dismantler certificate issued, contact Business Licensing. The fee is \$40.

**If you have any questions, please contact Business Licensing at 503-945-5052.**



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

# APPLICATION FOR ANNUAL BUSINESS CERTIFICATE

AS A DISMANTLER OF MOTOR VEHICLES OR  
SALVAGE POOL OPERATOR

**FEE: \$500**

CERTIFICATE NUMBER

EFFECTIVE DATE

EXPIRATION DATE

- PLEASE TYPE OR PRINT LEGIBLY WITH INK.
- ANY ALTERATION OF LINE 3 VOIDS LOCATION APPROVAL!

ORIGINAL  RENEWAL

1	LEGAL NAME OF APPLICANT (OWNER, PARTNERSHIP, LLC OR CORPORATION NAME)	FEDERAL EMPLOYEE ID NUMBER (FEIN)	OREGON REGISTRY NUMBER (IF LLC OR CORPORATION)
---	---	-----------------------------------	--

2	BUSINESS NAME OF APPLICANT (IF ASSUMED BUSINESS NAME OR TRADE NAME)	OREGON REGISTRY NUMBER (IF USING ASSUMED BUSINESS NAME OR TRADE NAME)	BUSINESS TELEPHONE ( )
---	---	---	------------------------

3	MAIN BUSINESS LOCATION (STREET AND NUMBER)	CITY	ZIP CODE	COUNTY
---	--	------	----------	--------

4	MAILING ADDRESS	CITY	STATE	ZIP CODE	BUSINESS EMAIL
---	-----------------	------	-------	----------	----------------

5 CHECK ORGANIZATION TYPE:  Individual  Partnership  LLC  Corporation: If corporation, list the state where the business is incorporated: \_\_\_\_\_

6	OREGON REGISTERED AGENT NAME	TELEPHONE NUMBER ( )
---	------------------------------	----------------------

7	OREGON REGISTERED AGENT STREET ADDRESS	CITY	STATE	ZIP CODE
---	--	------	-------	----------

8	OREGON REGISTERED AGENT MAILING ADDRESS (IF DIFFERENT)	CITY	STATE	ZIP CODE
---	--	------	-------	----------

9 National Motor Vehicle Title Information System (NMVTIS) number **REQUIRED:**

10 a) THE **DIMENSIONS** OF THE PROPERTY ON WHICH THE BUSINESS HAS EXCLUSIVE USE ARE \_\_\_\_\_ ft. X \_\_\_\_\_ ft.  
 b) ORS 822.115(4) requires applicants to file a **description of the location** of the dismantling yard. Accordingly, please submit a plat map or other description of the location of the premises, including identification of the area of the property exclusively used by the dismantler business (if not the entire property).

## 11 LOCAL GOVERNMENT APPROVAL (CITY / COUNTY)

THE CERTIFICATION BELOW IS TO BE COMPLETED BY THE LOCAL ZONING OFFICIAL.

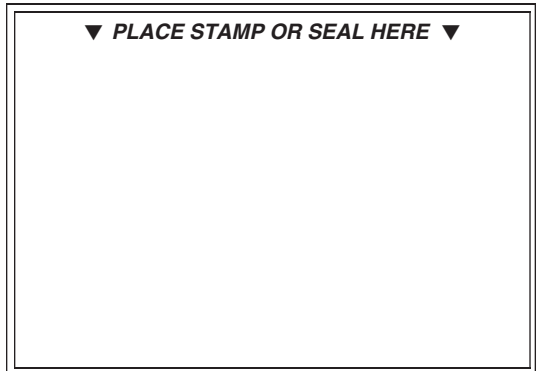
By signing this application you are authorizing a dismantler business to be conducted at the location listed on Line 3 of this application. **If a dismantler business cannot be conducted at this location, do not sign this approval.**

- I represent an incorporated city with a population of 100,000 or more.  
By signing on Line 13, I certify that pursuant to ORS 822.110(1)(a) the address listed as the place of business for use in the motor vehicle dismantling business is zoned for industrial use or subject to another zoning classification that permits the type of business conducted by the dismantler.
- I represent a county, or an incorporated city with a population of less than 100,000.  
By signing on Line 13, I certify the following:

THAT THE GOVERNING BODY OF THE  CITY  COUNTY OF \_\_\_\_\_ HAS:

- A) APPROVED THE APPLICANT AS BEING SUITABLE TO ESTABLISH, MAINTAIN OR OPERATE A MOTOR VEHICLE DISMANTLING BUSINESS (ORIGINAL APPLICATIONS ONLY).
- B) DETERMINED THAT THE LOCATION OR PROPOSED LOCATION MEETS THE REQUIREMENTS FOR THAT LOCATION UNDER ORS 822.110.
- C) DETERMINED THAT THE LOCATION DOES NOT VIOLATE ANY APPLICABLE PROVISION OF ORS 822.135.
- D) APPROVED THE LOCATION AND DETERMINED THAT THE LOCATION COMPLIES WITH ANY REGULATIONS ADOPTED BY THE JURISDICTION UNDER ORS 822.140.

Restrictions on the location approval are in an attached letter from the zoning authority.



**I ALSO CERTIFY THAT I AM AUTHORIZED TO SIGN THIS APPLICATION AND AS EVIDENCE OF SUCH AUTHORITY DO AFFIX HEREON THE SEAL OR STAMP OF THE CITY OR COUNTY.**

12	NAME OF GOVERNMENT OFFICIAL	TITLE	PHONE NUMBER ( )
----	-----------------------------	-------	------------------

13	SIGNATURE OF GOVERNMENT OFFICIAL X	DATE
----	------------------------------------	------

**14 PRINCIPAL(S) DISMANTLER HISTORY**

Information on the principals of this business is required under Oregon Revised Statutes (ORS) 822.115.

OAR 735-152-0000(19) defines principal as "any owner of a partnership, corporate officer, proprietor of a sole proprietorship, LLC member, or other person who controls the business entity.

**Please provide the following information about all owners listed on this application and other principal(s) of the business:**

**15** Has any principal of this dismantler business been financially or operationally involved in **any jurisdiction**, including Oregon, with a vehicle dismantler business whose certificate or right to apply for a certificate was **revoked** or is **currently suspended**?

NO  YES, revoked currently suspended. If "YES," complete Section 16.

<b>16</b> NAME OF DISMANTLER BUSINESS	PRINCIPAL'S NAME		
DISMANTLER CERTIFICATE NUMBER	STATE WHERE SUSPENDED / REVOKED	DATE OF SUSPENSION / REVOCATION	EXPIRATION OF SUSPENSION

**17** Have you ever been an owner or principal on a vehicle dismantler certificate in Oregon (excluding current application)?

NO  YES: If "YES," complete Section 18.

<b>18</b> NAME OF DISMANTLER BUSINESS	PRINCIPAL'S NAME		
DISMANTLER CERTIFICATE NUMBER			

**BUSINESS LOCATION INFORMATION:**

**19** Property is (check one):  OWNED  LEASED / RENTED: LEASE OR RENTAL PERIOD: \_\_\_\_\_

If property is "Leased / Rented" complete the following:

<b>20</b> PROPERTY OWNER'S FULL NAME (As shown on Property County Records)	TELEPHONE NUMBER ( )		
--	----------------------	--	--

<b>21</b> PROPERTY OWNER'S MAILING ADDRESS	CITY	STATE	ZIP CODE
--	------	-------	----------

**APPLICANT:**

**By signing this application you are certifying that:**

1. The right-of-way of any highway adjacent to the area proposed for approval to conduct the dismantling business is approved and used for access to the premises and public parking;
2. Except on interstate or primary highways within a zoned area allowing wrecking yards and dismantling businesses, you maintain a building or enclosure or other barrier to a height of six feet for the purpose of conducting business;
3. You will not store any vehicles or vehicle parts or conduct the dismantling business outside of the building, enclosure or barrier;
4. The business is hidden or adequately screened by the terrain or other natural objects, plantings, fences or other appropriate means so as not to be visible from the main traveled way of the highway except as permitted by ORS 822.135 and OAR 734-040-0030.

**False certification is a Class B misdemeanor under ORS 162.085 and is punishable by six months in jail, a fine of up to \$2,500 or both. In addition, civil penalties and DMV sanctions against you or your dismantler certificate may be imposed. I certify that I am the owner, a partner, an LLC member, or a corporate officer of this business and that all information on this application is accurate and true. Complete the section(s) below and sign.**

**Complete the section(s) below and sign.**

(Be sure to attach a separate sheet to show additional owners.)

- List the primary owner, partners, LLC members or corporate officers below.
- If a member of a limited liability company (LLC) is a corporation, the president must provide information below.
- If a partner of a partnership is a corporation, the president must provide information below.
- If a corporation or LLC, then Oregon registered agent name and address required below.

## OWNERSHIP INFORMATION

<b>22</b>	<b>PRINT NAME OF OWNER / PARTNER / LLC MEMBER / CORPORATE OFFICER</b>		<b>TITLE</b>		<b>TELEPHONE NUMBER</b> (      )	
<b>23</b>	<b>DATE OF BIRTH</b>	<b>DRIVER LICENSE NUMBER</b>		<b>STATE OF ISSUANCE</b>	<b>EMAIL</b>	
<b>24</b>	<b>RESIDENCE ADDRESS</b>			<b>CITY</b>	<b>STATE</b>	<b>ZIP CODE</b>
<b>25</b>	<b>MAILING ADDRESS (IF DIFFERENT)</b>			<b>CITY</b>	<b>STATE</b>	<b>ZIP CODE</b>
<b>26</b>	<b>CERTIFYING SIGNATURE OF PRINCIPAL SHOWN ON LINE 22 ABOVE</b> <b>X</b>				<b>DATE</b>	

<b>27</b>	<b>PRINT NAME OF OWNER / PARTNER / LLC MEMBER / CORPORATE OFFICER</b>		<b>TITLE</b>		<b>TELEPHONE NUMBER</b> (      )	
<b>28</b>	<b>DATE OF BIRTH</b>	<b>DRIVER LICENSE NUMBER</b>		<b>STATE OF ISSUANCE</b>	<b>EMAIL</b>	
<b>29</b>	<b>RESIDENCE ADDRESS</b>			<b>CITY</b>	<b>STATE</b>	<b>ZIP CODE</b>
<b>30</b>	<b>MAILING ADDRESS (IF DIFFERENT)</b>			<b>CITY</b>	<b>STATE</b>	<b>ZIP CODE</b>
<b>31</b>	<b>CERTIFYING SIGNATURE OF PRINCIPAL SHOWN ON LINE 27 ABOVE</b> <b>X</b>				<b>DATE</b>	

<b>32</b>	<b>PRINT NAME OF OWNER / PARTNER / LLC MEMBER / CORPORATE OFFICER</b>		<b>TITLE</b>		<b>TELEPHONE NUMBER</b> (      )	
<b>33</b>	<b>DATE OF BIRTH</b>	<b>DRIVER LICENSE NUMBER</b>		<b>STATE OF ISSUANCE</b>	<b>EMAIL</b>	
<b>34</b>	<b>RESIDENCE ADDRESS</b>			<b>CITY</b>	<b>STATE</b>	<b>ZIP CODE</b>
<b>35</b>	<b>MAILING ADDRESS (IF DIFFERENT)</b>			<b>CITY</b>	<b>STATE</b>	<b>ZIP CODE</b>
<b>36</b>	<b>CERTIFYING SIGNATURE OF PRINCIPAL SHOWN ON LINE 32 ABOVE</b> <b>X</b>				<b>DATE</b>	

**37** Are there any applicable permits required by Oregon Department of Environmental Quality (DEQ)?

**NO**       **YES: If "YES," complete Section 38.**

<b>38</b>	<b>DEQ PERMIT TITLE / NUMBER(S)</b>	<b>DATE OF ISSUE</b>	<b>DATE OF EXPIRATION</b>
<b>REQUIREMENTS PERTAINING TO DISMANTLER BUSINESS OR PREMISES (ATTACH A SEPARATE PAGE FOR DESCRIPTION AND/OR ADDITIONAL PERMITS IF NECESSARY)</b>			

**39** **Attach (staple) copies of ALL owners, partners, LLC members or corporate officers' valid government photo IDs (driver license or state issued identification card ONLY). If the residence address on the photo ID is different than the residence address listed on the application, submit a statement explaining why the addresses do not match.**

**Copy must be legible.**

**40** **Fire Response Plan Required** - Attach a fire response plan as described in the instructions.

**41** **Fire Inspection Report Required:** - Attach a copy of the fire inspector's report which is based on an inspection of the business premises. New and renewing dismantler applications must provide a fire inspection report within 90 days after being issued an original or renewed dismantler certificate. A fire inspection report must be submitted for all approved business locations - main and supplemental locations.

# SURETY BOND

▼ BOND NUMBER ▼

**NOTE:** TO BE COMPLETED BY BONDING COMPANY. FAILURE TO ACCURATELY COMPLETE THIS FORM WILL CAUSE DELAY. PLEASE TYPE OR PRINT LEGIBLY WITH INK.

**LET IT BE KNOWN:**

THAT \_\_\_\_\_  
(INDIVIDUAL NAME OF OWNER, ALL PARTNERS OR MEMBERS, OR NAME OF CORPORATION)

DOING BUSINESS AS \_\_\_\_\_  
(BUSINESS NAME AS GIVEN ON THE CERTIFICATE APPLICATION)

HAVING PRINCIPAL PLACE OF BUSINESS AT \_\_\_\_\_  
(ADDRESS, CITY, STATE, ZIP CODE)

WITH ADDITIONAL PLACES OF BUSINESS AT \_\_\_\_\_  
(ADDRESS, CITY, STATE, ZIP CODE)

\_\_\_\_\_ (ADDRESS, CITY, STATE, ZIP CODE)

STATE OF OREGON, AS PRINCIPAL(S), AND \_\_\_\_\_  
(SURETY NAME)

\_\_\_\_\_ (ADDRESS, CITY, STATE, ZIP CODE)      (      )  
TELEPHONE NUMBER

A CORPORATION ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF \_\_\_\_\_, AND AUTHORIZED TO TRANSACT A SURETY BUSINESS IN THE STATE OF OREGON, AS SURETY, ARE HELD AND FIRMLY BOUND UNTO THE STATE OF OREGON IN THE PENAL SUM OF \$100,000 FOR THE PAYMENT OF WHICH THE PRINCIPAL(S) AND SURETY JOINTLY AND SEVERALLY BIND THEMSELVES, THEIR RESPECTIVE SUCCESSORS, AND ASSIGNS.

WHEREAS, THE PRINCIPAL(S) IS APPLYING FOR A DISMANTLER CERTIFICATE ISSUED BY THE OREGON DEPARTMENT OF TRANSPORTATION.

THE CONDITION OF THIS OBLIGATION IS SUCH THAT, WHEN THE ABOVE-NAMED PRINCIPAL(S) IS ISSUED A DISMANTLER CERTIFICATE TO CONDUCT A MOTOR VEHICLE DISMANTLING BUSINESS IN THIS STATE, SAID PRINCIPAL(S) MUST CONDUCT SUCH BUSINESS WITHOUT FRAUD OR FRAUDULENT REPRESENTATION, AND WITHOUT VIOLATION OF ANY OF THE PROVISIONS OF THE OREGON VEHICLE CODE SPECIFIED IN ORS 822.120, THEN AND IN THAT EVENT THIS OBLIGATION TO BE VOID, OTHERWISE TO REMAIN IN FULL FORCE AND EFFECT UNLESS CANCELED PURSUANT TO ORS 742.366(2).

THIS BOND IS EFFECTIVE AS OF THE DATE THE PRINCIPAL(S) IS ISSUED A DISMANTLER CERTIFICATE BY THE OREGON DEPARTMENT OF TRANSPORTATION UNTIL DEPLETED BY CLAIMS PAID, UNLESS THE SURETY SOONER CANCELS THE BOND. THIS BOND MAY BE CANCELED BY THE SURETY GIVING WRITTEN NOTICE OF SUCH CANCELLATION TO THE DRIVER AND MOTOR VEHICLE SERVICES DIVISION OF THE OREGON DEPARTMENT OF TRANSPORTATION. THIS BOND SHALL EXPIRE UPON EXPIRATION OF THE DISMANTLER CERTIFICATE, BUT MAY BE RENEWED UPON THE RENEWAL OF THE CERTIFICATE.

THIS BOND SHALL BE ONE CONTINUOUS OBLIGATION AND THE LIABILITY OF THE SURETY SHALL BE LIMITED TO THE AMOUNT OF THE PENALTY OF THIS BOND REGARDLESS OF WHETHER THIS BOND IS RENEWED OR OTHERWISE CONTINUED IN EFFECT UPON ITS ORIGINAL TERM.

THIS BOND IS EFFECTIVE \_\_\_\_\_ AND EXPIRES \_\_\_\_\_ . ( BOND MUST EXPIRE ON THE LAST DAY OF THE MONTH )  
(MONTH, DAY, YEAR) (MONTH, DAY, YEAR)

**-- ANY ALTERATION VOIDS THIS BOND --**

IN WITNESS WHEREOF, THE SAID PRINCIPAL(S) AND SAID SURETY HAVE EACH CAUSED THESE PRESENTS TO BE EXECUTED BY ITS AUTHORIZED REPRESENTATIVE OR REPRESENTATIVES AND THE SURETY CORPORATE SEAL TO BE HEREUNTO AFFIXED

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_ .  
(DAY) (MONTH) (YEAR)

SIGNATURE (OWNER/PARTNER/MEMBER OR CORPORATE OFFICER) <b>X</b>	TITLE
SIGNATURE OF SURETY (AUTHORIZED REPRESENTATIVE) <b>X</b>	TITLE

<b>SURETY'S AGENT OR REPRESENTATIVE MUST COMPLETE THIS SECTION:</b>	<b>PLACE SURETY SEAL BELOW</b>
IN THE EVENT A PROBLEM ARISES CONCERNING THIS BOND, CONTACT:	
NAME _____ TELEPHONE NUMBER _____	
ADDRESS _____	
CITY, STATE, ZIP CODE _____	
APPROVED BY ATTORNEY GENERAL'S OFFICE	

# ORS 822.100

## Conducting a motor vehicle dismantling business without a certificate

- penalties
- 

- (1) A person commits the offense of conducting a motor vehicle dismantling business without a certificate if the person performs any actions of a dismantler and is not the holder of a valid, current dismantler certificate issued under ORS 822.110 (Dismantler certificate).
- (2) The offense described in this section does not apply to persons or vehicles exempted from this section under ORS 822.105 (Exemption from certificate requirement).
- (3) The offense described in this section, conducting a motor vehicle dismantling business without a certificate, is a Class A misdemeanor.
- (4) In addition to the penalty described in subsection (3) of this section, the Department of Transportation may impose a civil penalty of not more than \$5,000 on a person who conducts a motor vehicle dismantling business without a certificate. A civil penalty under this subsection shall be imposed in the manner provided in ORS 183.745 (Civil penalty procedures). [1983 c.338 §800; 2005 c.654 §7]

---

*Location:*

[https://oregon.public.law/statutes/ors\\_822.100](https://oregon.public.law/statutes/ors_822.100)

*Original Source: Section 822.100 — Conducting a motor vehicle dismantling business without a certificate; penalties, <https://www.oregonlegislature.->*

[gov/bills\\_laws/ors/ors822.html](http://gov/bills_laws/ors/ors822.html) (last accessed Aug. 25, 2023).



# ORS 822.105

## Exemption from certificate requirement

---

In addition to exemptions from the vehicle code under ORS 801.026 (General exemptions), ORS 822.100 (Conducting a motor vehicle dismantling business without a certificate) does not apply to the following:

- (1) An insurance adjuster authorized to do business under ORS 744.515 (Exemptions from adjuster licensing requirement) or 744.521 (Powers of director to issue, renew, amend, suspend and reinstate licenses) who is disposing of vehicles for salvage.
- (2) Road rollers, farm tractors, trolleys or traction engines.
- (3) Implements of husbandry, well-drilling machinery and wheelchairs.
- (4) Golf carts. [1983 c.338 §801; 1985 c.598 §9; 1999 c.180 §1; 2003 c.655 §137; 2007 c.70 §351; 2019 c.151 §45]

---

*Location:*

[https://oregon.public.law/statutes/ors\\_822.105](https://oregon.public.law/statutes/ors_822.105)

*Original Source: Section 822.105 — Exemption from certificate requirement*, [https://www.oregonlegislature.gov/bills\\_laws/ors/ors822.html](https://www.oregonlegislature.gov/bills_laws/ors/ors822.html) (last accessed Aug. 25, 2023).

# ORS 822.115

## Application contents

---

An application for a dismantler certificate issued by the Department of Transportation under ORS 822.110 (Dismantler certificate) or for renewal of a certificate under ORS 822.125 (Privileges granted by certificate) shall be in a form prescribed by the department and shall contain all of the following:

- (1) A full statement of the name of the person applying for the certificate with the person's residence and business addresses.
- (2) If the applicant is a firm or partnership, the name of the firm or partnership, with the names and places of residence of all its members.
- (3) If the applicant is a corporation, the names of the principal officers and their residences and the name of the state under whose laws the corporation is organized.
- (4) A description of the dimensions and the location of the place or places at which the business is to be carried on and conducted.
- (5) The applicant's National Motor Vehicle Title Information System identification number.
- (6) A fire response plan that is approved by the department. If the plan is disapproved, the applicant may revise the plan to comply with requirements of the department and resubmit the plan.
- (7) A description of any applicable permits that are required by the Department of Environmental Quality.
- (8) Any other relevant information required by the Department of Transportation. [1983 c.338 §803; 1985 c.16 §402; 1987 c.261 §9; 1993 c.751 §85; 2005 c.654 §9; 2011 c.433 §1; 2019 c.630 §4]

---

*Location:*

[https://oregon.public.law/statutes/ors\\_822.115](https://oregon.public.law/statutes/ors_822.115)

*Original Source: Section 822.115 — Application contents*, [https://www.oregonlegislature.gov/bills\\_laws/ors/ors822.html](https://www.oregonlegislature.gov/bills_laws/ors/ors822.html) (last accessed Aug. 25, 2023).

# ORS 822.120

## Bond or letter of credit requirements

- action against certificate holder and surety
- 

- (1) A bond or letter of credit required to qualify for a dismantler certificate under ORS 822.110 (Dismantler certificate) or renewal of a certificate under ORS 822.125 (Privileges granted by certificate) must be:
- (a) With a corporate surety licensed to transact business within this state, or as to a letter of credit, an irrevocable letter of credit issued by an insured institution, as defined in ORS 706.008 (Additional definitions for Bank Act);
  - (b) Executed to the State of Oregon;
  - (c) In the sum of \$100,000;
  - (d) Approved as to form by the Attorney General;
  - (e) Conditioned that the person issued the dismantler certificate will conduct business without violation of this section, ORS 803.140 (Application), 819.010 (Failure to comply with requirements for destruction of vehicle), 819.012 (Failure to follow procedures for a totaled vehicle), 819.016 (When salvage title required), 819.040 (Illegal salvage procedures), 822.140 (Local government approval requirements) or 822.150 (Failure to return revoked, canceled or suspended certificate or identification card); **and**
  - (f) Conditioned that the bond or letter of credit is subject to an action under this section.
- (2) Any person shall have a right of action against the holder of a dismantler certificate and the surety on the holder's bond or the dismantler's letter of credit issuer if the person suffers any loss or damage by reason of the certificate holder's violation of this section, ORS 803.140 (Application), 819.010 (Failure to comply with requirements for destruction of vehicle), 819.012 (Failure to follow procedures for a totaled vehicle), 819.016 (When salvage title required), 819.040 (Illegal salvage procedures), 822.140 (Local government approval requirements) or 822.150 (Failure to return revoked, canceled or suspended certificate or identification card).

[1983 c.338 §804; 1985 c.16 §403; 1985 c.176 §3; 1991 c.331 §140; 1991 c.820 §17; 1991 c.873 §48; 1997 c.631 §557; 2005 c.654 §10; 2019 c.630 §7]

---

*Location:*

[https://oregon.public.law/statutes/ors\\_822.120](https://oregon.public.law/statutes/ors_822.120)

*Original Source: Section 822.120 — Bond or letter of credit requirements; action against certificate holder and surety*, [https://www.oregonlegislature.gov/bills\\_laws/ors/ors822.html](https://www.oregonlegislature.gov/bills_laws/ors/ors822.html) (last accessed Aug. 25, 2023).

# ORS 822.125

## Privileges granted by certificate

- supplemental certificate
  - duration
  - renewal
  - identification cards
  - rules
- 

- (1) The holder of a current, valid dismantler certificate issued under ORS 822.110 (Dismantler certificate) is not subject to the prohibitions and penalties under ORS 822.100 (Conducting a motor vehicle dismantling business without a certificate) as long as the holder's motor vehicle dismantling business is conducted in the location approved under the certificate.
- (2) The holder of a dismantler certificate may expand the dimensions or move a place of business approved under the dismantler certificate or open an additional place of business under the certificate upon issuance of a supplemental dismantler certificate by the Department of Transportation. The following apply to supplemental certificates issued under this subsection:

  - (a) The department shall grant a supplemental certificate upon request of an applicant under this subsection if the applicant obtains local government permission for the supplemental certificate under ORS 822.140 (Local government approval requirements).
  - (b) Upon application for renewal of the supplemental certificate, the department may waive the requirement that an applicant for renewal under this subsection obtain local government approval under ORS 822.140 (Local government approval requirements) of the suitability of the applicant to establish, maintain or operate a motor vehicle dismantling business.
  - (c) A fee shall be charged for a supplemental dismantler certificate under ORS 822.700 (Certification fees).
- (3) A dismantler certificate is valid for a one-year period and may be renewed as provided by the department. The department shall only renew the certificate of any certificate holder who does all of the following:

- (a) Pays the required fee for renewal under ORS 822.700 (Certification fees).
- (b) Completes the application described in ORS 822.115 (Application contents).
- (c) Obtains local government approval under ORS 822.140 (Local government approval requirements). The department may waive the requirement that an applicant for renewal obtain local government approval under ORS 822.140 (Local government approval requirements) of the suitability of the applicant to establish, maintain or operate a motor vehicle dismantling business.
- (d) Maintains a current bond that meets the requirements under ORS 822.120 (Bond or letter of credit requirements).
- (4) The department may provide the holder of a dismantler certificate with identification cards in the names of the owners of the business or in the names of authorized employees of the business.
- (5) The department may adopt suitable rules for the issuance and renewal of dismantler certificates and identification cards. [1983 c.338 §805; 1985 c.16 §404; 1987 c.261 §9a; 2005 c.654 §11; 2019 c.630 §1]

---

*Location:*

[https://oregon.public.law/statutes/ors\\_822.125](https://oregon.public.law/statutes/ors_822.125)

*Original Source: Section 822.125 — Privileges granted by certificate; supplemental certificate; duration; renewal; identification cards; rules, [https://www.oregonlegislature.gov/bills\\_laws/ors/ors822.html](https://www.oregonlegislature.gov/bills_laws/ors/ors822.html) (last accessed Aug. 25, 2023).*

# ORS 822.130

## Inspection of books, records, inventory and premises

---

- (1) The Department of Transportation may inspect the books, records and inventory of any business issued a certificate under ORS 822.110 (Dismantler certificate) for the purpose of determining compliance with any of the following:

  - (a) Those laws regulating the issuance of certificates to dismantlers.
  - (b) Requirements for records under ORS 822.135 (Improperly conducting motor vehicle dismantling business) and 822.137 (Dismantler conduct resulting in civil penalty).
  - (c) ORS 802.200 (Required records), 803.140 (Application), 819.010 (Failure to comply with requirements for destruction of vehicle), 819.016 (When salvage title required), 819.030 (Department procedure on receipt of title or notice), 819.040 (Illegal salvage procedures) or 822.120 (Bond or letter of credit requirements).
  - (d) Rules adopted by the department concerning businesses issued certificates under ORS 822.110 (Dismantler certificate).
- (2) Except as provided in subsection (4) of this section, each year the department shall inspect the premises used by any business issued a certificate under ORS 822.110 (Dismantler certificate) for the purpose of determining whether the items listed in subsection (3) of this section are on the premises and determining compliance with any of the following:

  - (a) Those laws regulating the issuance of certificates to dismantlers.
  - (b) Requirements for records under ORS 822.135 (Improperly conducting motor vehicle dismantling business) and 822.137 (Dismantler conduct resulting in civil penalty).
  - (c) ORS 802.200 (Required records), 803.140 (Application), 819.010 (Failure to comply with requirements for destruction of vehicle), 819.016 (When salvage title required), 819.030 (Department procedure on receipt of title or notice), 819.040 (Illegal salvage procedures) or 822.120 (Bond or letter of credit requirements).



- (d) Rules adopted by the department concerning businesses issued certificates under ORS 822.110 (Dismantler certificate).
- (3) If the Department of Transportation determines that any of the following items are on the premises used by a business issued a certificate under ORS 822.110 (Dismantler certificate), the Department of Transportation shall submit a report to the Department of Environmental Quality and include information about the following:
  - (a) The presence of piled waste tires, as defined in ORS 459.705 (Definitions for ORS 459.705 to 459.790), in an amount greater than 100 waste tires;
  - (b) If there is a metal shredder;
  - (c) If there are any open or unlabeled containers of automotive fluids; **and**
  - (d) If there is an underground injection control.
- (4) The Department of Transportation may inspect a premises under subsection (2) of this section every two years if the three most recent, consecutive inspections show that the business is in compliance with subsection (2)(a) to (d) of this section.
- (5) Provisions for enforcing this section are established under ORS 822.135 (Improperly conducting motor vehicle dismantling business) and 822.145 (Imposition of sanctions). [1985 c.16 §406; 1991 c.873 §49; 2005 c.654 §12; 2019 c.630 §3]

---

*Location:*

[https://oregon.public.law/statutes/ors\\_822.130](https://oregon.public.law/statutes/ors_822.130)

*Original Source: Section 822.130 — Inspection of books, records, inventory and premises*, [https://www.oregonlegislature.gov/bills\\_laws/ors/ors822.html](https://www.oregonlegislature.gov/bills_laws/ors/ors822.html) (last accessed Aug. 25, 2023).

# ORS 822.133

## Requirements of dismantler operating motor vehicle dismantling business

---

- (1) As used in this section:
  - (a) “Crushed motor vehicle” means a motor vehicle, the frame or unibody of which is compacted or flattened so that it no longer resembles any particular year, model or make of motor vehicle and is less than half of the motor vehicle’s original volume as measured in cubic feet.
  - (b) “Destroy” means to dismantle, disassemble, damage or substantially alter a motor vehicle:
    - (A) With the intent of rendering the vehicle permanently inoperable;
    - (B) To the extent that the cost of repairing the vehicle exceeds the actual cash value of the vehicle prior to the damage; **or**
    - (C) To the extent that the sum of the cost of repairing the vehicle and the salvage value of the vehicle in its damaged condition exceeds the actual cash value of the vehicle in its repaired condition.
  - (c) “Mobile motor vehicle crusher” means a machine that compacts or flattens a motor vehicle into a crushed motor vehicle and is designed to be transported on a highway.
  - (d) “Wrecked vehicle” means a motor vehicle:
    - (A) That is destroyed, or is acquired with the intent to destroy, and that will never be operated as a motor vehicle; **or**
    - (B) That has sustained damage to an extent that the vehicle may not lawfully be operated on the highways of this state.
- (2) In the operation of a motor vehicle dismantling business, a dismantler:

- (a)** Must physically separate or visually label a wrecked vehicle in a manner that readily identifies the ownership status of the wrecked vehicle if the dismantler takes possession of the wrecked vehicle without immediately obtaining an ownership record or salvage title certificate. A dismantler need not separate or visually identify a wrecked vehicle pursuant to this subsection if the vehicle is subject to an exemption under ORS 803.030 (Exemptions from title requirement) or is obtained from a jurisdiction that does not issue certificates of title.
- (b)** May not remove parts from or destroy a motor vehicle prior to obtaining an ownership record or salvage title certificate for the vehicle.
- (c)** Must demolish the registration plates of a wrecked vehicle at the time the ownership record is received.
- (d)** Must notify the Department of Transportation of any changes in the information provided to the department in the application for a dismantler certificate within 30 days of the change.
- (e)** Must furnish a written report to the department, in a form established by the department by rule, after a wrecked vehicle is dismantled or destroyed.
- (f)** Must, every year, have the premises inspected by local fire inspectors and furnish a written report to the department, in a form established by the department by rule, on the findings of the inspection.
- (g)** Must be in compliance with any agreement with, order of or program or process authorized by the Department of Environmental Quality that governs the conduct of the dismantler.
- (3)** Intentionally left blank —Ed.
- (a)** A dismantler using a mobile motor vehicle crusher shall:

  - (A)** Hold a current, valid dismantler certificate issued under ORS 822.110 (Dismantler certificate).
  - (B)** Conspicuously display on the mobile motor vehicle crusher the name of the dismantler's business as listed on the dismantler's application submitted pursuant to ORS 822.110 (Dismantler certificate) and the dismantler certificate number issued by the Department of Transportation.
  - (C)** Comply with all of the applicable statutes and rules regulating dismantlers at each location where the dismantler uses the mobile motor vehicle crusher. If the dismantler is using a mobile motor vehicle crusher at a location approved under a dismantler certificate, the dismantler who holds the dismantler certificate for the location shall be responsible for complying with all statutes and rules regarding dismantlers.
  - (b)** If a dismantler is using a mobile motor vehicle crusher at a temporary location for 15 consecutive business days or less, the dismantler is exempt from obtaining a

supplemental dismantler certificate under ORS 822.125 (Privileges granted by certificate) for the temporary location. [2005 c.654 §6; 2011 c.433 §2; 2019 c.630 §6]

---

*Location:*

[https://oregon.public.law/statutes/ors\\_822.133](https://oregon.public.law/statutes/ors_822.133)

*Original Source: Section 822.133 — Requirements of dismantler operating motor vehicle dismantling*

*business*, [https://www.oregonlegislature.gov/bills\\_laws/ors/ors822.html](https://www.oregonlegislature.gov/bills_laws/ors/ors822.html) (last accessed Aug. 25, 2023).

# ORS 822.135

## Improperly conducting motor vehicle dismantling business

- penalty
- 

- (1) A person commits the offense of improperly conducting a motor vehicle dismantling business if the person holds a dismantler certificate issued under ORS 822.110 (Dismantler certificate) and the person does any of the following:
- (a) Fails to permanently exhibit a dismantler certificate at a place of business of the person at all times while the certificate is in force.
  - (b) Expands the dimensions of or moves any of the person's places of business or opens any additional places of business without obtaining a supplemental dismantler certificate by the procedure under ORS 822.125 (Privileges granted by certificate).
  - (c) Fails to maintain records at the person's established place of business that record and describe the following:
    - (A) Every motor vehicle purchased, transferred, wrecked, dismantled, disassembled or substantially altered by the person;
    - (B) The name and address of the person to and from whom the vehicle was transferred;
    - (C) The vehicle identification number and other identification marks or numbers on the vehicle; **and**
    - (D) A statement indicating any such numbers or marks that have been obliterated, defaced or changed.
  - (d) Except as otherwise provided, fails to surrender to the Department of Transportation, within 30 days after the date the person acquires the title, a certificate of title or other primary ownership document or ownership record for a motor vehicle. If the vehicle is delivered to the person under the provisions of ORS 819.215 (Disposal of vehicle appraised at \$500 or less) or 819.280 (Disposal of vehicle at request of person in lawful possession), a copy of the notification to the

department under ORS 819.215 (Disposal of vehicle appraised at \$500 or less) or 819.280 (Disposal of vehicle at request of person in lawful possession) is sufficient to comply with the provisions of this paragraph.

- (e) Refuses, at any time, to allow a police officer or an employee of the department to inspect the books, records, inventory or premises of the person's motor vehicle dismantling business.
- (f) Fails to maintain, for the purposes of the person's motor vehicle dismantling business, a building or an enclosure or other barrier at least six feet in height that is constructed, established or formed in compliance with rules adopted by the department.
- (g) Fails to keep the premises on the outside of the establishment clear and clean at all times.
- (h) Conducts any wrecking, dismantling or altering of vehicles outside the building, enclosure or barrier on the premises of the business.
- (i) Stores or displays any motor vehicles or major component parts or conducts the motor vehicle dismantling business outside of the building, enclosure or barrier of the place of business.
- (j) Fails to immediately file with the department, upon transfer of a wrecked or dismantled motor vehicle, the form furnished by the department to report the date of transfer, a description of the vehicle, the name and address of the purchaser and other information respecting the vehicle required by the department.
- (k) Except as otherwise provided in this paragraph, fails to keep the business hidden or adequately screened by the terrain or other natural objects or by plantings, fences or other appropriate means so as not to be visible from the main traveled way of the highway in accordance with the rules of the Director of Transportation. This paragraph does not apply to a business that is:
  - (A) Located in an area zoned for industrial use under authority of the laws of this state;  
**or**
  - (B) A business established before June 30, 1967.
- (L) Expands or moves any place of business approved under a dismantler certificate or opens any additional locations for the business without obtaining a supplemental certificate under ORS 822.125 (Privileges granted by certificate) or obtaining an additional dismantler certificate.
- (m) Fails to allow the department to conduct inspections as provided under ORS 822.130 (Inspection of books, records, inventory and premises).
- (n) Fails to deploy or remove any air bag containing sodium azide from a vehicle before the vehicle is wrecked or dismantled.

- (o) Fails to ensure that an air bag containing sodium azide that has been removed from a vehicle is deployed within seven days of removal unless the air bag is properly stored by a motor vehicle dealer, automobile repair facility or dismantler certified under ORS 822.110 (Dismantler certificate).
- (2) The offense described in this section, improperly conducting a motor vehicle dismantling business, is a:
  - (a) Class A misdemeanor if the person violates subsection (1)(a) to (m) of this section.
  - (b) Class D violation if the person violates subsection (1)(n) or (o) of this section.
  - (c) Class C misdemeanor, notwithstanding paragraph (b) of this subsection, if the person violates subsection (1)(n) or (o) of this section and the person has two or more previous convictions for violating subsection (1)(n) or (o) of this section. [1983 c.338 §806; 1985 c.16 §407; 1985 c.400 §6; 1991 c.820 §18; 1991 c.873 §50; 1993 c.233 §75; 1993 c.326 §8; 1993 c.741 §89; 2005 c.514 §1; 2005 c.654 §13a; 2005 c.738 §5; 2007 c.683 §3]

---

*Location:*

[https://oregon.public.law/statutes/ors\\_822.135](https://oregon.public.law/statutes/ors_822.135)

*Original Source: Section 822.135 — Improperly conducting motor vehicle dismantling business; penalty,*

[https://www.oregonlegislature.gov/bills\\_laws/ors/ors822.html](https://www.oregonlegislature.gov/bills_laws/ors/ors822.html) -

(last accessed Aug. 25, 2023).

# ORS 822.137

## Dismantler conduct resulting in civil penalty

- rules
- 

- (1) As used in this section, “major component part” includes significant parts of a motor vehicle such as engines, short blocks, frames, transmissions, transfer cases, cabs, doors, differentials, front or rear clips, quarter panels, truck beds or boxes, hoods, bumpers, fenders, catalytic converters and airbags. The Department of Transportation may by rule designate other motor vehicle parts not specified in this subsection as major component parts. “Major component part” does not include cores or parts of cores that require remanufacturing or that are limited in value to that of scrap metal.
- (2) In addition to any other penalty provided by law, the department may impose on a dismantler, in the manner provided by ORS 183.745 (Civil penalty procedures), a civil penalty not to exceed \$1,000 per violation if the dismantler:
  - (a) Acquires a motor vehicle or major component part without obtaining a certificate of sale and, if applicable, a certificate of title.
  - (b) Acquires a catalytic converter or a component of a catalytic converter, that has been removed from a vehicle and is offered for sale as an independent item, separate and distinct from a vehicle acquisition, whether individually or as part of a bundle, bale or in other bulk form.
  - (c) Possesses, sells or otherwise disposes of a motor vehicle or any part of a motor vehicle knowing that the vehicle or part has been stolen.
  - (d) Sells, buys, receives, conceals, possesses or disposes of a motor vehicle or any part of a motor vehicle having a missing, defaced, intentionally altered or covered vehicle identification number, unless directed to do so by a law enforcement official.
  - (e) Commits forgery in the second degree, as defined in ORS 165.007 (Forgery in the second degree), or misstates a material fact relating to a certificate of title, registration or other document related to a motor vehicle that has been reassembled from parts of other motor vehicles.



- (f) Fraudulently obtains, creates or modifies a dismantler certificate.
- (g) Fails to maintain records at the certified place of business for three years from the date of acquisition of a motor vehicle that describe and identify the vehicle, including:
  - (A) The certificate of title number;
  - (B) The state where the vehicle was last registered, if applicable;
  - (C) The number of the last registration plate issued and the state of issuance, if applicable;
  - (D) The year, make and model of the vehicle;
  - (E) The vehicle identification number;
  - (F) The date acquired;
  - (G) The vehicle, stock or yard number assigned to the vehicle by the dismantler; **and**
  - (H) Any other information required by the department.
- (h) Fails to maintain records at the certified place of business for three years from the date of acquisition of a major component part that describe and identify the part, including:
  - (A) The physical characteristics of the part;
  - (B) The stock or yard number assigned to the part by the dismantler;
  - (C) The vehicle identification number of the motor vehicle from which the part came;
  - (D) Transaction documents regarding the sale or disposal of a catalytic converter, including documents that show the transaction date, dollar amount, stock or yard number assigned to the catalytic converter and the signatures of buyer and seller; **and**
  - (E) Any other information required by the department.
- (i) Commits a dishonest act or omission during the sale of a motor vehicle or major component part that, as determined by the department, causes a loss to the purchaser.
- (j) Is convicted of a crime involving false statements or dishonesty that directly relates to the business of the dismantler or suffers any civil judgment imposed for conduct involving fraud, misrepresentation or conversion.
- (k) Fails to comply with any provision of ORS 822.133 (Requirements of dismantler operating motor vehicle dismantling business). [2005 c.654 §5; 2007 c.683 §4; 2021 c.412 §6]

---

*Location:*

[https://oregon.public.law/statutes/ors\\_822.137](https://oregon.public.law/statutes/ors_822.137)

*Original Source: Section 822.137 — Dismantler conduct resulting in civil penalty; rules,* [https://www.oregonlegislature.gov/bills\\_laws/ors/ors822.html](https://www.oregonlegislature.gov/bills_laws/ors/ors822.html)  
(last accessed Aug. 25, 2023).

# ORS 822.140

## Local government approval requirements

---

- (1) To meet the requirement for local government approval of a dismantler certificate under ORS 822.110 (Dismantler certificate) or a supplemental certificate under ORS 822.125 (Privileges granted by certificate), an applicant must comply with any regulations established by a city or county under this section and must obtain the approval of the governing body of the:
  - (a) City, if the business is or will be carried on within an incorporated city of less than 100,000 population.
  - (b) County, if the business is or will be carried on outside of any incorporated city.
- (2) A city or county governing body shall grant approval of a dismantler certificate or renewal when requested under this section if the governing body:
  - (a) Approves the applicant as being suitable to establish, maintain or operate a motor vehicle dismantling business;
  - (b) Determines that the location or proposed location meets the requirements for location under ORS 822.110 (Dismantler certificate);
  - (c) Determines that the location does not violate any prohibition under ORS 822.135 (Improperly conducting motor vehicle dismantling business); **and**
  - (d) Approves the location and determines that the location complies with any regulations adopted by a city or county under this section.
- (3) The governing body of a city or county may regulate the expansion of premises or the establishment of premises at a new location under a dismantler certificate. An applicant must comply with the regulations before the Department of Transportation may issue a supplemental dismantler certificate. In adopting regulations under this subsection, a governing body:
  - (a) Shall consider the extent of development of surrounding property as a residential area;
  - (b) Shall consider the proximity of churches, schools, hospitals, public buildings or other places of public gathering;

- (c) Shall consider the sufficiency in number of other motor vehicle dismantling businesses in the vicinity;
  - (d) Shall consider the health, safety and general welfare of the public;
  - (e) May establish zones in which motor vehicle dismantling businesses are permissible and other zones where they are prohibited; **and**
  - (f) May prescribe limitations on the dimensions of the premises on which motor vehicle dismantling businesses are conducted.
- (4) Regulations of a city governing body that are adopted under this section apply to motor vehicle dismantling businesses located outside of and within six miles of the boundaries of the city unless the county governing body in which the area is located has adopted regulations under this section that are applicable in the area.
- (5) Before granting approval for a supplemental dismantler certificate, the governing body of a city or county shall notify all property owners that are or that will be adjacent to the motor vehicle dismantling business once the business moves, expands or opens an additional place of business. [1983 c.338 §807; 1985 c.16 §408; 2005 c.654 §14; 2019 c.630 §8]

---

*Location:*

[https://oregon.public.law/statutes/ors\\_822.140](https://oregon.public.law/statutes/ors_822.140)

*Original Source: Section 822.140 — Local government approval requirements*, [https://www.oregonlegislature.gov/bills\\_laws/ors/ors822.html](https://www.oregonlegislature.gov/bills_laws/ors/ors822.html) (last accessed Aug. 25, 2023).

# ORS 822.145

## Imposition of sanctions

- rules
- 

- (1) In addition to any other penalty provided by law, the Department of Transportation may impose sanctions on any person holding a dismantler certificate issued under ORS 822.110 (Dismantler certificate) or identification card or supplemental dismantler certificate issued under ORS 822.125 (Privileges granted by certificate) including, but not limited to, probation or suspension, revocation or cancellation of the dismantler certificate or identification card if the department determines at any time for due cause that any of the following has occurred:
- (a) The person holding the certificate has failed to comply with any requirements for registration of vehicles under the vehicle code.
  - (b) The person holding the certificate has violated ORS 803.140 (Application), 819.012 (Failure to follow procedures for a totaled vehicle), 819.016 (When salvage title required), 819.040 (Illegal salvage procedures), 822.120 (Bond or letter of credit requirements), 822.125 (Privileges granted by certificate), 822.133 (Requirements of dismantler operating motor vehicle dismantling business), 822.135 (Improperly conducting motor vehicle dismantling business), 822.137 (Dismantler conduct resulting in civil penalty) or 822.150 (Failure to return revoked, canceled or suspended certificate or identification card).
  - (c) The person holding the certificate has caused or suffered or is permitting the unlawful use of the dismantler certificate.
  - (d) The person holding the certificate has violated any regulation adopted under ORS 822.135 (Improperly conducting motor vehicle dismantling business).
  - (e) The person holding the certificate has failed to allow the department to conduct inspections as provided under ORS 822.130 (Inspection of books, records, inventory and premises).
  - (f) The person holding an identification card has unlawfully used or permitted unlawful use of the card.
  - (g) The person holding the certificate is convicted of an offense under ORS 468.922 (Unlawful disposal, storage or treatment of hazardous waste in the second degree), 468.926 (Unlawful disposal, storage or treatment of hazardous waste in the first

degree), 468.929 (Unlawful transport of hazardous waste in the second degree), 468.931 (Unlawful transport of hazardous waste in the first degree), 468.936 (Unlawful air pollution in the second degree), 468.939 (Unlawful air pollution in the first degree), 468.943 (Unlawful water pollution in the second degree) or 468.946 (Unlawful water pollution in the first degree).

- (2)** The department shall cancel or suspend any dismantler certificate immediately:
  - (a)** Upon receipt of legal notice that the bond described under ORS 822.120 (Bond or letter of credit requirements) is canceled; **or**
  - (b)** For failure to pay any penalty imposed under ORS 822.135 (Improperly conducting motor vehicle dismantling business) or 822.137 (Dismantler conduct resulting in civil penalty).
- (3)** Upon revocation, cancellation or suspension of a dismantler certificate or identification card under this section, the department shall recall and demand the return of the certificate or identification card.
- (4)** If the department has reason to believe that a person has engaged in or is engaging in any activity prohibited under ORS 822.100 (Conducting a motor vehicle dismantling business without a certificate), the department may issue an order directed at the person to cease the activity.
- (5)** The department shall adopt rules establishing sanctions authorized by subsection (1) of this section. [1983 c.338 §808; 1985 c.16 §409; 1985 c.176 §4; 1987 c.261 §9b; 1991 c.820 §19; 1991 c.873 §51; 2005 c.654 §15; 2007 c.683 §2; 2011 c.433 §3; 2019 c.630 §5]

---

*Location:*

[https://oregon.public.law/statutes/ors\\_822.145](https://oregon.public.law/statutes/ors_822.145)

*Original Source: Section 822.145 — Imposition of sanctions; rules*, [https://www.oregonlegislature.gov/bills\\_laws/ors/ors822.html](https://www.oregonlegislature.gov/bills_laws/ors/ors822.html) (last accessed Aug. 25, 2023).

# ORS 822.150

## Failure to return revoked, canceled or suspended certificate or identification card

- penalty
- 

- (1) A person commits the offense of failure to return a revoked, canceled or suspended dismantler certificate or identification card if the Department of Transportation recalls and demands the person to return a certificate or card under ORS 822.145 (Imposition of sanctions) and the person does not return the certificate or card to the department.
  - (2) The offense described in this section, failure to return a revoked, canceled or suspended dismantler certificate or identification card, is a Class A misdemeanor. [1983 c.338 §809; 1987 c.261 §9c; 2005 c.654 §35]
- 

*Location:*

[https://oregon.public.law/statutes/ors\\_822.150](https://oregon.public.law/statutes/ors_822.150)

*Original Source: Section 822.150 — Failure to return  
revoked, canceled or suspended certificate or  
identification card; penalty, [https://www.oregonlegislature.gov/bills\\_laws/ors/ors822.html](https://www.oregonlegislature.gov/bills_laws/ors/ors822.html)  
(last accessed Aug. 25, 2023).*

# ORS 801.465

## “Security interest.”

---

“Security interest” means an interest in a vehicle reserved or created by agreement and which secures payment or performance of an obligation as more particularly defined by ORS 71.2010 (General definitions) (2)(ii). [1983 c.338 §85; 1985 c.16 §24; 2009 c.181 §109]

---

*Location:*

[https://oregon.public.law/statutes/ors\\_801.465](https://oregon.public.law/statutes/ors_801.465)

*Original Source: Section 801.465 — “Security interest.”,*

[https://www.oregonlegislature.gov/bills\\_laws/ors/ors801.html](https://www.oregonlegislature.gov/bills_laws/ors/ors801.html) (last accessed Aug. 25, 2023).



# ORS 803.097

## Perfection of security interest in vehicle

- rules
- 

- (1) Except as provided in subsection (5) of this section, the exclusive means for perfecting a security interest in a vehicle is by application for notation of the security interest on the title in accordance with this section. The application may accompany the application for a title or may be made separately at any time prior to issuance of title and must be accompanied by evidence of ownership as defined by the Department of Transportation by rule unless the department is in possession of evidence of ownership when it receives the application. If title to the vehicle has been issued in a form other than a certificate, and the title reflects a security interest, the application for perfection shall include authorization from the previous security interest holder for the new security interest to be recorded on the title. Authorization under this subsection is not required if:
- (a) A release of interest is submitted by the prior security interest holder or the department is otherwise satisfied that the prior holder no longer holds an interest or is otherwise not entitled to title to the vehicle;
  - (b) The security interest is being added to the title in conjunction with the cancellation of previous title or other action the department takes to correct ownership information reflected on a title; **or**
  - (c) Title is being transferred by operation of law.
- (2) When the department processes an application for a security interest the department shall mark on the application or otherwise indicate on the record the date the application was first received by the department. The department shall determine by rule what constitutes receipt of an application for purposes of this subsection.
- (3) If the department has the evidence required by subsection (1) of this section and if the application contains the name of each owner of the vehicle, the name and address of the secured party and the vehicle identification number of the collateral, the security interest is perfected as of the date marked on the application or indicated in the record by the department. If the application does not contain the information required by this subsection, or if the department does not have the

required evidence, the department shall indicate on the application or on the record that the date placed on the application or the record pursuant to subsection (2) of this section is not the date of perfection of the security interest.

- (4) The security interest remains effective until released or terminated by the secured party.
- (5) A security interest in a vehicle may not be perfected as described under this section but is subject to the perfection provisions under ORS chapter 79 if:
  - (a) The debtor who granted the security interest is in the business of selling vehicles and the vehicle constitutes inventory held for sale or lease; **or**
  - (b) The vehicle is exempt from titling requirements under ORS 803.030 (Exemptions from title requirement). [1987 c.750 §2; 1989 c.148 §13; 1993 c.233 §31; 2001 c.445 §184; 2001 c.675 §11a; 2003 c.655 §104; 2012 c.12 §23]

---

*Location:*

[https://oregon.public.law/statutes/ors\\_803.097](https://oregon.public.law/statutes/ors_803.097)

*Original Source: Section 803.097 — Perfection of security interest in vehicle; rules*, [https://www.oregonlegislature.gov/bills\\_laws/ors/ors803.html](https://www.oregonlegislature.gov/bills_laws/ors/ors803.html) (last accessed Aug. 25, 2023).



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

# VEHICLE APPRAISER CERTIFICATE APPLICATION

Submit completed application to:  
DMV BUSINESS LICENSING UNIT  
1905 LANA AVE NE  
SALEM OR 97314  
Telephone: (503) 945-5052

OFFICE  
USE ONLY

CERTIFICATE NUMBER

EXPIRATION DATE

**FEE: \$100**

1

DRIVER LICENSE NUMBER	STATE OF ISSUANCE	FEDERAL EMPLOYER ID NUMBER	<input type="checkbox"/> ORIGINAL APPLICATION	<input type="checkbox"/> RENEWAL APPLICATION
-----------------------	-------------------	----------------------------	---	--

2

NAME OF APPLICANT	DATE OF BIRTH	EMAIL
-------------------	---------------	-------

3

ADDRESS OF APPLICANT	CITY	STATE	ZIP CODE	COUNTY
----------------------	------	-------	----------	--------

4

MAILING ADDRESS	CITY	STATE	ZIP CODE
-----------------	------	-------	----------

5

NAME OF BUSINESS OR GOVERNMENT AGENCY	OREGON REGISTRY NUMBER	BUSINESS PHONE
---------------------------------------	------------------------	----------------

6

ADDRESS OF BUSINESS OR GOVERNMENT AGENCY	CITY	STATE	ZIP CODE	COUNTY
--	------	-------	----------	--------

7

MAILING ADDRESS	CITY	STATE	ZIP CODE
-----------------	------	-------	----------

8

If this is an **ORIGINAL** application, you need proof such as a letter from a current or previous employer showing that you have at least two (2) years of experience appraising vehicles. DMV will accept a combination of the following appraisal experience areas:

1. For a vehicle appraiser business
2. For a new or used car business
3. For a tow business
4. For an insurance company
5. For a vehicle body repair business
6. For a law enforcement agency or any other state or local jurisdiction
7. In the operation or employment of a certified vehicle dismantler business

---



---



---



---

9

If this is a **RENEWAL** application, no proof of experience is required.

10

**Attach** (staple) copy of Applicant's valid government photo ID. If the residence address on the photo ID is different than the address of applicant on Line 3, submit a statement explaining why the addresses do not match.

<p><b>CERTIFICATION:</b> I certify all the information on this application is true and correct, False certification is a Class B misdemeanor under ORS 162.085 and is punishable by six months in jail, a fine of up to \$2,500 or both. In addition, DMV may deny, suspend or refuse to renew your certificate under the provisions of ORS 183.430.</p>
--

**APPLICATION MUST BE SIGNED AND DATED.**

11

SIGNATURE OF APPLICANT	DATE
------------------------	------

# ORS 819.482

## Acting as vehicle appraiser without certificate

- penalty
- 

- (1) A person commits the offense of acting as a vehicle appraiser without a certificate if the person does not hold a vehicle appraiser certificate issued under ORS 819.480 (Vehicle appraiser certificate) and the person, for consideration, issues an opinion as to the value of a vehicle.
  - (2) This section does not apply to:
    - (a) A person who holds a vehicle dealer certificate issued or renewed under ORS 822.020 (Issuance of certificate) or 822.040 (Privileges granted by certificate) and who appraises vehicles in the operation of the vehicle dealer's business;
    - (b) A person from another jurisdiction who holds a vehicle appraiser certificate requiring qualifications substantially similar to qualifications required for the certification of a vehicle appraiser in this state;
    - (c) An insurance adjuster authorized to do business under ORS 744.515 (Exemptions from adjuster licensing requirement) or 744.521 (Powers of director to issue, renew, amend, suspend and reinstate licenses); **or**
    - (d) A person licensed or certified to appraise real estate under ORS 674.310 (Duties and powers of board) and who appraises the value of manufactured structures.
  - (3) The offense described in this section, acting as a vehicle appraiser without a certificate, is a Class A violation. [2007 c.630 §2; 2019 c.151 §42]
- 

*Location:*

[https://oregon.public.law/statutes/ors\\_819.482](https://oregon.public.law/statutes/ors_819.482)

*Original Source: Section 819.482 — Acting as vehicle appraiser without certificate; penalty, <https://www.> -*

[oregonlegislature.gov/bills\\_laws/ors/ors819.html](http://oregonlegislature.gov/bills_laws/ors/ors819.html)  
(last accessed Aug. 25, 2023).