



# 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**  
**Board Work Session and Public Policy Hearing**  
**October 1, 2024**  
**1:00 p.m. until 3:00 p.m.**

<p>Microsoft Teams meeting <b>Join on your computer, mobile app or room device</b> <a href="#">Join the meeting now</a> Meeting ID: <b>277 124 619 840</b> Passcode: <b>crLau4</b></p> <p><b>Or call in (audio only)</b> Phone: <b>(971) 277-1965</b> Phone Conference ID: <b>894 952 415#</b></p>	<p>Or Copy and Paste the following link in your web browser: <a href="https://www.oregon.gov/transparency/pages/public-meetings.aspx">https://www.oregon.gov/transparency/pages/public-meetings.aspx</a> Meeting ID: <b>277 124 619 840</b> Passcode: <b>crLau4</b></p>
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AGENDA ITEM	PRESENTER	Time Est.
1. <b>Call Meeting to Order</b>	Chair	1:00 p.m.
2. <b>Welcome &amp; Introductions</b> <i>(Board Member, Staff, Partners)</i>	All	
3. <b>Approve Agenda</b>	Board	
4. <b>Executive Session</b>		
<i>The Board may enter Executive Session pursuant to ORS 192.660 to (f) consider information or records that are exempt by law from public inspection. (h) To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed. (i) To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing. Prior to entering into Executive Session, the nature of and authority for holding the Executive Session will be announced.</i>		
5. <b>Approve Minutes of June 11, 2024 Board Meeting</b>	Board	
6. <b>Approve Minutes of June 25, 2024 Work Session</b>	Board	
7. <b>Approve Minutes of July 23, 2024 Work Session</b>	Board	
8. <b>Approve Minutes of August 20, 2024 Work Session</b>		
9. <b>Board Reports and Updates</b>		
<b>A. Administrator Report</b>	McCullough	
a. Financial Report		
b. Update on Board Operations/Processes		
<b>B. Compliance and Complaint Report</b>		
a. Database/Case Management System		
b. Contracts, Investigators, and Manual		
10. <b>Board Administrator Annual Evaluation Update</b>	Baker	

<b>11. Review Proposed Public Policies</b>		1:30
<b>A. Policy on ORS 822.200 (operating an illegal tow business)</b>		
<b>B. Public Record Policy (discussion)</b>		
<b>12. October 29, 2024 Annual Meeting Agenda Planning</b>	All	2:30
<b>13. Board Member Training (discussion)</b>	McCullough	
<b>14. Final Public Comments (time permitting)</b>	All	
<i>(Comments related to board business, 2-3 minute time limit)</i>		
<b>15. Adjourn Board Meeting - estimated</b>	Chair	3:00 p.m.

\*Board vote during the meeting may be either consensus or roll call vote, depending on the Agenda item for decision.  
 Tower votes: Rotate: Baker, McClellan, Shaner

DRAFT



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## OREGON STATE BOARD OF TOWING Board Meeting Minutes June 11, 2024

### ***Work Session Location:***

Oregon DMV HQ  
1905 Lana Avenue  
Salem, OR 97314

### ***Attending Board Member:***

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

### ***Board and DMV Staff:***

Torey McCullough, Board Administrator

### ***Guests:***

Dave Adams, DMV Vehicle Services; Michelle Druce/ OR Consumer League; Dick's Wrecker Service; Steven Hallock; Chelsie Kemp; Dawn Callahan; Donny Callahan; Mike

### ***Meeting Called to Order:***

Chair Riley called the meeting to order at 1:00 p.m.  
Self-introductions were made. All members attended the meeting.

### ***Meeting Agenda:***

Agenda approved by consensus.

### ***Previous Meeting Minutes and Work Session Notes:***

The following were approved by consensus:

- February 13, 2024 meeting minutes
- March 19, 2024 work session notes

- April 23, 2024 work session notes
- May 14, 2024 work session notes

### **Reports:**

#### **Administrator Report**

McCullough provided a summary of the attached Administrator and Compliance Reports.

#### **Board vote:**

##### *Case Management System:*

Lindland moved to approve the Board's purchase of the FileVine Case Management System. Anderson seconded the motion. Ayes: Towers Anderson and McClellan, Coughlin, Iwai, Lindland, Hanson and Riley. Absent: Shaner. Motion approved.

##### *Bylaws:*

Anderson moved to approve and adopt the Bylaws. Ayes: Towers Baker and McClellan, Coughlin, Iwai, Lindland, Hanson and Riley. Absent: Shaner. Motion approved.

### **Work Session:**

#### **PPI Objectives and Policy Expectations**

The Board reviewed updated objectives and expectations.

The Board confirmed:

1. "Operator" is defined as a person with the capability to move the vehicle. To allow compliance with the intent of ORS 98.853 (3) (a), and to protect the public:
  - A. Towers cannot require a person to provide a form of identification or contact information for the purposes of releasing the vehicle prior to the tow under ORS 98.853 (3) (a).
  - B. The Board discussed indemnification of the towers in these scenarios.
  - C. It was determined to table discussion; the legal requirement remains the release of the vehicle prior to the towing of the vehicle. The Board will monitor complaints to determine if more requirements may be necessary.
2. Third-party contractors and surveillance options.
  - A. Parking facility owners may contract with security companies, security personnel or other contractors to serve as the owner's agent as long as:
    - a. The contracted party is an agent of the property owner, not the tower.
    - b. The tower has no ownership or financial interest in the contracted party.
    - c. Signs are posted on the parking facility as required.
    - d. All other PPI requirements are met.

- B. Video surveillance of the property is permitted, so long as the person(s) monitoring the property is not the tower, its employee(s), or is not otherwise affiliated with the towing company.
3. There are two legal definitions for towing across all types of tows (law and code enforcement, PPIs, repossessions, salvage, etc.)
- A. Lawful or valid tow, when all legal requirements of the tow are met, and
  - B. Unlawful or invalid tow, when not all legal requirements are met.
4. The following are examples of unlawful/invalid tows:
- A. No authorized signature from the owner or owner's agent at the time of tow
  - B. Tow operator, dispatch, or tower's agent acts as the parking facility owner's agent to identify or authorize a vehicle to be towed.
  - C. Signed authorization does not include all required information.
  - D. There is no photograph taken by the tower that clearly shows the towed vehicle parked in violation of the parking facility rules prior to hook up.
  - E. Failure to stop or cease hook up procedures when the vehicle owner or operator is present at the time of the tow.
  - F. Signage remains a requirement of a lawful tow; the Board will discuss the intent and requirement for signage at a different work session.
5. The Board is aware that a tow may be unlawful due to the actions of the authorization of the tow, and not the actions of the tower.
6. It is the intent of the Board that there be indemnification of a tower who, in good faith, tows a vehicle authorized signature, similar to:
- ORS 98.830 (2)
- A tower who tows a vehicle pursuant to this section is immune from civil liability for towing the vehicle if the tower has a form described in subsection (1) of this section, filled out by a person purporting to be the owner or a person in lawful possession of the private property from which the vehicle is towed. This subsection does not grant immunity for any loss, damage or injury arising out of any negligent or willful damage to, or destruction of, the vehicle that occurs during the course of the towing.*
7. The indemnification is not extended when:
- A. There is a reasonable relationship between the tower and the parking facility owner (or their agent).
  - B. When the tower acts as the owner's agent in identifying vehicles to be towed.
  - C. When other legal requirements of a tow are not met.
  - D. Other evidence of unethical or unlawful conduct by the tower related to the tow.

8. Board expectation when a tower becomes aware of an invalid tow: pre-Board complaint.

- A. Indemnification of the tower is only when the tower complies with all laws and requirements of a tow, and it is the parking facility owner or their agent who authorizes an unlawful tow.
- B. If the tow is unlawful or invalid because of the tower's action (no picture, no signature authority at time of tow, refusal to discontinue or unhook vehicle, etc.) the expectation is that the tower will make the consumer whole;
- C. If the vehicle was towed, the vehicle is returned in the same condition.
- D. If costs or fees were paid for the unlawful tow, those costs and fees are reimbursed.
- E. Continued, repeated conduct and behavior resulting in unlawful tows will result in increased civil penalties and other disciplinary actions.
- F. Towers are responsible for the actions of their tow operators; if an employee unlawfully tows a vehicle (willfully, intentionally, recklessly, or negligently) then the tower remains responsible for actions of their employee in compensating a consumer for an unlawful tow.

9. Once Board public policy is established: staff will begin processing and responding to complaints directly.

- A. Complaints requiring Board action will be forwarded to the Board for resolution.
- B. With the new case management system, Board members will be able to review submitted complaints (at a high level) during public session, reserving Executive Session for discussion of complex complaints and disciplinary actions.

10. Photos taken under ORS 98.853 (2):

- A. Must show the vehicle parked and in clear violation of the private parking facility rules prior to hook up.
- B. The intent of the photo is to clearly demonstrate the violation to (1) the vehicle owner or the vehicle owner's representative and (2) the Board.
- C. PPI tows that do not have photos adequately showing the vehicle prior to the tow are unlawful/invalid tows.

11. Gate Fees.

It is a violation, subject to disciplinary action by the Board, to charge a consumer a gate fee between the hours of 8 a.m. and 6 p.m., Monday through Friday (excluding holidays) to retrieve their vehicle or emergency personal property.

## 12. Appointments.

The Board discussed at length if towers can require appointments during hours of operation.

- A. The Board recognized the benefit of reasonable appointments, scheduled at mutually available time, and the responsibility of both the towers and the public to be available at agreed appointment times, and will develop best practices in addition to the Board's public policy.
- B. It is the expectation of the Board that if a tower is unable to accommodate a consumer's request to schedule a same-day appointment, the tower will not charge storage fees for that day, regardless of the reason the appointment cannot be scheduled.

### *12A: Additional notes and discussions*

- A. If a tower cannot accommodate a consumer's reasonable request to schedule an on-site appointment by 6:00 p.m. on a weekday, including a Friday, through no fault of the consumer, the expectation is that the tower will not charge storage or gate fees if the first available appointment for the tower is after hours or on non-business days.
- B. Towers not able to meet with a vehicle owner at the agreed appointment time should make other arrangements and accommodations at the vehicle owners convenience and make all effort to ensure that the vehicle owner does not incur additional financial loss.
- C. Vehicle owners should be informed of the daily storage fees, after hour gate fees, the calendar date lien fees will be assessed, and the amount of the lien fee when the vehicle owner requests an appointment for a day other than "same day" appointments so that the vehicle owner can make a fully informed decision.
- D. It is the expectation that vehicle owners provide flexibility when required to schedule an appointment
- E. Vehicle owners should not expect:
  - a. To be able to show up at the gate to retrieve their vehicle or possessions without first contacting the tow company
  - b. Have the tow company hold a vehicle for several days without incurring storage fees and other costs
  - c. Be a no-show for scheduled appointments.
- F. "Lawful owner" is defined by DMV records. Only the vehicle owner can expect to be able to retrieve the personal, emergency possessions from the vehicle.

## 13. "Appointment fees"

Gate or appointment fees may be charged between the hours of 8 am – 6 pm, Monday – Friday (excluding holidays) ONLY when appointments scheduled are for the purpose of removing possessions and items not considered “emergency personal items” in Oregon laws. The Board tabled discussion for time limits of how long a vehicle owner had to retrieve non-emergency personal items (see below).

#### 14. Time limits to retrieve personal items.

The Board discussed reasonable time limits and the number of times the lawful owner can retrieve personal property of both “emergency” and non-emergency personal items.

- A. The Board recognizes the encumbrance on the towing industry, especially sole proprietors, providing vehicle owners access to vehicles and personal items, the financial burden to the towing industry of abandoned vehicles, and the risk and safety concerns of the towers and their employees in general when allowing vehicle owners unlimited access to vehicles.
- B. The Board will monitor complaints and develop best practices and guidelines to assist towers and the public.
- C. The Board recognizes that there is not a one-size-fits-all solution, and asks the tow industry to provide reasonable and responsive accommodations to the vehicle owners without compromising the physical safety of the towers and their employees.

#### 15. Inventory.

The Board recognized that inventory and a tower’s access to the vehicle contents has been an issue in both Board and law enforcement complaints. The Board tabled the discussion topic for future review.

#### 16. Definition of ORS 98.852 (6) – personal property, emergency in nature.

The Board will consider the items to include and consider under this statute at a later date.

#### 17. Hook up to an occupied vehicle.

No tower is to attempt to hook up a vehicle with an animal or person in it, unless directed to do so by law enforcement or an appropriate government agency with legal authority.

#### 18. Towing Service Agreements

The Board has no current interest in overseeing Towing Service Agreements, excepting:



1. The Towing Service Agreement complies with Oregon's laws and requirements, and
2. The Towing Service Agreement cannot designate or appoint a tower (or a tower employee, agent, or a business that the tower has a financial interest in) as the parking facility owner's agent or representative for the purposes of authorizing tows.

#### 19. Commercial property exceptions

The board will provide FAQ's for the public differentiating between PPIs on commercial properties, and parking on empty commercial properties not reasonably used as a parking facility.

#### ***Public Comments***

The Board reviewed written comments from the Building Owners & Managers Association - Oregon (BOMA Oregon) regarding notice requirements under ORS 98.853 to add exemptions for when a vehicle is legally parked, but must be moved due to an unforeseen emergency (i.e., an actual emergency including fire, flooding, structural damage) or if it is blocking access to a an area where emergency access is required (electrical, mechanical, etc.).

The Board concurred that this access is reasonable and will look at adding the exception to either rule or as a public policy.

#### ***PPI Public Policy - Next Steps:***

- The initial concept summary will be updated to include the clarifications and discussions from the May 14 and June 11 meeting.
- The Board will meet for a one hour, remote only, board meeting on June 25, 2024 to review the draft proposed public policy.

#### ***Board Officer Elections:***

Board elections for the Chair and Vice Chair positions are held at the last regular meeting of each fiscal year.

#### ***Chair:***

Lindland nominated Riley for the Chair position.

No other nominations were made.

Vote held: Riley was unanimously elected as the Board Chair.

#### ***Vice-Chair:***

Baker nominated Hanson for the Vice-Chair position.

No other nominations were made.

Vote held: Hanson was unanimously elected as the Board Vice-Chair.

### ***Next Steps, Announcements, and Future Meetings***

- OTTA Quarterly meeting in Bend, Oregon  
Date: June 22, 2024  
Of interest to the Board:
  - Updates on OTTA's legislation and the RV Bill
  - Public Comment Session for the Board's PPI proposed public policy
  - Considerations when towing electric vehicles
- Special Board Meeting - Remote Only  
Date: June 25, 2024  
Board review of proposed public policy on PPI statutes
- Special Board Meeting - Complaint review  
The Board will review 2024 complaints in Executive Session using the new case management system.
- First Annual Business Meeting of the Board.  
Date: October 29, 2024. Location TBD  
Meeting topics will include:
  1. Review of proposed administrative rules, rules hearing
  2. Goals and Objectives for 2025, and 2-5 year and long-term planning
  3. Board budget and finances

### ***Adjourned:***

There being no further business before the Board, and no public comments, Chair Riley adjourned the meeting at 2:30 p.m.

### ***Documents Considered by the Board***

- Agenda
- Previous Meeting Minutes
- Administrator Report and attachments
- Compliance Report and attachments
- Case Management System
- Bylaws
- Work Session Materials

*Minutes prepared by Torey McCullough*

*Minutes APPROVED by Board vote:*

DRAFT FOR PUBLIC REVIEW



# Oregon

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## OREGON STATE BOARD OF TOWING Board Work Session Notes

June 25, 2024

***Work Session Location:***

Online

***Attending Board Member:***

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

***Board and DMV Staff:***

Torey McCullough, Board Administrator

***Board Guests:***

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

***Meeting Called to Order:***

Chair Riley called the meeting to order at 1:01 p.m.  
Self-introductions were made. All board members attended the meeting.

***Agenda:***

Agenda approved by consensus.

***PPI Public Policy Work Session:***

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

## 1. Expiration of signed authorization

PPIs should be completed in a reasonable period of time, within 24 hours after the tower receives the signed authorization.

## 2. Vehicles moved after request for tow

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

This will:

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

## 3. Hook Ups

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

## 4. Other methods of payment.

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

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

#### **5. Gate hours.**

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

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

#### **6. Personal possessions.**

- A. The Board tabled for further discussion:
  - a. The definition of “emergency” personal possessions which can be removed from a vehicle without paying a gate fee.
  - b. Portland’s proposed policy that a vehicle owner has a half hour to remove items from a vehicle parked in a tow yard; if the vehicle owner needs more than the half hour, the tow yard can begin assessing fees.
- B. When a vehicle owner/operator shows up after hook up, prior to tow, and consents to the tow in lieu of paying the hook up fee, removal of personal items from the vehicle is dependent on safety concerns and left to the discretion of the tow operator; however, the Board’s expectation is that the vehicle owner be allowed to remove personal possessions:
  - a. If it is safe to do so.
  - b. Removal of the possessions is reasonable.
  - c. Removal of the personal possessions (electronics, homework, medications, etc.) from the vehicle can be limited to what the person can carry, or can be accomplished in less than 5-10 minutes.
  - d. It is not a reasonable expectation that a vehicle owner/operator is able to remove all items from the vehicle if the process takes more than 5 - 10 minutes, delay the tow

for the purpose of moving the possessions to a different location, or be allowed to remove the possessions if the situation is unsafe.

## **7. ADA parking violations.**

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

### ***Next Steps:***

Board staff will update the draft proposed public policy:

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

### ***Adjourned:***

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

### ***Documents Considered by the Board***

Questions for the Board

Draft Proposed Public Policy - PPI

*Work Session Notes prepared by Torey McCullough*

*Minutes APPROVED by Board vote:*



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## OREGON STATE BOARD OF TOWING DRAFT Board Work Session Notes July 23, 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  
Chris Coughlin  
Chief Michael Iwai  
Lt. Jason Lindland  
Gary McClellan

### *Board Staff:*

Torey McCullough, Board Administrator

### *Absent:*

Jason Shaner

### *Guests:*

Dave Adams, DMV Vehicle Services; Michelle Druce, Oregon Consumer League, Rich Sprute, Jean Underwood, Dawn Callahan, Donny Callahan, Max Kenworthy, Clint Walker, Sara Mangan, Mike, Shannon.

### *Meeting Called to Order:*

Mr. Riley called the meeting to order at 1:01 p.m.  
Self-introductions were made.

### *Agenda*

Agenda approved by consensus.

### *Work Session*

The goal for the work session was for the Board to review each of the proposed Private Property Impound (PPI) public policies one at a time to discuss and make any changes, accept public comment, and then vote to adopt public policies.



### **Initial Concept Summary:**

The Chair opened the floor for public comment. There were no public comments.

The Chair called for a roll call vote:

Approved: Anderson, Baker, Coughlin, Iwai, Lindland, Hanson, Riley. Abstained: McClellan (tow vote).

### **Public Policy: Private Property Impounds (PPIs):**

PPIs, like any other towing service, is a necessary professional towing service.

There is an expectation that all PPI's are completed in 100% compliance with Oregon's laws. Complaints received by the Board are demonstrating that there are PPIs being conducted in violation of the plain language of the laws. The proposed public policies address identify violations of the plain language of the law, and clarifies the intent of some of the laws that may not be as clear.

Mr. Riley reiterated that the prime reason the Board exists is to make sure that both the public and the towers are treated fairly, and that everyone follows the law.

Board members clarified:

1. In the event of an unlawful tow, the expectation is that the vehicle is to be returned to the vehicle owner at the owner's discretion (returned to the place of the tow, retrieval at the tow yard, etc.)
2. Documents and photos should be provided at the time of the request, but no later than the next business day.

#### Public comment:

- Why can't the documents and photos be provided by the end of the week? By the end of the week gives the tower some time to pull together the documents.
- What if the person who processes the requests is not in the office the day when the request comes in.

#### Board response:

- The law states "upon request." The Board believes the next business day is a reasonably expectation.

#### Public comment:

- There are concerns that some vehicle owners ask for the documents sometimes months after they picked up the vehicle, and it takes time for the tower to retrieve the information.
- Some tow companies have secure systems with limited access to the information and data by only one staff or the owner, who may have consecutive days off during the week. The concern is: the person who has the secure access to the information may not be in the office on the day the request is made.
- It was proposed that if a vehicle owner wanted to see the documentation and photos before paying the bill, and the tower was not able to provide the documents, the tower should forgo storage for those days.

#### Board response:

- Mr. Anderson noted if you sign on to be a tow contractor for a county city state, there's got to be somebody at the tow yard available. There has to be someone available to conduct business.
- Ms. Coughlin commented that towing is so stressful from a consumer perspective. If someone wanting the information because of questions regarding the validity of the tow, it is the responsibility of the business to get that to them.

With no further public comments, the Chair called for a roll call vote:

Approved: Baker, Coughlin, Iwai, Lindland, McClellan, Hanson, Riley. Abstained: Anderson (tow vote).

### **Public Policy A: Signature Authority ORS 98.854 (2) - (4)**

- If a vehicle is involuntarily towed, there must be an authorized person that has the accountability and the responsibility to make things right and to be responsible in case something goes wrong. For PPIs, this means there has to be an authorized signature from the parking facility owner or the owner's agent in the request or at the time of the tow.
- Tow contracts and agreements do not replace the requirement of the signed authorization. The signed authorization is not a blanket authorization; towers must know which vehicles a manager or parking lot owner is authorizing to be towed.
- While a parking facility owner has a right to have their parking lots monitored and vehicles towed, towers cannot sign authorizations as an agent or on behalf of the parking facility owner, forge a signature on the tow authorization, or date a tow authorization before or after the tow. Printing a pre-signed authorization, with staff filling in the information of the vehicle to be towed, does not meet the legal requirements under ORS 98.854.

#### Public comment:

What about the small business offices that don't want someone parked in their parking spaces overnight. They don't have a private security company that goes out, and they don't want to be woken up in the night. How can the tower help them out.

#### Board response:

It is up to the business owner to have someone who can sign an authorization for a tow. If the business owner doesn't want the vehicle there, they need to be willing to sign the authorization for it to be towed.

The tower is, by law, not allowed to monitor a parking lot for the purposes of identifying tow business.

#### Public comment:

Is the Board's policy is based on the small business owner issues?

#### Board response:

The majority of the PPI complaints are for apartments but the Board receives frequent complaints for vehicles towed from small business parking lots.

Right now, in compliance with the laws and to make the process fair to everyone, the Board's public policies follow Oregon law, which uses specific language that the tower cannot act as the agent of a parking facility owner in authorizing the tow.

The Board will track and monitor complaints and circumstances regarding business parking lots for future consideration.

There being no further public comment, the Chair called for a roll call vote:

Approved: Anderson, Baker, Coughlin, Iwai, Lindland, Hanson, Riley. Abstained: McClellan (tow vote).

### **Public Policy B: Signature Authority**

- The Board finds that the conditions under ORS 98.853 (1) (a) – (c) allow that a vehicle can be towed under the signed authorization of someone other than the parking facility owner, however, ORS 98.853 (1) does not provide that the tower may act as the parking facility owner's agent for the purpose of identifying vehicles to be towed. This would create a conflict of interest, where the tower has a financial interest in towing the vehicle.
- The only person that's going to know if a PPI complies with ORS 98.853 (1) (d) is the landlord or the manager who has access to those records and who can verify that:
  - A. There are more residents than there are parking spaces.
  - B. The complex issues parking tags, and that vehicle has not been issued a parking tag.
- The Board tabled discussions of what should happen if the parking facility owner authorizes a tow when the tenant is legally parked.

The Chair opened the floor for public comment. There were no public comments.

The Chair called for a roll call vote:

Approved: Baker, Coughlin, Iwai, Lindland, McClellan, Hanson, Riley. Abstained: Anderson (tow vote).

### **Public Policy C: Pre-tow Photographs**

The purpose of the photograph is so it can be presented as proof and to demonstrate to the vehicle owner, the tow operator's employer, the Board, and other agencies that the vehicle was parked in violation.

The law requires one photo, but more photos are better. For one, it is easier for Board staff when there's they are talking to a vehicle owner to have photos showing the tow sign, the car plate, how it is parked, the different windows demonstrating that the parking tag or sticker, and any notice or notes left for the vehicle owner. The same will be true for the vehicle owner, or if another agency requests the photos for an investigation.

The Chair opened the floor for public comment. There were no public comments.

The Chair called for a roll call vote:

Approved: Anderson, Baker, Coughlin, Iwai, Lindland, Hanson, Riley. Abstained: McClellan (tow vote).

### **Public Policy D: Release of Tow ORS 98.853 (3)**

The Board previously tabled for discussion reasonable fees if a vehicle operator arrives during hook up of a commercial or other large vehicle.

Mr. Baker shared reservations and concerns that, with enforcement of current laws preventing monitoring of parking lots, the Board might consider the time between when a property owner requests a tow and when the tower arrives at the parking facility, and what options should be considered to compensate the tower for their time when they are in the middle of a hook up of a passenger vehicle when the vehicle operator shows up.

The Board tabled discussion of the hookup fee policy until the Board could consider options that are fair to all parties.

As the statute is clear of when a vehicle must be released without a charge, and when a hookup fee may be charged to release the vehicle, the Board will continue to investigate complaints alleging violations of ORS 98.853 (3) (a) and ORS 98.854 (14), will consider the mitigating circumstances, and will vote on appropriate Board action for violations of either law.

### **Public Policy E: Monitoring a parking facility for towing business ORS 98.853 (8)**

After consideration of definitions, intent, and different statutes, the Board finds that monitoring a parking facility for the purposes of identifying towing business includes:

- Parking within the 1000 feet parking on the property,
- Patrolling private parking facility for the purposes of identifying vehicles to be towed and
- Otherwise conducting surveillance of a private parking facility to identify towing business.

The property owner can have cameras monitoring the property, can have a contractor or employee patrol the property, but there needs to be a separation between the authorization for the tow and the tower to avoid a conflict of financial interest. A tower cannot patrol or monitor parking facilities to find their own towing business.

The Chair opened the floor for public comment.

#### Public comment:

The question was asked if the towers would still be able to conduct patrols.

#### Board response:

Mr. Riley noted:

- The law is clear that towers cannot monitor parking facilities for towing business within 1000 feet.
- Parking in or patrolling a parking facility has the tower monitoring the facility within 1000 feet.
- The intent of the law, enacted in 2007, is that the parking facility was not to be monitored by a tower for protection against unlawful tows.
- There are people who may patrol parking facilities in a kind and gentler way, but laws are written that need to be followed by everyone.
- The Board will revisit the concerns of small business owners and if and when a parking facility may be monitored, but for now, the law says no monitoring of a parking facility within 1000 feet by the tower.

#### Public comment:

A concern that the term “predatory” is being misused, and not being used in the correct context, and that the Board should redefine it.

Board response:

The Board had a long conversation in one of its first board meetings about the word “predatory”. The term is not referred to in the Board’s policy or in administrative rules.

Board members and staff try to stay vigilant in use of the word due to the word being misconstrued by the public.

With no further public comments made, the Chair called for a roll call vote:

Approved: Anderson, Baker, Coughlin, Iwai, Lindland, Hanson, Riley. Abstained: McClellan (tow vote).

Next Steps:

Public policies are not changes to the law; the policies are meant to define the current laws, demonstrate what compliance looks like, and to outline best practices.

- The Board will review complaints and continue to monitor the effectiveness of the public policy.
- The Board considers extenuating circumstances, and considers if the tower was trying to do the right thing when reviewing the complaints.
- The Board will go back and monitor the effectiveness of the policies, and revisit those that need to be improved to be effective.

**Initial Concept Summary: Facility Permit**

Staff presented an initial concept summary for the establishment of a facility permit or business certificate/license so that Oregon’s tow businesses are certified by the state, not just the tow vehicles.

*Note: This concept is in the earliest draft stages. For the purpose of discussion, “facility permit” is the term used to differentiate between the concept of a business permit issued by the Board and a tow business certificate issued by DMV.*

The Board discussed the merits, concerns and purposes of a facility permit. The predominant issue is that the tow companies and tow yard are not consistently monitored or regulated across the state. There are approximately 730 – 850 tow companies with active tow certificates. OSP has 241 towers in the OSP non-preference tow program. The exact number of tow companies enrolled in law enforcement non-preference tow programs. There is no consistent requirements across the local jurisdiction, and there is gaps in statutes that are not being addressed.

The Chair opened the floor to public comments.

Public comment:

Some repossession clients require inspections and some of the repo towers are already regulated at a high standard.

Board response:

It was noted that not all towers have the same level of expectations from clients; it was also noted that there are repo towers acting without tow plates and are repo'ing vehicles without the same high standard for tow yards and facilities.

The purpose of the facility permit is to ensure that all tow yards meet minimum standards standard; law enforcement and repo companies will have higher standards, but for public protection and safety, all tow yards should be required to meet what the law has as minimum requirements.

The Board will consider the different types of regulations, requirements, and fees for the trucks and tow services as it develops a policy. The purpose is to bring everyone to the same level of operation and make the laws and requirements fair to everyone.

With no further public comments made, the Chair called for a roll call vote:

The motion: moving forward with preliminary exploration of a facility permit as a possible placeholder bill, with staff keeping the Board updated on the progress.

Approved: Anderson, Coughlin, Iwai, Lindland, Hanson, Riley. No: Baker. Abstained: McClellan (tow vote). Staff will conduct initial research and provide the Board with additional documentation demonstrating the gaps seen in current statutes.

The Chair opened the floor to additional public comments.

### **Final public comments:**

#### Public comment:

Will the Board's new complaint system give people access to the complaints?

#### Board response:

The Board is working on a case management system that will allow reports with a description of the complaint, a case number, and other basic information.

Reports will be available to the public on the Board's website, and will show the status of the complaint, if the complaint was valid, etc. The complaint summaries will not include the names of either the towers or the complainants.

Disciplinary actions are public, so once final, the disciplinary actions will be posted on the website as well.

#### Public comment:

- Are the policies discuss today current or are they something that's going to happen in the future?
- It seems enforcement is lacking. Who is enforcing the laws?
- The Board didn't mention anything about regulating any of these fees. Is that something that's going to come up?

#### Board response:

- The PPI public policies will go into effect after the Board vote today.

- The signature authority and the patrolling laws have been in state law for a long time.
- No one has been here to enforce those laws, which is one of the reasons why the Board was created.
- The Board does not have authority over fees and rates, but will be discussing the subject later this fall.

Public comment:

What about the apartment managers that are allowing the tow trucks to go through the parking lots?

Board response:

- The Board does not have authority over apartment managers and the persons authorized to request the tows, but will be monitoring the complaints, especially as the Board's policies are applied to the PPIs to see what its role might be.
- Filing complaints with the Board will allow the Board to investigate the complaints and take appropriate action.

There were no further public comments for the Board.

## **ORS Review**

Board staff will prepare a document with additional ORSs to review and discuss at the August meeting.

## **Adoption of Public Policies**

It was moved and seconded to adopt the PPI Public Policy, with policies effective July 23, 2024.

The Chair called for a roll call vote:

Approved: Baker, Coughlin, Iwai, Lindland, McClellan, Hanson, Riley. Abstained: Anderson (tow vote).

## **Next steps:**

- The Board's authority to assess civil penalties was effective January 1, 2024. The Board's policies define the laws for clarity. The policies do not change the laws.
- Staff will process complaints and initiate investigations based on the Board's policies.
- Board will review of the complaints and vote on appropriate actions based on the violations and circumstances of each complaint.

## **Board Administrator Annual Review**

Mr. Baker volunteered to be the Board point person for the annual review and other personnel policies that might need the Board's attention.

## **Upcoming Events**

08/20/2024: Board of Towing Work Session

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:

**Adjourned:**

There being no further business before the Board, and no public comments, Chair Riley adjourned the meeting at 3:15 p.m.

*Documents Considered by the Board*

- Agenda
- PPI Initial Concept and Policies
- Facility Permit Initial Concept

*Minutes prepared by Torey McCullough*  
*Minutes APPROVED by Board vote:*

DRAFT





# 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:*

DRAFT

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# State Board of Towing

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## Administrator's Report

To: SBOT Board Members

From: Torey McCullough, Board Administrator

Date: October 1, 2024

### 1. Financial Report:

- *The Board's expense and revenue report should be available from DMV Fiscal Services by the time of the board meeting.*
- The Board will discuss its budget and financial goals at the October Annual Meeting.

### 2. Tow Business Certificates by the numbers:

#### September 2024:

2115 Active Tow Certificates  
798 Unique Owner Names and Addresses  
802 Unique Owner Names  
741 Unique Business Addresses

\*\*\*

#### Previous Reporting Periods:

- August 2024 active tow certificate numbers:  
2115 Active Tow Certificates  
817 Unique Owner Names and Addresses  
802 Unique Owner Names  
748 Unique Addresses
- July 2024 Numbers:  
2124 Active Tow Certificates  
818 Unique Owner Names and Addresses  
803 Unique Owner Names  
747 Unique Addresses

- 
- September 2023 Numbers:  
2096 Active Tow Certificates  
823 Unique Owner Names and Addresses  
798 Unique Owner Names  
745 Unique Addresses

### 3. Summary of Board work since June 10, 2024 Meeting:

#### June 25 and July 23, 2024 work sessions:

- The Board took public comments and held public meetings to develop a public policy for administering the private parking facility statutes (commonly known as private property impound or “PPI” tows) ORS 98.853 and 98.854.
- DRAFT work session notes are attached to the Board packet.

#### Board Public Policy on ORS 98.853 and 98.854:

- The Board adopted public policies to administer portions of ORS 98.853 and 98.854 on July 23, 2024. The Public Policy is available on the Board’s website.
- The underlying legal requirement for a lawful tow is that the tower receives authorization to tow a vehicle at the time of tow. There is an inherent conflict of interest and demonstrated risk to the public when a tower is able to tow vehicles based on the tower’s assessment of violation and the tower financial benefits from the tow.
- The Board’s public policy does not create any new or additional laws or rules; the policies provide interpretation, guidelines, and expectations of the statutes that have already been enacted since at least 2018.
- In Oregon, a tower must have a signed authorization from (a person lawfully authorized) at the time of the tow to comply with Oregon’s towing statutes. The authorization may be made electronically or in person, and must include, at a minimum, the time and date of the request, the exact location of the vehicle, and a description of the vehicle to be towed.
- The Board will review complaints and investigation reports using the guidelines and findings of the public policy.
- Violations for the plain language of current statutes are subject to civil penalties or other disciplinary action under ORS 822.265 (*Rulemaking authority*), 822.280 (*Denial, suspension, revocation or refusal of towing business certificate*), ORS 822.285 (*Additional powers of board*), 822.285 (*Denial of participation on Department of State Police tow rotation*), 822.995 (*Civil penalties for violations related to towing*), OAR 750-040-001 (*Violations of Oregon laws*), 750-080-0030 (*Disciplinary actions and sanctions*), and 750-080-0040 (*Schedule of civil penalties*).

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## August 20, 2024 work session and administration of ORS 822.200,

### *Operating illegal towing business:*

- Included in the Board meeting packet is a proposed policy based on the discussion and public comments at the August 20, 2024 work session.
- The Board's findings in ORS 822.200 and supported by DMV's administrative rules under OAR Chapter 735, Division 154 is that any vehicle used by any person or entity for the purpose of towing or recovering vehicles for compensation must have a tow business certificate.
- The tow business certificate requirement is determined by the use of the vehicle and services provided, not the original design of the vehicle, or equipment attached to the vehicle.
- Even if the vehicle is primarily used for non-towing vehicles, any use of the vehicle in providing towing or recovery services for compensation requires that the vehicle be issued a tow business certificate.
- Operating an illegal towing business currently refers to any operation of a tow or recovery vehicle for compensation and is a Class A misdemeanor (since the mid-1980s).
- "T" plates cannot be used for providing towing or recovery services for compensation unless the vehicle is used exclusively for the purposes defined in ORS 822.200 (2).

### Upcoming projects:

- Website work continues.  
Draft FAQs and resources for consumers who have had their vehicles towed
- Planning for the October 29 Annual Meeting.
- Board member training.
- Administrative rule review.

### Upcoming Events:

- October 29, 2024 - First Annual Board Meeting
- Office Closures:  
November 11<sup>th</sup>: Veteran's Day  
November 28 - 29: Thanksgiving  
December 24 - January 1: Christmas Break\*  
\*Staff will have limited access to email



**DMV Forecast**  
**116\_8001 - Towing Board**  
**Biennium 2023-25**  
**Month of biennium**  
**14**

**% Biennium Complete**  
**58.3%**

**LAB amount**  
**\$ 412,080.00**

**\$ 28,812.85**

	August 2024			Notes	BI 23-25 Budget	BI to Date Actual	% Budget Obligated	Available Budget	BI End Total	Ending Balance
	Current Month									
	Forecast	Actual	Variance							
				<b>Variance &gt; 2% AND \$500</b>						
<b>Personal Services</b>										
Salaries and Wages	8,536	8,536	(0)		192,000	103,024	53.7%	88,976	191,738	262
Other Payroll Exp	5,239	5,153	86		140,000	64,226	45.9%	75,774	118,306	21,694
<b>Total Personal Services</b>	<b>13,775</b>	<b>13,689</b>	<b>86</b>		<b>332,000</b>	<b>167,250</b>	<b>50.4%</b>	<b>164,750</b>	<b>310,045</b>	<b>21,955</b>
<b>Services &amp; Supplies</b>										
In-State Travel	-	-	-		37,083	-	0.0%	37,083	37,083	0
Office Expense	-	-	-		1,725	438	25.4%	1,287	438	1,287
Telecommunications	139	-	139	move to future month.	2,751	383	13.9%	2,368	1,941	810
Professional Svcs	-	-	-		2,200	-	0.0%	2,200	22,000	(19,800)
Attorney General	-	-	-		3,000	880	29.3%	2,120	880	2,120
Emp Recruit & Devel	-	-	-		100	100	99.6%	0	100	0
Prizes And Awards	45	-	45		-	5	0.0%	(5)	5	(5)
IT Expendable Property	-	-	-		4,350	4,350	100.0%	-	4,350	-
IT Professional Serv	-	-	-		6,426	3,213	50.0%	3,213	6,426	-
<b>Total Services &amp; Supplies</b>	<b>184</b>	<b>-</b>	<b>184</b>		<b>57,635</b>	<b>9,368</b>	<b>16.3%</b>	<b>48,267</b>	<b>73,222</b>	<b>(15,587)</b>
<b>Capital Outlay</b>										
<b>Special Payments</b>										
<b>Total Capital Outlay &amp; Spec Pm</b>	<b>-</b>	<b>-</b>	<b>-</b>		<b>-</b>	<b>-</b>	<b>0.0%</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Total</b>	<b>13,959</b>	<b>13,689</b>	<b>270</b>		<b>389,635</b>	<b>176,618</b>	<b>45.3%</b>	<b>213,017</b>	<b>383,267</b>	<b>6,368</b>

2%

358 21-23 biennium expense  
**412,080** **176,976** **Expenses to date**  
**142,300** **Revenue to date**  
**(34,676)** **Difference/net revenue**

## Oregon State Board of Towing

Projected Salary + cost 23-25 biennium

Projections revised July 22, 2024

<b>Expenditures</b>							
month:	Apr-24	May-24	Jun-24	Jul-24	Aug-24	Sep-24	
Projected monthly	\$12,593	\$12,593	\$19,936	\$12,385	\$13,914	\$15,622	
Projected Cumulative Operations Cost	\$117,786	\$130,379	\$150,315	\$162,700	\$176,614	\$192,236	
Actual Monthly cost	\$12,174	\$12,619	\$12,270	\$22,727	\$13,689		
Actual Cumulative Cost	\$115,670	\$128,289	\$140,559	\$163,286	\$176,975		

<b>Forecasted Revenue</b>		Revised per March 2024 forecast					
month:	Apr-24	May-24	Jun-24	Jul-24	Aug-24	Sep-24	
Tow Truck Certificate Count Forecast	182	178	174	181	164	157	
Actual Count	209	156	157	169	189		
Projected Civil Penalties							
Fee @ \$117 (\$100)	\$18,200	\$17,800	\$17,400	\$18,100	\$16,400	\$15,700	
Cumulative @ \$100	\$77,100	\$94,900	\$112,300	\$130,400	\$146,800	\$162,500	
Actual Month revenue	\$20,900	\$15,600	\$15,700	\$16,900	\$18,900		
Actual Cumulative revenue	\$75,200	\$90,800	\$106,500	\$123,400	\$142,300		

<b>Cost Recovery (Revenue-Expenditures)</b>							
Projected Fee @ \$117=net\$100	(\$40,686)	(\$35,479)	(\$38,015)	(\$32,300)	(\$29,814)	(\$29,736)	
Actual Recovery	(\$40,470)	(\$37,489)	(\$34,059)	(\$39,886)	(\$34,675)		

*\*Base \$17 is statute- cover DMV cost*

*\*Tow board fees- set in Rule, in addition fee, under ORS 822.270*

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# State Board of Towing

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## Compliance Report

To: SBOT Board Members

From: Torey McCullough, Board Administrator

Date: October 1, 2024

### Complaints:

Top complaints:

- Private Property Impounds: while a small number of the complaints are due to vehicle owner errors or responsibilities, the majority of the complaints allege vehicles towed “under contract” or without authorization at the time of tow or the property owner’s authorization.
- PPI complaints with probable violations (no authorization, failure to schedule appointment for vehicle, continuing to hook up in the presence of the owner/operator, refusal to provide a signed authorization or photos) have averaged 3 – 5 complaints a week since June.
- The number of tow companies named in PPI complaints continue to be less than 1% of the companies identified in DMV reports.
- Rates and Fees, including an increased number of complaints from insurance companies, are averaging 2 – 4 calls or emails a week.
- The number of tow companies named in fees, costs and billing complaints is approximately 5% of the companies identified in DMV reports.

### Case Management System:

- The appropriate authorization and payment requirements were met end of July.
- The design phase for the case management system started August 19, 2024.
- The testing and specialization phase began September 16<sup>th</sup>
- Complaints are being entered at this time.
- Implementation should begin in next couple of weeks.
- Complaint statistics (nature of complaints, validity of complaints, investigations, resolution, etc.) should be available by the October 29<sup>th</sup> annual meeting.

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## Investigations:

- In addition to collaborating with investigators from DMV and other state agencies, the Board will contract with independent contract investigators to assist in field investigations.
- The contract investigators will meet minimum qualifications, including, but not limited to:
  - An active private investigator license issued by DPSST
  - Extensive investigation experience in law enforcement, Oregon regulatory boards, or industries related to towing and recovery.
  - Experience testifying at administrative and judicial hearings.
- Staff has completed the required DAS training for contract management and ODOT's purchasing training.
- Staff will work with ODOT/DMV procurement and contracting folks in development of the Independent Contractor Contracts for the investigators.
- An investigation policy, manual, and other related information will be available to the public once reviewed and approved by the Board.
- Outreach, educational, and resource materials are being developed to be provided during investigations, the public, and towers in general.

## ANNUAL EVALUATION OF THE BOARD ADMINISTRATOR

### Authority:

ORS 822.260 Administrative officer for board

- (1) The State Board of Towing shall appoint an administrative officer to serve at the pleasure of the Governor. The determination of qualifications of the administrative officer and appointment of the administrative officer shall be made by the board after consulting with the Governor.
- (2) The administrative officer may not be a member of the board.
- (3) The designation of the administrative officer must be by written order, filed with the Secretary of State.
- (4) The administrative officer is in the unclassified service under ORS chapter 240, and the board shall fix the salary of the administrative officer in accordance with the applicable provisions of ORS chapter 240.
- (5) Subject to any applicable provisions of ORS chapter 240, the administrative officer shall appoint all subordinate officers and employees of the board, prescribe their duties and fix their compensation. [2021 c.578 §4]

### Purpose:

As the Board Administrator position is central to the success and effectiveness of a Board, evaluation of the Board Administrator by the board members is an important component of the board's responsibilities.

The State Board of Towing uses an annual, written evaluation that documents

1. The Board Administrator's achievements and shortcomings from the past year
2. Help the Board Administrator understand areas for improvement to continue the effectiveness of the Board
3. Identify skill development and training needs
4. Ensure alignment with the mission, goals, and objectives of the Board members.

The Board Administrator works, directly and indirectly, with Board partners, the public, stakeholders and the industry to achieve the Board's mission, objectives, and legislative mandate.

Evaluating the Board Administrator's performance is inevitably linked to evaluating the board's performance as a whole. As a result, the State Board of Towing will incorporate evaluation of the Board Administrator into the annual review of organizational performance and goal-setting for the coming year and for strategic planning.

### Who Completes the Evaluations?

The Board will apply the 360 Evaluation Platform and feedback model:

- o Board members
- o Stakeholders (to be identified)
- o Partner/Peer (to be identified)
- o Industry? (to be identified)

*Per Governor's Executive Team:*

*\*Evaluators should be selected from those who have the most access and interaction with agency Director*

**Process:**

1. The Board approves the evaluation format and questions.
2. Evaluation form sent to board members and others identified by the Board.
3. Evaluation forms may be anonymous to preserve honesty and integrity of the responses.
4. Evaluation forms completed and submitted to the appointed board member no later than \_\_\_\_\_.
5. The appointed board member compiles evaluation responses, presents to Board Members during Executive Session.
6. Board Members review evaluations, discuss results.
7. Board members meet with Board Administrator for formal performance evaluation.
8. The appointed board member provides a general summary of the Board Administrator Annual Review during the Board's annual meeting.
9. The completed evaluation forms will be held in the Board Administrator's personnel file.

FOR DISCUSSION PURPOSES ONLY

Evaluation Content:

Answer keys:

Which one?

- Unacceptable
- Acceptable
- Effective
- Very Effective
- No opportunity to observe
  
- Gold Star
- Exemplary
- Fully Effective
- Development Needed
- Significant Concerns
- N/A
  
- Remarkable
- Satisfactory
- Unsatisfactory
- Unknown

\*Narrative explanation for any answers showing unacceptable, unsatisfactory or development needed – per question or at end of survey?

FOR DISCUSSION PURPOSES ONLY

General Questions:

- Demonstrates effective
  - Judgment
  - Professionalism
  - Responsiveness
  - Creativity
  - Decisiveness
  - Initiative
  - Resolution
  
- Demonstrates commitment and dedication to the mission of the Board, the public and consumers, and the industry.
  
- Effectively sets agendas, schedule meetings, and coordinates information to the board; effectively prepares and assembles all reports and materials for Board.
  
- Operates with urgency, transparency, and accountability.
  
- Is honest and transparent regardless of the situation.

FOR DISCUSSION PURPOSES ONLY



### Strategy & Planning

- Worked with the board members to have clear vision for the organization.
- Set agendas, schedule meetings, and coordinate information to be shared with the board.
- Understands their leadership qualities and role well.
- Drafted a quality strategic plan with measurable goals, keeping the company's mission in mind.
- Keeps clarity with updated business plans for all Board business.
- Able to plan, organize, and problem solve to achieve desired results and meet Board goals and objectives.
- Makes decisions and takes responsibility for them.
- Accurately predicts and forecasts future needs and prepares strategies on how to deal with them.
- Actively ensures the organization is moving toward objectives and performance standards.
- Recognizes need for policy change or establishment; effectively develops policies, procedures and controls necessary to carry out mission and goals of the Board.

### Program Management

- Sees that the board is kept informed on the condition of the organization and important factors influencing it.
- Creates and fosters an environment where everyone has access and opportunity to thrive.
- Collaboratively manages the resources they are entrusted with to achieve the best possible outcomes for Oregonians.
- Maintains appropriate balance between programs and administration.
- Ability to accurately and effectively assess problems and identify and implement solutions.
- Recommends new programs and the modification or discontinuance of current programs and business lines, as needed; provides leadership in developing program and organizational plans with the Board.
- Sees that programs and activities are developed, executed, and modified to maximize mission impact.
- Ability to manage and prioritize multiple, sometimes competing, tasks and deadlines to ensure that both values are being upheld and goals are being accomplished.
- Works effectively with the board as a whole, providing appropriate, adequate, and timely information and support to the board

## Stakeholder Engagement

- Promotes a customer service centered organization.
- Owns and takes responsibility for quality of outcomes for Oregonians.
- Regularly shares what is happening within the Board.
- Cultivates relationships with external stakeholders in a positive and productive manner; establishes sound working relationships and cooperative arrangements with community groups and organizations.
- Keeps appropriate parties and groups informed.
- Clearly expresses ideas and information verbally and in writing.
- Demonstrates ability to successfully navigate and operate in a highly visible and potential contentious environment.
- Responds to multiple constituents who have disparate interests and conflicting agendas, provides liaison between groups.
- Works effectively with stakeholders, partners, the industry and community ensuring the employment of an inclusive, collaborative approach when possible.
- Demonstrates genuine cares for industry, partners, and the general public.
- Creates a climate of trust and mutual respect; supports shared principles and distribution of decision making, increasing the potential for the Board, stakeholders, and other parties to be productive and to feel welcome, valued, and motivated.
- Understands that conflict is a normal part of all organizations and that it can be an opportunity to seek clarity, understand divergent viewpoints and engage others in important issues.
- Attend community meetings are requested or invited by collaborative partners and stakeholders, the public, and the industry.
- Serves as an effective spokesperson for the agency; represents the programs and point of view of the organization to agencies, organizations, and the general public.

*Narrative Responses*

- What are the major strengths of the Board Administrator?
- What are the major weaknesses of the Board Administrator?
- Other observations and comments not covered by the above categories.
- What has the board done well or effectively to support the director?

*General Questions for Board goal setting and business planning:*

- What did the Board do well last year?
- What might the board have done differently in the past year?
- What support is needed from the board moving forward?
- Are there specific performance objectives, either for the Board Administrator or for the agency as a whole, which you would suggest we add for the coming year?
- Are there any other comments you would like to make?

FOR DISCUSSION PURPOSES ONLY



STATE OF OREGON
POSITION DESCRIPTION

Position Revised Date:

(only change if revisions are made)

Agency: Dept of Transportation

Division:

This position description is for:

- A new position that is being established
An existing position that is being revised
No change - Annual review

Service Type of this position is:

(Check one box only)

Management Service (X):

- Supervisory (MMS)
Managerial (MMN)
Confidential (MMC)

Unclassified:

- Executive Service (Z)

SECTION 1. POSITION INFORMATION

Form with fields a-j: Classification Title, Establish Date, Working Title, Section Title, Employee Name, Work Location, Supervisor Name, Position (Permanent/Seasonal/Limited Duration/Double Fill), Position (Full-Time/Part-Time/Intermittent/Job Share/Academic Year), FLSA (Exempt/Non-Exempt), Eligible for Overtime.

SECTION 2. PROGRAM AND POSITION INFORMATION

a. Describe the program in which this position exists. Include program purpose, who is affected, size, and scope. Include relationship to agency mission.

The Oregon Board of Towing was created under SB 300 (2021) and became operative on January 1, 2022. The board consists of nine members appointed by the Governor and is charged with investigating and enforcing Oregon tow business compliance with ORS 98.853-862 and associated administrative rules.

**b. Describe the primary purpose of this position, and how it functions within this program.**

**Complete this statement. The primary purpose of this position is to:**

Support the Board of Towing’s daily operations and aides in the execution of its duties. Assists the Board in establishing administrative rules to implement its authorities. Administers the daily operations of the Board, establishing processes and procedures to facilitate Board functions. Prepares and manages communications on behalf of the Board, to include phone calls, emails, formal letters, and legal notices. Serves as a liaison between board members, tow businesses, constituents, and state agency stakeholders. Schedules, coordinates, and documents Board meetings in compliance with public meeting laws. Conducts in-depth operational and policy analysis and provides technical information related to the Board of Towing.

**SECTION 3. DESCRIPTION OF DUTIES**

**List the major duties of the position. State the percentage of time for each duty. Mark “N” for new duties, “R” for revised duties or “NC” for no change in duties. Indicate whether the duty is an “Essential” (E) or “Non-Essential” (NE) function – for ADA purposes.**

*The following are general requirements for performance of the duties listed below: maintains regular and punctual attendance; contributes to a positive and productive work environment; establishes and maintains professional and collaborative working relationships with all contacts.*

*Be a respectful member of a team, which includes communicating and working effectively and appropriately with a variety of individuals or groups with diverse cultural beliefs, values and behaviors.*

*Be responsible for achieving the Department’s Affirmative Action goals through recruitment, selection and retention of protected class individuals. Promote and support the value the Department places on Equal Employment Opportunity (EEO), Affirmative Action (AA), Diversity and Working Guidelines through individual actions and interactions with employees, applicants, stakeholders, community partners, and landowners.*

%	of Time	N/R/NC	E/NE	DUTIES
25	N	E	<p><b>Program Analysis</b></p> <ul style="list-style-type: none"> <li>• Evaluate program operations and services</li> <li>• Recommend and plan actions to bring about compliance with regulations and program goals.</li> <li>• Collaborate with members across the board to formulate long-range objectives, short-term operational goals, and implementation plans</li> <li>• Assist Board by monitoring and tracking program and operational data</li> <li>• Gather information or plan studies to evaluate performance data</li> <li>• Recommends refinement and development of operating procedures based on results of study.</li> <li>• Facilitate the development of Board performance measures</li> <li>• Integrate performance measures and their use into business processes</li> <li>• Test, audit and validate system improvements to implement performance measures.</li> <li>• Track and monitor operational results from measurements.</li> <li>• Train staff and Board members on methods of developing performance measures and the collection and use of performance data.</li> <li>• Lead research studies that evaluate Board compliance with state and federal performance measurements</li> </ul>	

			<ul style="list-style-type: none"> <li>• Prepare findings and recommend actions to Board members</li> <li>• Recommend training based on performance measures and new regulations</li> </ul>
20%	N	E	<p><b><u>System Improvement</u></b></p> <ul style="list-style-type: none"> <li>• Consult with or facilitate discussions with Board Members about system efficiency or operational needs.</li> <li>• Collaborate with information system staff, program staff and outside contractors to evaluate existing systems and plan enhancements.</li> <li>• Analyze operational processes, goals, and objectives</li> <li>• Identify data requirements</li> <li>• Design system enhancements or system specifications based on evaluation.</li> <li>• Study the feasibility and compare the costs and benefits of modifying information systems</li> <li>• Recommend acceptance of new system developments, or enhancements to existing systems.</li> <li>• Design and implement recovery procedures for programming and processing errors.</li> <li>• Create or update system change documentation.</li> <li>• Coordinate data access for agency programs</li> <li>• Develop and maintain operational manuals.</li> <li>• Train staff in use of new programs.</li> </ul>
20%	N	E	<p><b><u>Legislative and Policy Analysis</u></b></p> <ul style="list-style-type: none"> <li>• Evaluate court decisions and statute</li> <li>• Recommend or develop changes in policy or procedures.</li> <li>• Recommend need for and write language for changes to administrative rules</li> <li>• Facilitate the rule making process.</li> <li>• Lead, plan and coordinate research projects</li> <li>• Summarize findings and recommendations</li> <li>• Develop policy options.</li> <li>• Identify legislative and executive intent through research</li> <li>• Write policies and procedures to support research findings.</li> <li>• Lead and coordinate studies to establish economic impact of policy decisions</li> <li>• Evaluate the benefits and consequences of different policy strategies.</li> <li>• Write issue papers on research findings</li> <li>• Recommend policy changes based on evaluation.</li> <li>• Interpret and explain regulations, policies and procedures to Board members</li> <li>• Guide others in the correct application of Board administrative rules and policy.</li> <li>• Represent the Board before legislative committees and other public organizations by explaining Board policies and procedures.</li> <li>• Work with Board members to coordinate and propose needed legislation or administrative rules.</li> </ul>
30%	N	E	<p><b><u>Administrative Services</u></b></p> <ul style="list-style-type: none"> <li>• Evaluate forms and record systems to make certain they comply with Board intent and regulations</li> <li>• Identify deficiencies</li> <li>• Decide content of forms</li> <li>• Design or work with graphic designers to draft operational forms.</li> <li>• Coordinate and manage record and file systems</li> </ul>

			<ul style="list-style-type: none"> <li>• Coordinate, inventory and schedule transfer and destruction of Board records</li> <li>• Identify and analyze records to make certain record is preserved.</li> <li>• Respond to complaints or requests for information from the public, Board members or legislative committee members.</li> <li>• Coordinate with contract experts to prepare contracts and agreements</li> <li>• Monitor contract progress and compliance.</li> <li>• Coordinate agendas and lead commission or board meetings</li> <li>• Execute decisions and directives resulting from meeting.</li> <li>• Prepare operational reports and technical data summaries.</li> <li>• Prepare budget requests, projecting resource needs and revenue</li> <li>• Support and explain budget reports.</li> <li>• Authorize payments of bills and reimbursements.</li> <li>• Research, write and submit proposals for grants to augment Board funding.</li> <li>• Evaluate administrative rules and draft revisions or new rules based on statute or changes in legislation.</li> <li>• Review and revise administrative rule, policy and procedure manuals.</li> </ul>
5%	N	E	<p><b><u>Other Duties</u></b></p> <ul style="list-style-type: none"> <li>• Other duties as assigned by the Board of Towing and the Governor's office.</li> </ul>

100%

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#### SECTION 4. WORKING CONDITIONS

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**Describe any on-going working conditions. Include any physical, sensory, and environmental demands. State the frequency of exposure to these conditions.**

Standard office working environment with occasional in-state travel. Duties often involve strict deadlines and protection of sensitive or confidential customer information. All employees are expected to contribute to a work environment that respects and promotes diversity and a culture of inclusiveness.

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#### SECTION 5. GUIDELINES

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**a. List any established guidelines used in this position, such as state or federal laws or regulations, policies, manuals, or desk procedures.**

Oregon laws, regulations, & rules; to include ORS 98.853 - 98.862, 174.109, 181A.350, 183, 183.745, 646.608, 822.200, 822.205, 822.215, 822.225, 822.230, 822.235 and 822.605;

Federal laws, regulations, & rules



**b. How are these guidelines used?**

These guidelines are followed in development and revision of rules, policies and procedures used by the Board of Towing. Board Administrator must maintain a comprehensive and current knowledge and understanding of all laws, rules, and guidelines governing towing.

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**SECTION 6. WORK CONTACTS**

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**With whom, outside of co-workers in this work unit, must the employee in this position regularly come in contact?**

<b>Who Contacted</b>	<b>How</b>	<b>Purpose</b>	<b>How Often?</b>
<i>Note: If additional rows of the below table are needed, place cursor at end of a row (outside table) and hit "Enter".</i>			
General Public	Writing, email, in-person, phone	Respond to program questions and provide program information	Daily
Towing Industry	Writing, email, in-person, phone	Respond to program questions and provide program information	Daily
Board of Towing members	Writing, email, in-person, phone	Respond to program questions and coordinate Board administration duties	Daily

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**SECTION 7. POSITION RELATED DECISION MAKING**

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**a) Describe the typical decisions of this position.**

Decisions are made many times daily relating to maintenance of towing rules, policies, and procedures. Decisions must relate to accurate, clear, and consistent interpretation of those rules, policies, and procedures for all involved in towing programs.

**b) Explain the direct effect of these decisions.**

Incorrect decisions can adversely affect the work of the board, can negatively affect other parties (including individual citizens, other governmental agencies, and private business) in terms of inconvenience, monetary losses, or unnecessary expenditures, or can cause grievances, tort claims, or lawsuits to be filed.

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**SECTION 8. REVIEW OF WORK**

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**Who reviews the work of the position?**

<b>Classification Title</b>	<b>Position No.</b>	<b>How</b>	<b>How Often</b>	<b>Purpose of Review</b>

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**SECTION 9. OVERSIGHT FUNCTIONS FOR MANAGEMENT SERVICE SUPERVISORY (MMS) POSITIONS ONLY**

- a. How many employees are directly supervised by this position? 0  
 How many employees are supervised through a subordinate supervisor? 0

- b. Which of the following activities does this position do?
- |  |   |
|--|---|
| <input type="checkbox"/> Plan work               | <input type="checkbox"/> Coordinates schedules                    |
| <input type="checkbox"/> Assigns work            | <input type="checkbox"/> Hires and discharges                     |
| <input type="checkbox"/> Approves work           | <input type="checkbox"/> Recommends hiring                        |
| <input type="checkbox"/> Responds to grievances  | <input type="checkbox"/> Gives input for performance evaluations  |
| <input type="checkbox"/> Disciplines and rewards | <input type="checkbox"/> Prepares & signs performance evaluations |

**SECTION 10. ADDITIONAL POSITION-RELATED INFORMATION**

ADDITIONAL REQUIREMENTS: List any knowledge and skills needed at time of hire that are not already required in the classification specification:

Requires skill in oral and written communications, project management, technical analysis and interpreting applicable laws, rules and procedures. Requires familiarity with towing programs, operations and processes.

Must establish and maintain professional and collaborative working relationships with all contacts, and contribute to a positive and productive work environment. Must maintain regular and punctual attendance.

As the person in this position influences the public's image of the board, they must be able to communicate clearly and effectively. Must be able to work under minimal supervision and make sound decisions.

BUDGET AUTHORITY: If this position has authority to commit agency operating money, indicate the following:

Operating Area <i>(Personal Services; Services &amp; Supplies; Capital Outlay)</i>	Biennial Amount (\$00000.00)	Fund Type <i>(General; Other; Federal; Lottery)</i>
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**Note:** If additional rows of the below table are needed, place cursor at end of a row (outside table) and hit "Enter".


**DESIGNATION OF NAME-BASED CRIMINAL BACKGROUND CHECK (CBC) REQUIREMENT:**

Review the criteria below. Indicate if the position is assigned these duties or responsibilities. If one or more boxes is checked yes, a CBC is required prior to filling the position.

The employee in this position...

1. Provides information technology (IT) services and has control over access to Department information technology systems that could allow the individual to harm these systems or the information contained within the systems.  Yes  No

This relates to having responsibilities that involve development, programming, installation, maintenance or other technical aspects related to Department hardware and software. It is not intended to include positions with responsibilities that only utilize IT systems, such as entering and retrieving data. ....

- 2. Has responsibility for receiving, receipting, or depositing money or negotiable instruments. ....  Yes  No
- 3. Has responsibility for payroll functions. ....  Yes  No
- 4. Has responsibility for purchasing or selling property, or has access to private property in the Department's custody (such as Right of Way and Facilities). It is not intended to include positions with responsibilities that may involve simply being on private property to perform certain duties. ....  Yes  No
- 5. Has access to personal identification information about employees or members of the public, including Social Security numbers, date of birth, driver license numbers, medical information, personal financial information or criminal background information. ....  Yes  No

**DESIGNATION OF NAME-BASED AND FINGERPRINT-BASED CRIMINAL BACKGROUND CHECK (CBC) REQUIREMENT:**

Review the criteria below. Indicate if the position is assigned these duties or responsibilities. If one or more boxes is checked yes, both a name-based and a fingerprint-based CBC are required prior to filling the position.

The employee in this position...

- 1. Has tasks associated with the verification, data entry, or modification of driver identity information.....  Yes  No
- 2. Has access to driver or customer systems that would permit the entry or modification of driver identity information. ....  Yes  No
- 3. Has tasks associated with taking, reviewing, or accepting photos for driver licenses and identification cards. ....  Yes  No
- 4. Is a supervisory or management position that can affect the work of employees who perform any of these tasks. ....  Yes  No

**CJIS**

- 5. Has unescorted access to unencrypted criminal justice information or unescorted access to physically secure locations or controlled areas. ....  Yes  No

**SECTION 11. ORGANIZATIONAL CHART**

Attach a current organizational chart.

***Be sure the following information is shown on the chart for each position: classification title, classification number, salary range, and employee name and position number.***

**SECTION 12. SIGNATURES**

Employee Signature	Date	Supervisor Signature	Date
Appointing Authority Signature	Date	Printed Name of Appointing Authority	



State Board of Oregon  
DRAFT PUBLIC POLICY to administer  
ORS 822.200 *Operating Illegal Towing Business*  
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:**

**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 thevehicle 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.*

*Additional information provided at suggestion of DMV Vehicle Services.*

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
- 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 (reposessions)
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.
- 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**  
**Annual Public Board Meeting**  
**October 29, 2024**  
**10:00 a.m. until 4:00 p.m.**

AGENDA ITEM	PRESENTER	Time Est.
1. Call Meeting to Order	Chair	10:00
2. Welcome & Introductions ( <i>Board Member, Staff, Partners</i> )	All	
3. Approve Agenda	Board	
4. Executive Session		10:10
<i>The Board may enter Executive Session pursuant to ORS 192.660 to (f) consider information or records that are exempt by law from public inspection. (h) To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed. (i) To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing. Prior to entering into Executive Session, the nature of and authority for holding the Executive Session will be announced.</i>		
A. Board Administrator – Formal Performance Evaluation		
B. Complaint and Case Review		
Lunch		
Return to Public Board Meeting		TBD (1?)
5. Approve Minutes of October 1, 2024 Board Meeting	Board	
6. 2023-24 Board Accomplishments - Presentation		
7. Guest Speakers		
A. Amy Joyce, DMV Administrator		
B. Tom Holt, OTTA		
C. Tony Green, Deputy Ombudsman, City of Portland		
D. Anyone else?		
8. 2024 Board Administrator - Performance Evaluation	Baker	
9. Strategic Planning Session	Board	
A. Goals and Objectives ( <i>short term – long term</i> )		
B. Public Comment		
C. 2025 Road Map		
10. Upcoming dates:	All	
A. Next Board meeting		
B. Required Training		
11. Final Public Comments (time permitting)		
12. Adjourn Board Meeting - estimated	Chair	

\*Board vote during the meeting may be either consensus or roll call vote, depending on the Agenda item for decision.  
Tower votes: Rotate: Anderson/Baker, McClellan/Shaner