



Hearings Office

City of Portland

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RULES OF THE CITY OF PORTLAND HEARINGS OFFICE

ADM-9.03 – TOW HEARINGS

Adopted by the Chief Hearings Officer Pursuant to Rulemaking Authority

ARB-ADM-9.03

A. Purpose and Authority

The Hearings Office is responsible for conducting tow appeal proceedings in accordance with [Chapter 16.30](#) of the Portland City Code. These rules set forth guidance for implementing [Code Chapter 16.30](#) and for conducting prompt, efficient, fair, and impartial adjudications of tow cases.

[Code Section 16.30.420 B](#) authorizes the Hearings Officer to establish necessary rules and regulations for tow hearings, consistent with Code Title 16.

B. Applicability

These rules apply solely to tow hearings conducted by the Hearings Office under [Code Chapter 16.30](#).

C. Modification or Waiver; Conflicts

1. The Hearings Officer may modify or waive any of these rules, in the interest of fairness or justice and for good cause shown, consistent with Code Title 16.
2. In the event of any conflict between these rules and applicable requirements set forth in the Portland City Code, the Code provisions will prevail.

D. Definitions

The definitions set forth in [Code Chapter 16.90](#) apply to these rules. For purposes of these rules:

1. “Appellant” means a person who has been granted a tow hearing.
2. “Authorized Representative” means the Appellant's attorney or another person having the Appellant's signed, written consent to act on the Appellant's behalf.
3. “Bureau” means the agency authorized to order the tow of a vehicle pursuant to [Code Chapter 16.30](#) or a current intergovernmental agreement with the City of Portland.
4. “Continue” means to adjourn a tow hearing that is in progress and order that the hearing be completed on another date and time. For example, the Hearings Officer may “continue” a tow hearing that is taking longer than scheduled or expected to another date and time to give the parties enough time to present all of their evidence. The Hearings Officer has the sole discretion to continue a hearing.
5. “Day” means calendar day.
6. “Disruptive conduct” means conduct that interferes with the normal hearing process, as determined by the Hearings Officer.
7. “Excusable neglect” means a legitimate excuse for the failure to take the required action on time.
8. “*Ex parte* communication” means a direct or indirect communication about a tow appeal pending before a Hearings Officer, between the Hearings Officer and a party to the case or their representative, which occurs outside of a public hearing. *Ex parte* communications do not include communications between:
 - a. The Hearings Officer and any person employed by the Hearings Office.
 - b. The Hearings Officer and the Hearings Office’s legal counsel.
 - c. Hearings Office staff (excluding the Hearings Officer) and City staff or other participants regarding procedures or for verification of evidence in record.
9. “In storage” means that a vehicle has been towed and is being held in a storage facility.
10. “Interest in the vehicle” means written evidence of a documented financial interest in the towed vehicle.

11. “Interpreter” means a person with sufficient fluency to communicate with a party or witness who does not speak English. An interpreter is responsible for accurately translating the party’s or witness’ statements into English during the tow hearing, and for translating what is said during the hearing into the language used by the party or witness. “Interpreter” also refers to a person who assists or aides another person due to a disability.
12. “Mail” means electronic mail (email) or first-class United States Post Office mail delivery service.
13. “Owner” means a person who is the title holder or registered owner of a vehicle, or a person in possession of an official bill of sale document for a vehicle that lists the person as the buyer and is dated not more than 30 days before the date of the vehicle tow.
14. “Postpone” means to reschedule a tow hearing for another date and time.
15. “Received” means the date and time a document is time-stamped as received in the Hearings Office; except that a document delivered to the Hearings Office after regularly scheduled business hours or on a Saturday, Sunday, or official City holiday or closure will be deemed to have been received on the next business day at the start of business hours.
16. “Tow Hearing Request Form” means the Hearings Office’s [form](#) used for tow hearing requests, whether it is in hardcopy or has been submitted through the [Hearings Office’s electronic case management system](#).

INITIATING TOW HEARINGS

E. Who May Request a Tow Hearing

- I. A person may request a hearing to contest the validity of a City-ordered tow or the intended tow of a vehicle if the person:
 - a. Is the owner of the towed vehicle (or that person's authorized representative); or
 - b. Reasonably appears to have an interest in the vehicle (or is the authorized representative of a person who reasonably appears to have an interest in the vehicle).

2. The Hearings Office will grant only one hearing per tow. When a tow hearing request has been granted, the Hearings Office will deny any subsequent hearing request for the same towing event. Any dispute between the Appellant and another person who later requests a hearing concerning the same vehicle tow must be resolved in a forum other than the Hearings Office.

F. Tow Hearing Requests

1. There is no filing fee for requesting a tow hearing.
2. Tow hearing requests must be submitted on a [Tow Hearing Request Form](#). Tow Hearing Request Forms are available at the Hearings Office and on the [Hearings Office website](#). Upon request, the Hearings Office will mail a blank Tow Hearing Request Form to the requester.
3. Tow Hearings Request Forms may be filed with the Hearings Office by fax, mail, or hand-delivery, or may be filed electronically through the Hearings Office's electronic filing system, available at: <https://cms.synisys.com/portlandho/>.
4. If a Tow Hearing Request Form does not contain all of the required information, the Hearings Officer may deny the tow hearing request.
5. The person requesting a tow hearing must state, on the Tow Hearing Request Form, their reason or reasons for believing that the tow was invalid or for any other reason unjustified.
6. The person requesting a tow hearing is responsible for indicating, on the Tow Hearing Request Form, whether the towed vehicle remains in storage. The 72-hour deadline for setting and conducting an in-storage tow hearing will not apply unless the Tow Hearings Request Form indicates that the vehicle is still in storage.
7. The person requesting a tow hearing may authorize someone else to represent them at the hearing by completing and signing the applicable sections of the Tow Hearing Request Form. The Hearings Officer may, in the Hearings Officer's discretion, accept another form of authorization for representation.

G. Deadline to Request a Tow Hearing

The Tow Hearing Request Form must be received by the Hearings Office not later than 10 days after the vehicle was towed.

1. If the deadline for filing a Tow Hearing Request Form is on a Saturday, Sunday, or official City holiday or closure, the deadline will be extended to the next business day.
2. If a Tow Hearing Request Form is delivered to the Hearings Office after regularly scheduled business hours or on a Saturday, Sunday, or official City holiday or closure, the request will be deemed received on the next business day at the start of business hours.
3. The Hearings Officer may, for good cause shown, grant a tow hearing request received after the deadline, if:
 - a. The person filing the request explains, in the applicable section of the Tow Hearing Request Form, why the request is late; and
 - b. The Hearings Officer determines that the filing was delayed due to excusable neglect.

NOTE: [Code Section 16.30.620](#) permits the City to sell a towed vehicle after it has been in storage for 30 days or longer, or after 15 days or longer if the vehicle has an appraised value of \$750 or less. The Hearings Office cannot provide a remedy to an Appellant after their vehicle has been sold.

H. Hearings Office Jurisdiction

The Hearings Officer's authority is limited to determining whether a City-ordered tow of a vehicle was valid and justified.

1. The Hearings Officer does not have jurisdiction to review parking citations, even if the parking citation is related to the tow. Parking citations can be contested through the Multnomah County Circuit Court. More information about contesting parking citations is available at <https://www.portlandoregon.gov/transportation/article/59923> or from the court.
2. The Hearings Officer does not have jurisdiction to review tows requested by private parties or ordered by jurisdictions other than the City of Portland (except pursuant to a current intergovernmental agreement).

I. Scheduling and Notice of Tow Hearings

1. The Hearings Office will schedule the date, time, and place of all tow hearings.

2. *It is the Appellant's responsibility to confirm the date, time, and place of the scheduled tow hearing.*

- a. The Hearings Office will send a written notice of the scheduled date, time, and place of the tow hearing to the Appellant at the mailing address or email address provided in the Tow Hearing Request Form.
- b. A [calendar of scheduled hearings](#) is available on the Hearings Office website. The calendar is subject to change. A person may contact the Hearings Office to obtain the most up-to-date information.
- c. If the Tow Hearing Request Form indicates that the vehicle is in storage, the Hearings Office must hold the tow hearing within 72 hours (not including Saturdays, Sundays, or official City holidays).

J. Notice to the Bureau that Ordered Vehicle Tow

After scheduling a tow hearing, the Hearings Office will electronically notify the Bureau that ordered the tow of the vehicle.

K. Requests to Reschedule a Tow Hearing

1. A party may request to reschedule or postpone a tow hearing by submitting a [Request to Reschedule Form](#).
 - a. Request to Reschedule Forms are available at the Hearings Office and on the [Hearings Office website](#). Upon request, the Hearings Office will mail a blank Request to Reschedule Form to the requester.
 - b. Request to Reschedule Forms may be filed with the Hearings Office by fax, mail, e-mail, or hand-delivery, or may be filed electronically through the Hearings Office's electronic filing system, available at: <https://cms.synisys.com/portlandho/>.
 - c. The Hearings Office must receive the Request to Reschedule Form no later than 48 hours before the scheduled tow hearing (not including Saturday, Sunday, or official City holidays or closures), except that the Hearings Officer may waive this deadline for a vehicle that is in storage.
2. The Hearings Officer has sole discretion to determine whether to grant a request to reschedule.

3. The [Hearings Office's online case management system](#) will electronically notify parties if a tow hearing is rescheduled. If a party does not have access to email / the electronic case management system, the party must contact the Hearings Office to timely inquire about whether the tow hearing has been rescheduled.
4. If a tow hearing is rescheduled per the Appellant's request, the 14-day / 72-hour deadline for conducting the hearing, set forth in [Code Chapter 16.30](#), is considered waived by Appellant and the deadlines do not apply. A tow hearing will not be rescheduled beyond the deadlines required by [Code Chapter 16.30](#) without a waiver by the Appellant, unless otherwise authorized by the Code.
5. If a hearing to review the tow of a vehicle that is still in storage is rescheduled per the Appellant's request, the vehicle owner is responsible for any storage costs incurred after the date and time of the originally scheduled tow hearing.

TOW HEARINGS

L. When Tow Hearings are Held; Late Arrivals; Failure to Appear

1. All tow hearings are scheduled within the hours of 8:00 a.m. to 5:00 p.m. on Monday through Friday (not including official City holidays and closures).
2. The Hearings Office will begin tow hearings promptly at the scheduled time. More than one hearing may be scheduled for the same time.
 - a. **Tow hearings will not be rescheduled for late arrivals.** Persons arriving late may lose the opportunity to present their arguments or evidence or hear other parties' testimony.
 - b. The parties or their authorized representatives must be prepared to present their cases to the Hearings Officer, including any witnesses and documentary evidence, at the scheduled hearing time. Tow hearings will not be continued because a party or their representative is not prepared for the hearing.
3. If a party or witness fails to appear for the scheduled tow hearing, the Hearings Officer will proceed with the hearing in their absence.
 - a. A party who fails to appear at a scheduled tow hearing is not entitled to have the hearing continued to a later date, unless the Hearings Officer determines, for good cause shown, that continuing the hearing is appropriate.

- b. Once the hearing record is closed, no additional testimony or exhibits will be considered.

M. Standard of Proof

1. The Bureau that ordered the tow of a vehicle has the burden of proving, by a preponderance of the evidence, that the tow was valid. A tow will be found valid if the Hearings Officer finds that all procedural and notice requirements were met, and that the person ordering the tow followed all relevant laws and regulations.
2. The Hearings Officer may find that the tow of a vehicle was valid, but was nevertheless unjustified. An Appellant who believes a tow was unjustified has the burden to allege and produce evidence on that point.
3. The Hearings Officer may invalidate the tow of a vehicle **only if** the Hearings Officer finds that the tow was not valid or was otherwise unjustified. If a tow is otherwise valid and justified, the Hearings Officer does not have the authority to waive the tow or storage fees based on the Appellant's inability to pay or to partially reduce tow or storage fees.

N. Tow Hearing Procedures

1. The manner of conducting a tow hearing is subject to the Hearings Officer's sole direction, control, and discretion.
2. The Hearings Officer may allow a party or witness to appear by telephone or an electronic remote participation platform, for good cause shown, using procedures established by the Hearings Office.
3. An Appellant has the right to be represented by an attorney, at the Appellant's own expense.
4. All tow hearings are audio recorded.
 - a. Unless an Appellant requests, at the beginning of the tow hearing, that the recording not be posted, a copy of the recording will be publicly available online within three business days following the hearing date.

- b. If the recording is not posted, the Hearings Office will provide a copy of a hearing recording, upon request by an Appellant, as staff time permits. A request for a hearing recording must include the case number and the Appellant's name.

O. Rules of Evidence, Generally

Evidence of a type commonly relied upon by reasonable, prudent persons in conducting their important affairs is admissible in tow cases. The Hearings Officer may order the exclusion of irrelevant, immaterial, redundant, or unduly repetitious evidence.

P. Witnesses

1. An Appellant may testify at the tow hearing, and may have one or more witnesses testify on their behalf.
2. The Bureau that ordered the tow may offer witness testimony at the tow hearing.
3. All testimony given at the tow hearing must be under oath or affirmation administered by the Hearings Officer.
4. The Hearings Officer may question the witnesses to develop the record or seek clarification.

Q. Exhibits

- I. Exhibits consisting of written or printed evidence (including photographs) may be submitted to the Hearings Office as follows:
 - a. The Bureau that ordered the vehicle tow, and any Appellant should upload all exhibits to the Hearings Office's online case management system no later than the following deadline: the close of business on the Thursday before the scheduled hearing.
 - i. The Hearings Officer may exclude evidence not received by the deadline.
 - ii. This deadline does not apply to in-storage tow cases, which must be heard within 72-hours of the tow hearing request.
 - iii. Exhibits that are uploaded to the case management system can be viewed by the Hearings Office and all parties.

- iv. The Hearings Office will provide Appellants who opt out of the electronic case management system with one copy of the exhibits submitted by the Bureau that ordered the vehicle tow when Appellants arrive at the Hearing. In advance of the Hearing, upon request, one hard copy of these exhibits will be mailed to an Appellant at no charge.
 - b. Evidence that is not submitted through the electronic case management system by the deadline may be offered in person at the tow hearing, if the party or witness offering the evidence brings three hard copies of each document to the hearing. The Hearings Office may make exceptions to this requirement for good cause shown.
2. All evidence submitted to the Hearings Office becomes a public record.
 - a. The parties must redact (black out) any confidential information (e.g., social security numbers, driver's license or passport numbers, financial account numbers, health information, etc.) from exhibits before submission to the Hearings Office.
 - b. The Hearings Office may edit a document or recording to redact confidential content before publicly posting or distributing the document or recording. The Hearings Office will retain the unedited record with restricted access.
3. The Hearings Office will ensure that all exhibits are numbered upon receipt, the party offering the exhibit is noted, and all exhibits are preserved as a part of the record.
 - a. The Hearings Office affixes an exhibit label to the bottom righthand corner of each page of each document. Parties should therefore leave a sufficient margin or border at the bottom righthand corner of each exhibit so that important information is not obscured by the exhibit label.
 - b. All exhibits submitted into evidence become the property of the Hearings Office and will not be returned.
4. The Hearings Officer will ensure that all parties have an opportunity to review and respond to all exhibits.

R. Other Types of Evidence

Evidence other than oral testimony or documents may be offered and admitted, subject to the following limitations:

1. If equipment, technology, or computer programs are required to access or present the evidence, the person offering such evidence is responsible for providing and setting up the equipment, technology, or programs. The Hearings Office does not supply equipment, technology, or programs (including but not limited to projectors and computers).
 - a. A copy of is the evidence presented must be provided to the Hearings Office to keep with the record for archiving and appeal purposes.
 - b. Set up must be done before the scheduled start of the hearing and must not disrupt the hearing process. The equipment, technology, or programs must be removed immediately after the hearing concludes.
 - c. The Hearings Officer will not attempt to open any computer DVD/CD/phone file or program. The Hearings Office will not click on a link unless the Bureau of Technology first reviews the link for security purposes related to malware.
2. If a party has questions or concerns about how to submit a particular item of evidence, they should contact the Hearings Office clerks at least two business days prior to the scheduled Hearing to coordinate submission of evidence.

S. Hearings Officer's Right to Eject and Exclude Persons from a Tow Hearing

The Hearings Officer may eject any person from the Hearing Room if the person engages in disruptive conduct or otherwise violates any of [the rules of conduct applicable to City property \(Code Chapter 3.18\)](#).

1. An ejected person may not re-enter the Hearing Room for the remainder of the day.
2. If a person is ejected, they are deemed, by their behavior, to have waived their right to offer any additional in-person testimony or arguments related to the tow. The ejected person may only submit additional written evidence, before the hearing closes, through an agent or representative.
3. If the Hearings Office determines that a person should be ordered to leave City property to protect health, welfare, or safety or to prevent future disruptions, the Hearings Office will immediately contact a [Person-in-Charge](#) or follow other applicable Hearings Office procedures.

T. Ex Parte Communications

A Hearings Officer may not initiate, permit, or consider *ex parte* communications, except that when circumstances require it, an *ex parte* communication for scheduling, administrative, or emergency purposes, which does not address substantive matters, is permitted, if:

1. The Hearings Officer reasonably believes that no party will gain a procedural, substantive, or tactical advantage as a result of the *ex parte* communication; and
2. The Hearings Officer promptly notifies all other parties of the substance of the *ex parte* communication and gives the parties an opportunity to respond.

U. Interpreters

1. Appellants needing interpretation assistance are encouraged to provide their own interpreter for the tow hearing.
2. The Hearings Office will make reasonable accommodations for individuals needing an interpreter. Upon request, the City will endeavor to provide, at the City's expense, a qualified interpreter for those needing such assistance.
 - a. To help ensure availability, an Appellant should contact the Hearings Office to request an interpreter as soon as possible, and no later than 48 hours before the scheduled tow hearing (not including Saturdays, Sundays, or official City holidays or closures). If shorter notice is given, the Hearings Office will make a good faith effort to provide an interpreter.
 - b. The request for an interpreter should be in writing, and should include the name and language (including any regional dialect) of the person needing an interpreter.
 - c. If interpreter services are not available, the Hearings Officer may proceed with or continue the hearing, at the Hearings Officer's sole discretion.
3. The Hearings Officer will ask the person providing interpretation assistance to state their name and mailing address for the record and swear to or affirm the following:

"Do you swear or affirm that you are qualified to provide translation assistance from English to [Language] and will make a true and impartial translation of the proceedings using your best skills and judgment?"

HEARINGS OFFICER'S FINDINGS AND ORDERS; APPEALS

V. Tow Hearing Orders

Within 14 days of the close of the tow hearing record, the Hearings Officer will issue written findings, which explain the facts and rules related to the tow of the vehicle and the reasons why the Hearings Officer found the tow to be valid or invalid, and if applicable, justified or unjustified.

1. The Hearings Office will provide a copy of the order to all parties.
2. *If the Hearings Officer finds that the tow and/or storage of the vehicle was invalid or not justified, and the towed vehicle has been released from storage:*
 - a. The Hearing Officer will order that the tow and/or storage charges be waived, and that any money paid for tow and/or storage charges will be returned, as appropriate.
 - b. A Hearings Office Clerk will initiate the refund process after the Hearings Office receives a legible copy of the tow receipt. The refund will be issued and mailed to the Appellant.
3. *If the Hearings Officer finds that the tow and/or storage of the vehicle was invalid or not justified, and the towed vehicle is still in storage:*
 - a. The Hearing Officer will order that the vehicle be immediately released, and that the owner(s) or other person(s) who have an interest in the vehicle are not liable for the tow and/or storage charges.
 - b. At the hearing, a Hearings Office Clerk will give the Appellant a Notification of Invalid Tow Form, which sets forth the Appellant's name, vehicle information, and the deadline to retrieve the vehicle. Any additional storage fees after the deadline are the responsibility of Appellant.
 - c. If the Appellant fails to appear at the hearing, it is the Appellant's responsibility to promptly pick-up the Notification of Invalid Tow Form from the Hearings Office during normal business hours. The Hearings Office will send an electronic version of this Notification of Invalid Tow Form to the Appellant at the close of the hearing if the Appellant's email address has been provided.

W. Requests to Reopen the Record After the Hearing is Closed

The Hearings Officer may reopen a tow hearing case, for good cause shown, upon receiving a written request submitted by either party.

1. Cases will not be reopened after 30 days of the date of the Hearings Officer's Order.
2. Good cause may include but is not limited to:
 - a. The party was unable to provide evidence at or before the hearing, despite all reasonable diligence, for reasons beyond the party's reasonable control.
 - b. There are newly discovered facts that were not discoverable with due diligence prior to the hearing.
 - c. There has been an intervening change in controlling law.
 - d. The Hearings Officer made a clear error of law.
 - e. An injustice needs to be prevented or corrected.
 - f. The party would be harmed if the Hearings Officer denies the request to reopen the record.

X. Appeals

The Hearings Officer's decision in tow cases is final and is not appealable to the City Council. The parties may seek judicial review of the Hearings Officer's order by writ of review to the Circuit Court of Multnomah County, as provided in [ORS 34.010 - 34.100](#).

Rule Information and History

Questions about these rules may be directed to the [Hearings Office](#) at 503-823-7307.

Adopted by the Code Hearings Officer pursuant to 16.30.420(B) of the Municipal Code of the City of Portland, Oregon on November 28, 1980, April 27, 1993, and December 16, 2010.

Filed for inclusion in the PPD on November 8, 2007.

Revised rules adopted by the City Auditor on December 17, 2010.

The City Auditor repealed Hearings Office rules on July 2020 because the Hearings Office transferred out of the Auditor's Office.

Revised rules adopted by the Chief Hearings Officer on July 1, 2020.