

ADM-9.03 - Towing Hearings Officer Rules and Regulations

TOWING HEARINGS OFFICER RULES AND REGULATIONS

Administrative Rules Adopted by the Auditor's Office Pursuant to Rule-Making Authority

ARB-ADM-9.03

1. REQUESTS FOR HEARINGS

1-1 A hearing to determine the validity of a tow or proposed tow will be held only pursuant to a written Request for Hearing, timely filed with the Towing Hearings Officer by the owner or other person interested in the vehicle towed or proposed to be towed.

1-2 (a) Requests for Hearings shall be in writing and shall contain the name, address, a telephone number of the person or persons requesting the hearing; the make, license number, and state of registration of the vehicle involved; the date, time, and location of the tow; together with a statement of the reason or reasons why it is believed the tow or proposed tow is invalid or otherwise unjustified; and shall be signed by the person or persons requesting the hearing.

(b) Requests for Hearings not in writing or otherwise not complying with subsection(a) above will not be considered unless the Towing Hearings Officer determines good cause has been shown for failure to comply.

1-3 (a) Requests for Hearings shall be filed with the Towing Hearings Officer within the time set forth in [16.30.410](#) of the Code of the City of Portland.

(b) Requests for Hearings will be deemed filed when received by the Hearings Officer.

(c) Requests for Hearings not timely filed will not be considered unless the Towing Hearings Officer determines that good cause has been shown for failure to timely file.

1-4 Unless the sufficiency, manner, or form of notice is objected to in the Request for Hearing as a reason why the tow or proposed tow is believed invalid, the filing of a Request for Hearing shall be deemed a waiver of all objections to the sufficiency, manner, and form of notice by the person or persons filing such Request.

1-5 Requests for Hearings filed by persons other than the registered or legal owner of the vehicle or persons with a legal possessory interest in the vehicle, or their agents or representatives, may be denied.

2. HEARINGS

2-1 The time and place of hearing shall be set by the Towing Hearings Officer.

2-2 In cases when a vehicle has been towed and has not been released at the time the Request for Hearing is filed, the time and place of hearing shall be not more than seventy-two hours after the time the Request for Hearing is filed, Saturdays, Sundays, and holidays excluded.

2-3 Written notification of the time and place of hearing need not be provided. The time and place of hearing will be set at the time the Request for Hearing is filed, and it is the responsibility of the person or persons requesting the hearing to make timely inquiry, in person or by telephone, to determine the time and place set for hearing.

2-4 (a) If a person or persons request a hearing and fail to appear at the time and place set therefor, the Towing Hearings Officer shall enter a determination that the tow or proposed tow is valid and make such further findings and orders as may be appropriate.

(b) Such determination may be set aside or modified and the hearing rescheduled only for good cause shown and by written request filed with the Towing Hearings Officer within seventy-two hours, Saturdays, Sundays, and holidays excluded, after the time set for hearing. Failure to make timely inquiry of the time and place for hearing shall not be deemed good cause.

2-5 (a) Hearings may be postponed or reset only upon written request and for good cause shown. If the Towing Hearings Officer grants a request to postpone or reset a scheduled hearing, the request may be granted subject to such terms and conditions as the Towing Hearings Officer determines are appropriate under all the circumstances, including requiring the person or persons requesting the postponement or setover to agree to assume all storage or other charges accruing against the vehicle involved after the time originally set for hearing.

(b) Because postponing or resetting hearings on vehicles proposed to be towed may unduly delay the removal of discarded, abandoned, and nuisance vehicles, postponements or resets of hearings on these vehicles will not ordinarily be allowed.

2-6 Upon written request filed with the Towing Hearings Officer prior to hearing, a person requesting a hearing may waive personal appearance at the hearing and have the matter determined on the record. A person waiving personal appearance may submit to the Hearings Officer such documentary or other evidence as may be desired, and such evidence shall be made a part of the record (subject to Section 3-3) and considered by the Hearings Officer in making the determination.

3. CONDUCT OF HEARINGS

3-1 The manner of the conduct of hearing shall be subject to the direction, control, and discretion of the Towing Hearings Officer.

3-2 The issues to be determined at hearing shall be limited to those set forth in the Request for Hearing.

3-3 (a) Evidence of a type commonly relied upon by reasonable, prudent persons in the conduct of their important affairs shall be admissible.

(b) Specifically, unsworn statements, both oral and in writing, documents and copies of documents, and official and business reports and records not certified as such, shall be admissible, subject to the provisions of subsection (a) above.

(c) Irrelevant, immaterial, redundant, or unduly repetitious evidence shall be excluded.

3-4 A record of a hearing shall be made. Such record shall be by electronic recording device or by such other means as the Towing Hearings Officer determines.

4. FINDINGS AND ORDERS

4-1 All Findings and Orders shall be in writing.

4-2 All Findings and Orders shall be entered at the conclusion of the hearing or as soon thereafter as a determination can be made.

5. GENERAL

5-1 (a) The Towing Hearings Officer may designate one or more individuals as Acting Towing Hearings Officers, with all the powers and duties of the Towing Hearings Officer.

(b) Whenever, under these rules, any act or duty is to be performed by the Towing Hearing Officer, it may also be performed by the Towing Hearings Officer's authorized representatives.

5-2 The Hearings Officer may waive or modify any of these rules in the interest of fairness or justice for good cause shown.

ORDER

Pursuant to the provisions of Section [16.30.420\(B\)](#) of the Municipal Code of the City of Portland, the attached Rules and Regulations for Hearings Before the Towing Hearings Officer of the City of Portland are hereby ADOPTED.

HISTORY

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

Filed by the City Auditor for inclusion in PPD November 8, 2007.