



CITY OF  
**PORTLAND, OREGON**  
HEARINGS OFFICE

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**HEARINGS OFFICER'S ORDER**

APPEAL OF RICARDO RAMOS TREJO

CASE NO. 1080268

DESCRIPTION OF VEHICLE: Chevrolet Blazer (OR ZWY824)

DATE OF HEARING: September 2, 2008

APPEARANCES:

Mr. Ricardo Ramos Trejo, Appellant

HEARINGS OFFICER: Mr. Ian Simpson

The Hearings Officer, on substantial evidence and based upon the record as a whole, and receiving Exhibits 1 through 12 into the record without objection, finds as follows:

Ms. Jacqueline Jacobo, a friend of the appellant's, translated for him during the hearing.

The towing officer's report stated that during a traffic stop, the appellant showed the officer an expired insurance card, and so the officer had the vehicle towed.

The appellant stated that he showed the officer an expired insurance card because he had not yet received the new one in the mail. The appellant also showed the officer a payment receipt showing that the appellant had paid the insurance company to continue the insurance. However, the payment receipt did not show a date that the insurance was extended to. The city code authorizes an officer to tow a vehicle if the officer has probable cause to believe the vehicle lacks insurance. In this case, the officer was not provided with any evidence that showed that the insurance was current, which gave the officer such probable cause.

Given these circumstances, this was a valid tow. Please note the relevant City Code sections below concerning this matter.

**16.30.220 Towing Without Prior Notice.**

(Amended by Ordinance Nos. 165980, 170912, 176352, and 176442, effective May 1, 2002.) Any authorized officer may, without prior notice, order a vehicle towed, when:

K. A police officer has probable cause to believe that the vehicle's operator has committed any of the following offenses:


1. Driving uninsured (ORS 806.010);

**806.011 Insurance card required.** An unexpired card issued as provided in ORS 742.447, or other current proof of compliance with financial or future responsibility requirements approved by rule by the Department of Transportation, shall be carried in each motor vehicle that is operating in this state and that is not exempt from compliance with financial or future responsibility requirements. Failure of the driver of a motor vehicle to show a valid card or other proof of compliance when asked to do so by a police officer is reasonable grounds for the officer to believe that the person is operating the vehicle in violation of ORS 806.010

Therefore, it is ordered that all towing and storage charges against the vehicle shall remain the responsibility of the vehicle's owner.

This order may be appealed to a court of competent jurisdiction pursuant to ORS 34.010 et seq.

Dated: September 9, 2008  
IS: cb/rs

  
Ian Simpson, Hearings Officer

Bureau: Police  
Tow Number: 23170

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Hearing request letter	Trejo, Ricardo Ramos	Received
2	Copy of Insurance certificate	Trejo, Ricardo Ramos	Received
3	Copy of receipt for insurance	Trejo, Ricardo Ramos	Received
4	Tow desk report printout	Hearings Office	Received
5	Hearing notice	Hearings Office	Received
6	Tow hearing info. sheet	Hearings Office	Received
7	Towed Vehicle Record	Police Records	Received
8	Vehicle Release	Police Records	Received
9	Traffic Violation Tow Report	Police Records	Received
10	Notice of Impoundment Towing	Police Records	Received
11	Citation	Police Records	Received
12	Copies of insurance info. (2 pgs)	Trejo, Ricardo Ramos	Received