



CITY OF
PORTLAND, OREGON
HEARINGS OFFICE

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HEARINGS OFFICER'S ORDER

APPEAL OF CHARLIE WOOD

CASE NO. 1080299

DESCRIPTION OF VEHICLE: Royal Enfield Motorcycle (OR M633839)

DATE OF HEARING: October 14, 2008

APPEARANCES:

Mr. Charlie Wood, 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 11 into the record without objection, finds as follows:

The towing officer's report (Exhibits 9 and 10) stated that the Appellant's vehicle was towed because the driver did not show proof of insurance.

The Appellant stated that after a traffic accident, an officer asked to see his proof of insurance. The Appellant stated that he did not have proof of insurance at the time, and he told the officer that he was not certain whether his vehicle was currently insured under his policy. 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 driver not presenting a valid insurance card to the officer 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);

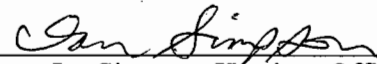
806.011 Insurance card required. An unexpired card issued as provided in ORS 742.447, or other current proof of compliance with financial or future responsibility requirements approved by rule by the Department

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: October 14, 2008
IS: cb/rs


Ian Simpson, Hearings Officer

Bureau: Police
Tow Number: 25851

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Hearing request letter	Wood, Charlie	Received
2	Tow desk report	Hearings Office	Received
3	Hearing notice	Hearings Office	Received
4	Tow hearing info. sheet	Hearings Office	Received
5	Towed Vehicle Record	Police Bureau	Received
6	Traffic Crash Exchange Report	Police Bureau	Received
7	Traffic Accident & Insurance report info. sheet	Police Bureau	Received
8	Notice of Impoundment	Police Bureau	Received
9	Traffic Violation Tow Report Non-Connect	Police Bureau	Received
10	Officer's narrative	Police Bureau	Received
11	Citation & Complaint	Police Bureau	Received