



CITY OF
PORTLAND, OREGON
HEARINGS OFFICE

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HEARINGS OFFICER'S ORDER

APPEAL OF JENNIFER MCGINNIS

CASE NO. 1080303

DESCRIPTION OF VEHICLE: Ford F350 (OR PZA450)

DATE OF HEARING: October 9, 2008

APPEARANCES:

None

HEARINGS OFFICER: Mr. Ian Simpson

The Hearings Officer, on substantial evidence and based upon the record as a whole, and receiving Exhibits 1 through 13 into the record without objection, finds as follows:

The Appellant's request for a hearing (Exhibit 1) raised a question of whether the Appellant owned the subject vehicle. The Appellant provided documentation (Exhibits 12 and 13) which the Hearings Officer finds is adequate proof of ownership.

The towing officer's report stated that the Appellant's vehicle was towed because the driver did not show proof of insurance. The Appellant stated in her request for a hearing (Exhibit 1) that when the officer stopped her boyfriend, who was driving her vehicle, he provided the officer with an insurance policy number, but the officer said that since it was Saturday he could not call the insurance company to verify the insurance policy.

The Code authorizes an officer to tow a vehicle if the officer has probable cause to believe that the vehicle is not insured. If a driver does not provide an officer a valid insurance card or other proof of insurance when the officer asks to see it, this gives an officer such probable cause. An officer is not required to call an insurance company to verify if insurance is valid. A driver must carry proof of insurance in the vehicle and show it to the officer.

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:

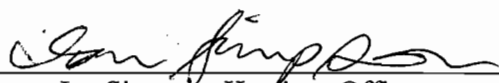
1. Driving uninsured (ORS 806.010);

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 10, 2008
IS: rs


Ian Simpson, Hearings Officer

Bureau: Police
Tow Number: 26239

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Hearing request letter	McGinnis, Jennifer	Received
2	Tow Desk printout	Hearings Office	Received
3	Hearing Notice	Hearings Office	Received
4	Tow Hearings Process Info. sheet	Hearings Office	Received
5	Ownership letter	Hearings Office	Received
6	Towed Vehicle Record	Police Bureau	Received
7	Traffic Violation Tow Report	Police Bureau	Received
8	Narrative	Police Bureau	Received
9	Notice of Impoundment	Police Bureau	Received
10	Citation & Complaint	Police Bureau	Received
11	10/9/08 Letter	McGinnis, Jennifer	Received
12	Oregon Vehicle Certificate of Title	McGinnis, Jennifer	Received
13	DMV Vehicle Bill of Sale with Oregon Insurance Card	McGinnis, Jennifer	Received