



CITY OF  
**PORTLAND, OREGON**

HEARINGS OFFICE

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**HEARINGS OFFICER'S ORDER**

APPEAL OF RUSS BUCKMAN

CASE NO. 1080350

DESCRIPTION OF VEHICLE: Oldsmobile Cutlass (OR XDY395)

DATE OF HEARING: December 11, 2008

APPEARANCES:

Russ Buckman, 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 9 into the record without objection, finds as follows:

The towing officer's report (Exhibits 6, 7, 8 and 9) stated that the appellant's vehicle was towed because the driver did not show current proof of insurance during a traffic stop. The appellant showed the officer several expired insurance cards. The officer ordered a tow, but told the appellant that if he found the current insurance card, the officer would cancel the tow.

The appellant stated that the officer only gave him about two minutes to find his insurance card. The City Code authorizes an officer to tow a vehicle if the officer has probable cause to believe the vehicle lacks current, valid insurance. The Hearings Officer finds that an officer has considerable discretion as to how much time to give a driver to find proof of insurance, depending on the officer's time constraints. Even if the officer only gave the appellant two minutes, two minutes is sufficient time to give a driver to find proof of insurance.

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: December 12, 2008

IS: cb/rs

  
Ian Simpson, Hearings Officer

Bureau: Police  
Tow Number: 31908

Enclosure

Exhibit #	Description	Submitted by	Disposition
1	Hearing request form	Buckman, Russ	Received
2	Tow desk printout	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 violation tow report w/narrative	Police Bureau	Received
7	Notice of Impoundment Towing	Police Bureau	Received
8	Special report	Police Bureau	Received
9	Complaint & Summons (3 pgs)	Police Bureau	Received