

NOTICE OF PROPOSED RULEMAKING HEARING*

A Statement of Need and Fiscal Impact accompanies this form.

Oregon Department of State Police

Chapter 257/Division 050

Agency and Division

Administrative Rules Chapter Number

Cort Dokken

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(503) 934-0228

Rules Coordinator

Address

Telephone

RULE CAPTION

Suspension or revocation of the right to apply or reapply for a letter of appointment

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

August 16, 2011

10:00 a.m.

255 Capitol Street, Oregon 97301 Conference Room B

Lt. James Rentz

Hearing Date

Time

Location

Hearings Officer

Auxiliary aids for persons with disabilities are available upon advance request.

RULEMAKING ACTION

Secure approval of new rule numbers (Adopted or Renumbered rules) with the Administrative Rules Unit prior to filing.

ADOPT:

AMEND: OAR 257-050-0050; 257-050-0155; 257-050-0157

REPEAL:

RENUMBER:

AMEND & RENUMBER:

Stat. Auth. : ORS 181.440

Other Auth.:

Stats. Implemented: ORS 181.440

RULE SUMMARY

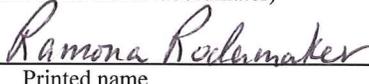
Deletes the undefined term "owner" and inserts the word "principal" in its place. Defines "principal" to include an owner. Gives the department continuing jurisdiction over pending suspension or revocation proceedings by authorizing it to revoke or suspend the right to apply for a letter of appointment. Gives the department continuing jurisdiction over pending suspension or revocation proceedings by authorizing it to revoke or suspend the right to re-apply for a letter of appointment. The department's current administrative rules only allow it to suspend or revoke an existing letter of appointment of either a "qualified tow business" or any owner or employee of a "qualified tow business" that commits a violation of law chargeable as a violation or crime. "Owner" is not defined. Additionally, the department's current administrative rules only allows it to suspend or revoke a tow vehicle, tow equipment, or a "qualified tow business" that already has a letter of appointment from being on the department's non-preference tow program for a violation of law other than a law chargeable as a violation or a crime. The department's current administrative rules do not allow it suspend or revoke either the right of a tow business or its principals to apply for a letter of appointment, or the right of a "qualified tow business" or its principals to re-apply for a letter of appointment once that business' current letter of appointment expires. Under Oregon law, an administrative agency loses jurisdiction over a revocation proceeding once a license expires unless the agency's statutory authority provides otherwise. On July 14, 2010, the department temporarily adopted these rules because it had administrative proceedings pending that involved the revocation or suspension of qualified tow businesses from its non-preference tow program. These rules gave the department continuing jurisdiction in those cases where the letter of appointment for a tow business, tow truck, "qualified tow business," or principal or employee thereof, will expire prior to the department completing its administrative suspension or revocation action and issuing a final order. Due to inadvertence by the department, the department's temporary rules expired on January 10, 2011 without permanent rules being adopted. These administrative rules are intended to the temporary rule changes permanent. The rule changes contained in these permanent rules are made retroactive to January 1, 2009.

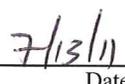
The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

August 16, 2011

Last Day for Public Comment (Last day to submit written comments to the Rules Coordinator)







Signature

Printed name

Date

*Hearing Notices published in the Oregon Bulletin must be submitted by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a weekend or legal holiday, upon which the deadline is 5:00 pm the preceding workday. ARC 920-2005