



For informational purposes only

OREGON STATE BOARD OF TOWING
ADMINISTRATIVE RULES
OAR CHAPTER 750
EFFECTIVE 01.01.2026

Initial Draft
For Informational Purposes Only

The following Oregon Administrative Rules provide an overview of the laws regulating the tow and recovery industry at an entry level.

Current and complete versions of the Board's Administrative Rules, Chapter 750, are located at
<https://secure.sos.state.or.us/oard>

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Oregon Administrative Rule Chapter 750

Effective January 1, 2026

Division 1 – Model Rules of Procedure

OAR 750-001-0001 - Uniform and Model Rules of Procedure.

The State Board of Towing adopts the Attorney General's Uniform and Model Rules of Procedure under ORS 183.341. These rules will be controlling except as otherwise required by law or rule.

OAR 750-001-0010 - Notice of Proposed Rules.

(1) Prior to the adoption, amendment, or repeal of an administrative rule under OAR Chapter 750, the State Board of Towing will give notice of its intended action.

- (a) By publishing in the Secretary of State's bulletin referred to in ORS 183.260 at least 21 calendar days prior to the effective date of the Proposed Rule; and
- (b) By publishing on the Board's website at least 21 calendar days prior to the effective date of the Proposed Rule; and
- (c) By distributing a copy of the Notice by electronic mail to persons on the Board's mailing list established pursuant to ORS 183.335 at least 28 calendar days prior to the effective date; and
- (d) By furnishing a copy of the Notice by regular mail to all persons requesting written notice from the Board, postmarked at least 28 calendar days prior to the effective date of the Proposed Rule; and
- (e) Delivered by electronic mail at least 49 days before the effective date, to the persons specified in subsection (15) of ORS 183.335; and
- (f) By distributing an electronic copy of the Notice to the following agencies, organizations, or publications:
 - (A) Oregon Dept. of Transportation.
 - (B) ODOT Driver and Motor Vehicles, Program Services.
 - (C) ODOT Driver and Motor Vehicles, Vehicle Services.
 - (D) Oregon Tow Truck Association.
 - (E) Individually to each of the 36 County Sheriff Departments in Oregon.
 - (F) Individually to the City and Community Police Depts in Oregon.
 - (G) Other organizations, agencies or publications in the towing industry known to the Board that may have a direct interest in the administrative rule.

(2) The Board may update the mailing list described in subsection (1)(c) and (1)(d) of this rule by requesting persons to confirm they wish to remain on the mailing list.

- (a) If a person does not respond to a request for confirmation within 30 days of the date the Board sends the request, the Board will remove the person from the mailing list.
- (b) Any person removed from the mailing list will be immediately returned to the mailing list upon request.

OAR 750-001-0030 - Contested Case Hearings.

The State Board of Towing adopts the Attorney General's Model Rules of Procedure for contested cases under ORS 183.413 through 183.502. These rules will be controlling except as otherwise required by law or rule.

OAR 750-001-0040 - Civil Penalty Procedures

The State Board of Towing adopts the Attorney General's Model Rules of Procedure for Civil Penalty and related procedures and processes under ORS 183.745. These rules will be controlling except as otherwise required by law or rule.

Division 10 – General Administrative and Operational Rules

OAR 750-010-0001 - Definitions

As used in OAR Chapter 750 and in the implementation and administration of the laws assigned to the Board to administer:

- (1) "Administrator" means the Board Administrative Officer appointed under ORS 822.260.
- (2) "Agent" or "Owner's agent" means:
 - (a) A person authorized by the property owner to lawfully act as the property owner's agent in identifying or authorizing a vehicle to be towed in ORS 98.853 (Conditions allowing towing) to 98.854 (Prohibitions placed on tower).
 - (b) A tower, its employee, sub-contractor, representative or delegate cannot act as a property owner's agent for the purposes of identifying or authorizing a vehicle to be towed without the consent of the vehicle owner or operator.
- (3) "Board", "SBOT", "Tow Board", or "Towing Board" means the State Board of Towing.
- (4) "Compensation" means: Something of value received for providing towing services including, but not limited to direct payment, commissions, tips, donations, discounts, barter, trade, and any other economic or non-economic benefit or consideration in exchange for towing services.
- (5) "DMV" means the Oregon Department of Transportation, Driver and Motor Vehicle Services.
- (6) "Employee" means: any party compensated, directly or indirectly, by the tower, including contractors or sub-contractors paid or reimbursed by the tower to identify towing business for the tower.
- (7) "Industry" means the collective tow operators, tow businesses, and other entities working in the tow and recovery professions.
- (8) "Law" means a written statute passed by the Oregon Legislature.
- (9) "Non Preference Towing" means the rotational list of towing businesses established by Oregon State Police under ORS 181A.350, or other non preference or rotational list used any law enforcement or government agency.
- (10) "OAR" means an Oregon Administrative Rule adopted by the Board or other state agency or board and filed with the Oregon Secretary of State.
- (11) "ODOT" means Oregon Dept. of Transportation.

(12) "Operator of the vehicle" means a person who demonstrates physical control of a vehicle.

(13) "ORS" means Oregon Revised Statute, written laws passed by the Oregon Legislature.

(14) "OSP" means Oregon State Police.

(15) "Owner of a motor vehicle" means the owner as defined in ORS 801.375.

(16) "Owner of a parking facility" or "owner of the parking facility" means the owner of a parking facility as defined in ORS 98.805 (1).

(17) "Person in lawful possession," "person with right to possession of the vehicle," and "person entitled to possession" means a person identified in ORS 802.240.

(18) As used in ORS 822.200(1)(c), "purports to be engaged in" means to solicit or advertise towing services through the telephone book, business directory, newspaper, radio, television, posting on vehicles, signs, business, billboards or by any other means as defined in OAR 735-154-0000 (2) (a).

(19) "Respondent" means the person or entity to whom a formal enforcement action is issued.

(20) "Special Committee" or "Subcommittee" means a standing, special, ad hoc, or other committee comprised of no more than three Board Members created to assist with the work of the Board as assigned.

(21) "Tow Certificate" or "Towing Business Certificate" means a tow or recovery vehicle business certificate issued by DMV under ORS 822.205.

(22) "Tow Truck" means a motor vehicle operated for compensation equipped with equipment designed and intended for towing or the recovery of wrecked, disabled, or abandoned vehicles or other objects creating a hazard on the public roadways. If a tow operator, or tow truck owner business, profits, benefits, or is compensated for operation of the vehicle in towing or recovery, the vehicle must be considered a tow truck under OAR Chapter 750.

(23) "Tower" means the person as defined in ORS 98.852.

(24) "Towing Business" means an individual, partnership, corporation, or other business entity that owns or operates a tow or recovery vehicle for commercial purposes.

(25) "Upon request" means:

- On the date and at the time the request is received by the tower.
- If the request is outside of business hours, the document is to be provided no later than the end of the business day.

OAR 750-010-0010 - Fees.

(1) The State Board of Towing will impose a fee of \$100 on any person or entity holding or applying for a tow or recovery vehicle business certificate in the State of Oregon, pursuant to ORS 822.285 (3). The fee:

- Will be collected during the application process for issuance or renewal of a tow business certificate as described in ORS 822.200 to 822.215 and OAR 735-154-0010.
- Fees paid to the Board under this section does not preclude the certification requirements under ORS 822.205.

(2) Fees collected under OAR 750-010-0010 will be deposited into the State Board of Towing Account established under ORS 822.270.

(3) Whenever a bank check, credit, or debit transaction in payment of an obligation to, or service provided by, the Board is dishonored by the bank upon which the check is drawn, the authorization holder must pay a \$35 administrative processing "NSF" fee to the Board. The Board may take other disciplinary action against an authorization holder or payer and may seek other legal remedies to collect the returned items.

(4) Fees paid to the State Board of Towing are nonrefundable.

OAR 750-010-0030 - Fiscal.

The State Board of Towing fiscal year will be a twelve-month period beginning July 1 of one year and ending June 30 of the following year.

OAR 750-010-0040 - Contracting and Procurement.

The State Board of Towing may contract for services when:

(1) The specialized skills, knowledge, and resources are not available within the Board or its staff;

(2) The work cannot be done in a reasonable time with the Board's own workforce;

(3) An independent and impartial evaluation of a situation is required by a consultant with recognized professional expertise and stature in a field; or

(4) Cost and expenses incurred by the Board will be reduced under a contract for the work.

OAR 750-010-0050 - Board Meetings.

(1) The State Board of Towing will hold regular public Board Meetings at least once every fiscal quarter.

(2) Regularly scheduled Public Board Meetings will be noticed to the public a minimum of ten (10) calendar days before the scheduled date of the meeting by:

(a) Posting on the Board website; and

(b) Posting on the Public Calendar of the Oregon Transparency website; and

(c) By distributing a copy of the Notice by electronic mail to persons on the Board's mailing list

(3) The Board will hold emergency or special meetings at the request of any Board member or the Board Administrator to address emergency or time-sensitive board

matters or business, noticed to the public a minimum of three (3) calendar days before the scheduled date of the meeting by the same means described in OAR 750-010-0040 (2).

(4) In case of an emergency, a meeting may be held pursuant to ORS 192.640.

OAR 750-010-0060 - Committees and Subcommittees.

(1) Special Committees and Subcommittees may be created by the State Board of Towing to research, study, or evaluate various aspects of policy, programs, or projects for the purpose of recommendation of courses of action to the Board.

(2) A Committee created by the Board may exist as long as there remains concern or interest for the assigned area of interest, until the conclusion of the committee assignment, or until disbanded by the Board.

(3) Committees will consist of three (3) or more members, including one (1) Board member or Board staff assigned as the Board's representative and liaison, except as required by ORS 183.333 (8).

OAR 750-010-0100 - Board Staff.

(1) The State Board of Towing will appoint an Administrative Officer, approved by the Governor of the State of Oregon, to serve as the Administrator of the Board.

(2) The Administrator is responsible for the general administration and implementation of the Board's affairs in accordance with the general policies established by Oregon laws, Administrative Rules, and the Board's policies and direction.

(3) A formal performance review of the Administrator will be conducted at the Board's annual meeting and work session.

(4) The Administrator will have signature authority for notices of proposed actions, final orders, other disciplinary actions, subpoenas, and other signature authority as delegated by the Board.

OAR 750-010-0110 - Public Records Requests.

(1) Anyone may submit a written request for disclosure of a public record for which the State Board of Towing is the custodian

(2) A request for public records must include:

(a) The name, mailing address, email address, and telephone number, if any, of the requestor;

- (b) A sufficiently detailed description of the record(s) requested, including the identification, description, type, and format of the public record, if known to the requestor; and
- (c) The signature of the requestor and date of request.

(3) The written request may be delivered in person or by USPS mail or other delivery services, and by email.

(4) The Board may charge a reasonable fee for public record requests under ORS 192.324(4), calculated to reimburse the Board for actual costs of locating, producing, and providing copies of public records.

- (a) A cost estimate will be provided to the requestor before the production of any records, other than those records that will be provided at no cost.
- (b) All fees must be paid in advance of releasing the requested public records for inspection or before photocopies are provided. Payments must be made by check or money order and made payable to the State Board of Towing.

OAR 750-010-0120 - Severability.

These rules are severable. If any rule under OAR Chapter 750, or part thereof or the application of such rule to any person or circumstance is declared invalid, that invalidity will not affect the validity of any remaining portion of the rules of the Board under OAR Chapter 750.

Division 40 – Violations

OAR 750-040-0001 - Violations of Oregon Laws.

The State Board of Towing may impose a civil penalty or take other disciplinary action under ORS 822.265: for violation of ORS 98.853, 98.854, 98.856, 98.858, 181A.350, 822.200, 822.215, 822.225, 822.230, 822.235 or 822.605 and other law assigned to the Board for administration. .

OAR 750-040-0020 - Separate Violations.

Each violation of a law assigned to the Board for administration, an administrative rule adopted by the Board, or an Order issued by the Board is a separate violation subject to separate Board disciplinary actions, including civil penalties assessed by the Board.

OAR 750-040-0040 - Enforcement.

- (1) The State Board of Towing may issue a Notice of Proposed Disciplinary Action for violation(s) of the laws administered, or administrative rules adopted, by the Board.
- (2) The Board Administrator or the Administrator's designee will have the authority to negotiate and approve a stipulated settlement at any time prior to the effective date of a Final Order issued by the Board.

OAR 750-040-0005 - Administration and Implementation of ORS 98.853.

- (1) The photograph(s) required in ORS 98.853 (1) must sufficiently show:
 - (a) The vehicle as parked prior to the tow and
 - (b) The vehicle parked in violation, including photographs demonstrating:
 - (A) When required or present, a notice affixed to the vehicle by the property owner or its agent.
 - (B) When required, the parked vehicle in relation to the nearest sign disclosing the parking facility's prohibitions or restrictions.
 - (C) If not legible in the photograph, additional photograph(s) of the sign showing the disclosed prohibitions or restrictions.
- (2) A tower is required to provide the photograph(s) to the owner or operator of the motor vehicle at the time of the request, but no later than the end of the next business day following the request.

OAR 750-040-0005 - Administration and Implementation of ORS 98.854.

- (1) Signs posted prohibiting or restricting public parking in a parking facility required by ORS 98.854 (1) must:
 - (a) Clearly disclose the parking prohibitions or restrictions using plain words or easy-to-understand graphics.
 - (b) Be easily read by a driver of a vehicle from within 20 feet of the sign.
 - (c) At least one sign disclosing parking prohibitions must be posted at each entrance to the parking facility.
 - (d) Posted signs must comply with parking ordinances and regulations imposed by the city, county, or other entity with authority to enact parking regulations.
- (2) A 72-hour notice affixed to the motor vehicle described in ORS 98.830 is not required when:
 - (a) Signs posted in the parking facility disclose parking prohibitions and restrictions in compliance with ORS 98.854 (1).
 - (b) The tow is authorized or requested by law enforcement or other government agencies.
 - (c) The tow is authorized by a landlord in compliance with the prohibitions, requirements and conditions of ORS 90.485 or other Oregon laws not requiring a 72-hour notice.
 - (d) The property owner or their agent signs, at the time of the tow, an authorization identifying the vehicle to be towed and the vehicle:
 - (A) Blocks or prevents access by emergency vehicles.
 - (B) Blocks or prevents entry to the premises.
 - (C) Blocks a parked motor vehicle.
 - (D) The vehicle is parked in an area not designated as a parking space within the parking facility.

(E) The parked vehicle interrupts normal business operations, except as provided under ORS 98.820.

(3) A tower may post signs at a parking facility only with the express written permission of the property owner or their agent.

(4) A signed agreement disclosing terms, conditions, and business arrangement may be entered into between the property owner and the tower at the discretion of the parties but is not required for compliance with ORS 98.854.

(5) A signed agreement between a tower and a property owner or its agent may not:

(a) Appoint or designate the tower, its employee(s) or contracted agent(s) to act as a property owner's agent for the purposes of identifying or authorizing vehicles to be towed.

(b) Allow a tower to tow a vehicle without a signed authorization identifying the vehicle to be towed, signed by the parking facility owner or owner's agent at the time of the tow.

(c) Allow consideration or compensation provided from the tower to the property owner or its agents, including, but not limited to:

(A) Free parking enforcement or parking patrol services either by the tower, a tower employee, or a contractor of the tower.

(B) Commission or fee paid by the tower to the property owner, their agent, or other third-party for parking enforcement services or for identifying and authorizing vehicles to be towed by the tower or its affiliates.

(6) The signed authorization required under ORS 98.854 (2) includes, at a minimum, the following information:

(a) The date and time the initial tow request and authorization was received by the tower;

(b) A description of the vehicle to be towed; (c) The street address or location of the property from which the vehicle will be towed;

(d) The reason for the tow;

(e) A statement that the person signing the authorization has the authority to authorize the tow; and

(f) The legible, dated signature of the person authorizing the tow.

(7) A tower is required to provide the signed authorization to the owner or operator of the motor vehicle at the time of the request, but no later than the end of the next business day following the request.

OAR 750-040-0008 - Administration and Implementation of ORS 98.856.

(1) A tower must provide proof of payment for all payments or monies received.

- (a) A receipt for payment received at the origin of the tow or drop off of a towed vehicle must be provided to the vehicle owner, owner or person making payment and disclose:
 - (b) The tower's business name and contact information.
 - (c) The amount due.
 - (d) The amount paid and form of payment.
 - (e) A brief description of the service(s) provided in exchange for payment.
 - (f) Exact change due, if any.
 - (g) Date and time of the payment.
 - (h) A separate receipt does not need to be provided if the tower provides an itemized statement at the time of payment.
 - (i) The tower must provide an itemized statement in addition to the receipt when a receipt does not itemize the charges for services paid.

- (2) Once the tower has custody or control of a vehicle, the tower shall prepare an itemized statement disclosing:
 - (a) The reason for the tow.
 - (b) Who authorized the tow.
 - (c) The address or location of the origin of the tow.
 - (d) The date of the tow.
 - (e) Itemization of the services provided or charges incurred as a result of the towing event.
 - (f) Exact change due, if any.
 - (g) Date of payment.
 - (h) A tower must provide the itemized statement disclosing all invoiced charges:
 - (A) Upon request of the vehicle owner or operator and
 - (B) At the time of payment for release of the vehicle.
 - (C) A tower may not delay release of the vehicle for the purposes of preparing an itemized statement or other requested documents.
- (3) A tower may not charge a rate or fee not disclosed on the written statement required under ORS 98.856 (1) without the prior consent of the vehicle owner or operator.
- (4) A tower may not charge for services not rendered or provided.
- (5) Rates, fees and charges on the written statement required under ORS 98.856 (1) or disclosed on an itemized statement and charged to a vehicle owner or other person in lawful possession must comply with federal, state, and local regulations including, but not limited to, regulations related to credit card fees, collection fees.
- (6) A tower may not misrepresent law enforcement or other government fees on a written statement or invoice.
- (7) For the purposes of implementation of ORS 822.265, 822.280, 822.290, ORS 822.995 and other statutes assigned to the Board to administer, the Board adopts ORS 98.812 (2)

which requires: "A tower is entitled to a lien on a towed vehicle and its contents for the tower's just and reasonable charges and may retain possession of the towed vehicle and its contents until the just and reasonable charges for the towage, care and storage, subject to subsection (3) of this section, of the towed vehicle have been paid if the tower notifies the local law enforcement agency of the location of the towed vehicle within one hour after the towed vehicle is placed in storage."

(8) A tower may legally assess charges against a towed vehicle identified in the written statement required under ORS 98.856 when a tower can demonstrate compliance with the notice of lien requirements of ORS 98.812, 819.160, and other applicable laws or regulations.

(9) A notice or other lien document is a transactional document demonstrating compliance with Oregon's laws and rules. If a notice of lien fee is itemized on the invoice or statement or invoiced for payment the tower is required to provide, upon request of the vehicle owner:

- (a) A copy of the notice of lien unless previously mailed to the vehicle owner's current mailing address or
- (b) A copy of the assignment of the account to a lien service, showing the date the lien was assigned, is sufficient if a copy of the lien has not been provided to the tower.

(10) Providing inaccurate, false, or misleading information on a notice of lien or possessory lien form, or making a false affirmation on a form, may be a violation of ORS 822.605, subject to investigation and disciplinary action by the Board.

OAR 750-040-0015 - Implementation and Administration of ORS 822.200.

(1) A tower may not lease, rent, loan, or sell a tow business certificate or TW plates.

(2) It is a violation of ORS 822.605 to knowingly or recklessly submit a tow business certificate application with false, misleading, or inaccurate information including, but not limited to:

- (a) Disclosing the name of the tower on the application with the intent of leasing, loaning, selling, or otherwise allowing the use of the tow vehicle for compensation by an entity or person not named on the tow business certificate.
- (b) Submitting on the application invalid, outdated, or erroneous information, including, but not limited to, the tower's contact information, business mailing address, or the weight of the vehicle.

(3) As the tow business certificate is the instrument demonstrating legal operation of a tow vehicle, the tow business certificate is to be provided upon request of the vehicle owner or operator to verify legal operation of a towing business.

Division 60 - Consumer Protection and Complaints

OAR 750-060-0001 - Consumer Protection.

- (1) The objective of the State Board of Towing is to safeguard the health, safety, and public welfare of the people of Oregon by:
 - (a) Providing education to the public and the towing industry;
 - (b) Establishing professional industry standards;
 - (c) Investigating complaints and concerns of the public regarding the towing industry; and
 - (d) Enforcing the laws and administrative rules regulating the towing industry in Oregon.
- (2) Considerations for the protection of the safety and wellbeing of the public include:
 - (a) Standards and classifications for professional tow trucks and equipment used for commercial towing and recovery operations is essential.
 - (b) Encouragement of a competitive and trained professional towing industry by establishing a uniform and equitable system for the standardization and regulation of the tow industry.
 - (c) The use of nonqualified tow truck companies or private motor vehicles to tow or recover for hire or compensation.
 - (d) A private citizen, a tow, or tow truck company responding in good faith to life-threatening emergency situations.
- (3) Every tow in Oregon is authorized.
 - (a) With the informed consent of the vehicle owner, operator, or the person who has legal control and custody of the vehicle, OR
 - (b) Under the legal authorization of law enforcement, other agency, or property owner, or the property owner's agent, or other person with the legal authority to have the vehicle towed or impounded, OR
 - (c) Under the direction of the vehicle owner's service representative.
- (4) Tows cannot independently identify vehicles to be towed for the purpose of creating their own towing business or soliciting towing business when prohibited by law.

OAR 750-060-0010 - Consumer Protection Committee.

- (1) The State Board of Towing may appoint a Consumer Protection Committee comprised of three Board Members, but no more than two tow industry members, to:
 - (a) Provide direction and consultation to Board Staff; and
 - (b) Make recommendations for action to the Board when necessary.

(2) Any Board member or Board staff who has a conflict of interest to a complaint will declare the conflict and will not participate in any Committee activity concerning the complaint.

OAR 750-060-0020 - Complaints.

(1) Any person, business, agency, or other entity may file a complaint with the State Board of Towing regarding the conduct of a tow business certificate holder, its employer or representative, an individual tow operator, or any person or business representing themselves as a tow business, a tow operator, or engaging in the practice of towing in the State of Oregon.

(2) Complaints made to the Board must include a detailed explanation of:

(a) The approximate date, time, and location of the adverse event or subject of the complaint.

(b) A description of the conduct or events that occurred.

(c) A description of damage or loss suffered by Complainant.

(d) Copies, if available, of any pictures, receipts, correspondence or other documentation supporting the allegations of the Complaint.

(3) Complainants will not be considered a party to a Board compliance case or disciplinary action.

(4) Complaints will be initially reviewed by the Board Administrator to:

(a) Assess Board jurisdiction and authority to address the issue(s) raised; and

(b) To assure there is sufficient evidence to justify proceeding to investigate and to determine if the allegations against the Respondent are such that, if proven, could result in disciplinary action being imposed by the Board.

(5) Written acknowledgement of a complaint and the result of the initial review will be sent to the Complainant within thirty (30) calendar days from the receipt of the complaint.

(6) Every complaint and initial response will be presented during Executive Session of the next regularly scheduled meeting of the Board.

(7) Any Board member or Board staff who has a conflict of interest to a complaint will declare the conflict and will not participate in the investigation, disposition, or other activity concerning the complaint.

Division 70 - Investigations and Investigation Reports

OAR 750-070-0001 - Purpose of Investigations.

The purpose of an investigation conducted by the State Board of Towing is to:

- (1) Investigate the allegations of a complaint;
- (2) Investigate information indicating potential violations of Oregon's laws and administrative rules regulating the towing industry;
- (3) Verify compliance with Oregon's laws and administrative rules regulating the towing industry or with any Order issued by this Board or another Oregon jurisdiction; and
- (4) Obtain sufficient, credible, and verifiable evidence of violation of the laws or rules administered by the Board to justify issuance sanctions or such other action as the circumstances may warrant.

OAR 750-070-0010 - State Board of Towing Investigations.

- (1) The State Board of Towing may investigate a complaint when:
 - (a) The complaint subject appears to be within the Board's jurisdiction and authority, and
 - (b) There is sufficient evidence to justify a Board investigation to determine if the allegations against the Respondent(s) are such that, if proven, could result in disciplinary action being imposed by the Board.
- (2) The Board Administrator oversees the investigation process on behalf of the Board and serves as the primary point of contact
- (3) To the extent permitted by law, the Board will cooperate with other regulatory boards and other agencies when conducting an investigation.
- (4) Nothing in this section is intended to limit the Board's authority to initiate and conduct investigations on the Board's own motion.

OAR 750-070-0020 - Investigation of Violations and Complaints.

- (1) The State Board of Towing may delegate its investigative powers and authority for purposes of initiating and carrying out investigations.
- (2) In the conduct of investigations, the Board may:
 - (a) Take evidence.
 - (b) Take the depositions of witnesses.
 - (c) Compel the appearance of witnesses before the Board.
 - (d) Compel the production of documents or other information deemed necessary to carry out the investigation.

(3) In exercising its authority under ORS 822.275 and subsection (2) of this section, the Board may issue subpoenas over the signature of the board Chairperson, Vice Chairperson or to the Board Administrator as delegated by the Board.

(4) If a person or entity fails to comply with a subpoena issued by the Board or refuses to testify on matters on which the person lawfully may be interrogated, the procedure set out in ORS 183.440 will be followed.

OAR 750-070-0030 - Cooperation in Board Investigations.

(1) Every Tow Operator, Tow Business, and their representatives and employees, regardless of tow business certificate status, having information regarding a possible violation of the administrative rules or laws governing the towing industry in Oregon must cooperate with the State Board of Towing investigations in furnishing such information in order that appropriate investigative, corrective, or disciplinary action may be taken.

(2) Failure by a Tow Operator, a Tow Business, their representative or employee to cooperate with a Board investigation is grounds for disciplinary action.

(3) Cooperation in a Board investigation includes:

- (a) Submitting client or business records relevant to the investigation, excepting confidential information protected by law;
- (b) Being available for a personal interview in support of a Board investigation during reasonable hours;
- (c) Responding and directly answering questions asked during an interview or investigation;
- (d) Verbally providing information reasonably known at the time of the interview or investigation; and
- (e) Allowing access, during business hours, of the business premises and equipment for inspection if required to conduct a Board investigation into the allegations of a complaint.

(4) Respondents named in a complaint, or their representatives, may be personally interviewed or may be given an opportunity to provide a written response to the complaint as part of a Board investigation.

- (a) Written responses, records, and other information requested by or on behalf of the Board must be provided to the Board office within 21 calendar days after the Board request is personally served, mailed by USPS regular, or sent by electronic mail, unless an extension is authorized by the Board Administrator.
- (b) Written responses, records, or other information requested but not received at the Board's office within 21 calendar days may not be considered in the Board's investigation.

OAR 750-070-0040 - Investigation Reports.

- (1) The purpose of an investigation report is to provide the Board with enough information to determine whether violations of one or more laws or administrative rules occurred and to take action when appropriate.
- (2) An investigation report will be completed and submitted to the Board within 120 days after the Board receives the complaint.
 - (a) The Board may extend the time for submitting the report by up to 30 days after case review and Board vote.
 - (b) The Board may grant more than one extension of time.
- (3) The investigation report, exhibits, and other case information will be reviewed by the Board during Executive Session at a scheduled board meeting.
 - (a) The Board will evaluate all evidence obtained during the investigation, including the original complaint, and any documents or statements received from the Complainant, Respondent, law enforcement, or other parties.
 - (b) If the evidence is insufficient to justify further Board action, the Complainant and Respondent will be notified in writing.
 - (c) If the evidence is sufficient to justify further action, the Board will determine appropriate action during public session of a regular or special meeting.
- (4) Investigatory information obtained during a Board investigation or contained in a written report to the Board is confidential and will be exempt from public disclosure unless otherwise required by law.
- (5) Investigation Reports, Incident Reports or official documents submitted by a law enforcement agency, a Municipal, Justice, or County Court, state regulatory agencies, or another official board, agency, or other entity may be accepted by the Board as a Board Investigation Report.

OAR 750-070-0050 - Board Actions After Investigations.

Upon completion of an investigation the Board may:

- (1) Close the investigation and take no action.
- (2) Issue a letter of concern, reprimand, or instruction.
- (3) Issue a Notice of Proposed Action proposing disciplinary action.
- (4) Enter into a stipulated agreement with the Respondent to impose discipline.
- (5) Take such other disciplinary action as the Board, in its discretion, finds proper and reasonable, including assessment of a civil penalty under the Board's Civil Penalty Fee Schedule, OAR 750-080-0040.

Division 80 - Progressive Discipline, Discipline and Sanctions, Schedule of Civil Penalties, Collection of Civil Penalties

OAR 750-080-0001 - Progressive Discipline.

- (1) The goal of progressive discipline is to correct behavior and conduct, deter a person or entity from repeating the conduct, and educate the person or entity to improve compliance with applicable laws and rules.
- (2) Progressive discipline includes increasingly severe steps or measures against a person, persons, or entity when there is a failure to correct behavior or conduct, or when subsequent instances of inappropriate behavior and conduct occur.
- (3) The State Board of Towing will evaluate relevant and mitigating factors to determine whether to issue a non-disciplinary educational letter or letter of concern, or to issue discipline through reprimand, suspension, revocation, or civil penalties.
- (4) Board disciplinary action will comply with ORS chapter 183.

OAR 750-080-0020 - Mitigating Circumstances

The State Board of Towing may consider the following mitigating circumstances prior to issuing or imposing a non-disciplinary or disciplinary action under this section:

- (1) The person or entity's history in observing the provisions of ORS 98.853, 98.854, 98.856, 98.858, 181A.350, 822.200, 822.215, 822.225, 822.230, 822.235 or 822.605 and the rules of the Board under OAR Chapter 750;
- (2) The nature of the violation;
- (3) The effect of the violation on public safety and welfare;
- (4) Whether the conduct or action(s) was inadvertent or intentional;
- (5) The person's experience and education;
- (6) The degree to which the action subject to sanction violates professional ethics and standards of the profession;
- (7) The level of cooperation and engagement in the Board's investigation;
- (1) The economic and financial condition of the person or entity subject to sanction; and
- (2) Any mitigating or aggravating factors the Board may choose to consider.

OAR 750-080-0030 - Disciplinary Actions and Sanctions.

- (1) The State Board of Towing may order the Department of Transportation to deny, suspend, revoke or refuse to renew a towing business certificate pursuant to ORS 822.280.
- (2) The Board may order the Department of State Police to deny, suspend, condition or revoke a letter of appointment to participate on the rotational list of towing businesses established under pursuant to ORS 822.290.
- (3) The Board may assess a civil penalty under ORS 822.995 according to the Schedule of Civil Penalties under OAR 750-080-0040.
- (4) Respondents have the right to a contested case hearing to contest the findings of the Board or proposed disciplinary action, provided the written request for a hearing is received by the Board within 20 days of the date the Notice of Proposed Disciplinary Action was issued, except as required under ORS 193.
- (5) The Board may assess reasonable costs, fees, and expenses of a disciplinary proceeding against the Respondent(s), including, but not limited to:
 - (a) Costs and fees incurred by the Board in conducting the investigation.
 - (b) Attorney fees.
 - (c) Costs assessed by the Office of Administrative Hearings if the Board prevails at a contested case hearing requested by Respondent.

OAR 750-080-0040 - Schedule of Civil Penalties.

- (1) The State Board of Towing adopts the following Schedule of Civil Penalties:
 - (a) 1st offense: \$0 - \$500
 - (b) 2nd offense: \$500 - \$1000
 - (c) 3rd offense: \$1000 - \$2500
 - (d) Additional offenses: Additional civil penalties, in an amount up to \$25,000 per violation, as determined by the Board.
- (2) The Board may assess a civil penalty in an amount greater than the Schedule of Civil Penalty when it is determined by the Board that a particular violation or conduct is especially egregious or severe causing unnecessary risk or harm to the public and others.
- (3) In determining an appropriate civil penalty amount, the Board may consider the following:
 - (a) The severity of the violation or its impact on the safety or wellbeing of the public;
 - (b) The number of similar or related violations;
 - (c) Whether a violation was willful or intentional;

- (d) The prior history of civil penalties and sanctions imposed by the Board or other regulatory agencies
- (e) Other circumstances determined by the Board to be applicable to the violation(s).

OAR 750-080-0050 - Effective Date of Disciplinary Actions.

- (1) The State Board of Towing will forward a Final Order to deny, suspend, revoke or refuse to renew a towing business certificate to the Department of Transportation 60 days after the date of a Final Order pursuant to ORS 822.280.
- (2) The Board will forward a Final Order to deny, suspend, revoke or refuse to renew a letter of appointment to the Department of State Police 60 days after the date of a Final Order pursuant to ORS 822.290.
- (3) A Civil Penalty and reasonable cost imposed by the Board becomes due and payable 10 days after the Notice imposing the civil penalty becomes a Final Order.
- (4) Civil Penalties and reasonable costs not paid within 60 days of the date of a Final Order will be referred to the Oregon Dept. of Revenue for collection pursuant to ORS 293.231.
- (5) Terms of Conditions under a Stipulated Agreement and Final Order or Voluntary Surrender of Certification are effective on the date of the Respondent's signature unless otherwise specified in the written agreement.
- (6) A Stipulated Agreement and Final Order, Voluntary Surrender, or other agreement between the Board and a Respondent settling a disciplinary case under agreed terms and conditions requires Board ratification and approval.