



OREGON STATE BOARD OF TOWING Board Meeting Minutes August 14, 2023

Meeting Location:

Oregon DMV HQ
1905 Lana Avenue, Rm 123
Salem, OR 97314

Attending Board Members:

Chuck Riley, Chair
Trent Hanson, Vice Chair
Bruce Anderson, Tower
Kevin Baker, Tower
Chris Coughlin, Consumer Advocate
Lt. Jason Lindland, OSP
Ray McClellan, Tower
Jason Shaner, Tower

Board and DMV Staff:

Torey McCullough, Board Administrator
Linda Beukens, DMV Program Services Mgr

Guests and members of the public:

Tom Holt, The Holt Company

Chair Riley called the meeting to order at 8:35 a.m. Roll was called. All Board Members attended the meeting.

Agenda

The meeting Agenda was reviewed and approved by Board vote:

In Favor: Anderson, Baker, Coughlin, McClellan, Shaner, Hanson, Riley. Absent for vote: Lindland. Opposed: None. Agenda approved.

Public Comment

No correspondence was submitted for Board review, and no members of the public present wished to make comments to the Board.

- Draft proposed rule for the \$100 additional certificate fee

Minutes prepared by Torey McCullough

Minutes APPROVED by Board vote: September 19, 2023

ORS 822.285

Additional powers of board

- fees
- rules

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- (1) In carrying out its investigative and enforcement duties, functions and powers, and notwithstanding any other provision of law, the State Board of Towing may procure services and award a contract for the personal services of a subject matter expert, on a case-by-case basis, in any manner deemed practical or convenient. The price of such contracts, including any amendments, may not exceed \$25,000.
 - (2) If the board has reason to believe that any person has been engaged or is engaging in any violation of ORS 98.853 (Conditions allowing towing), 98.854 (Prohibitions placed on tower), 98.856 (Tower responsibility of disclosure to owner or operator of vehicle), 98.858 (Right of owner or person in lawful possession of vehicle to redeem or inspect vehicle, contact tower and obtain property of emergency nature), 181A.350 (Eligibility of towing business to be placed on department list), 822.200 (Operating illegal towing business), 822.215 (Grounds for denial, suspension, revocation or refusal of certificate), 822.225 (Failure to remove injurious substance), 822.230 (City or county regulation of towing businesses), 822.235 (Recovery after theft), 822.250 (State Board of Towing) to 822.290 (Denial of participation on Department of State Police tow rotation), 822.605 (False swearing relating to regulation of vehicle related businesses) or 822.995 (Civil penalties for violations related to towing) or any rule adopted under those statutes, or any order issued by the board, the board may, without bond, bring suit in the name and on behalf of the State of Oregon in the circuit court of any county of this state to enjoin the acts or practices and to enforce compliance with ORS 98.853 (Conditions allowing towing), 98.854 (Prohibitions placed on tower), 98.856 (Tower responsibility of disclosure to owner or operator of vehicle), 98.858 (Right of owner or person in lawful possession of vehicle to redeem or inspect vehicle, contact tower and obtain property of emergency nature), 181A.350 (Eligibility of towing business to be placed on department list), 822.200 (Operating illegal towing business), 822.215 (Grounds for denial, suspension, revocation or refusal of certificate), 822.225 (Failure to remove injurious substance), 822.230 (City or county regulation of towing businesses), 822.235 (Recovery after theft), 822.250 (State Board of Towing) to 822.290 (Denial of participation on Department of State Police tow rotation), 822.605 (False swearing relating to regulation of vehicle related businesses) or 822.995 (Civil penalties for violations related to towing) or any rule adopted under those statutes, or any order issued by the board. Upon a proper showing, a permanent or temporary injunction, restraining order or writ of mandamus shall be granted.
 - (3) The board, by rule, may impose a fee on any person holding or applying for a towing business certificate. The amount of the fee shall be established to recover expenses incurred by the board in carrying out ORS 822.250 (State Board of Towing) to 822.290 (Denial of participation on Department of State Police tow rotation) and 822.995 (Civil penalties for violations related to towing). Any fees collected under this subsection shall be deposited into the State Board of Towing Account established under ORS 822.270 (State Board of Towing Account). [2021 c.578 §9]

Work Session

1. The Board discussed the additional fee under ORS 822.285. Beukens confirmed to the Board that the \$100 is in addition to the DMV \$17 administrative fee, the \$100 would be deposited into the Board's account and the funds used to conduct Board business.
2. The Board discussed the Designation of Rules Coordinator required by the Secretary of State's office; consensus reached to designate McCullough as the Board's Rules Coordinator.
3. The Board discussed and reached consensus to adopt the following process for Board expenditures:
 - Board approval for expenditures over \$1000 is required.
 - An expenditures and revenues financial report will be presented at the Board's regular meetings.
 - The Board Administrator will keep the Board informed of the Board's general, expected and specific expenditures as they occur between the regularly scheduled board meetings.
4. The Board discussed and reached consensus to adopt the following process in delegating the Board's authority to the Board Administrator when required:
 - Board vote is required if the Designation of Authority requires a Board order.
 - Otherwise, the Chair has the authority to delegate or designate the Board Administrator as the Board's delegate or representative when required.
 - The Vice Chair has the authority to delegate or designate if the Chair when the Chair is unavailable to do so.

Board Vote

The Chair moved to impose a fee in the amount of \$100 pursuant to ORS 822.285. McClellan seconded.

In Favor: Anderson, Baker, Coughlin, Lindland, McClellan, Shaner, Hanson, Riley.

Opposed: None. Motion passes.

Announcements

- The next Board meeting is scheduled for September 19, 2023. The focus of the meeting will be discussion and votes on the Proposed Rules
- The focus of the November board meeting will be the Bylaws and administrative policies.

Public Comment

Mr. Holt addressed the Board, commenting on the appointment of the Board Administrator and assistance with the Board's administrative processes.

Documents Considered by the Board

- Agenda
- Designation of Rules Coordinator Form

Note: See note under 822.250 (State Board of Towing).

Location: https://oregon.public.law/statutes/ors_822.285

Original Source: Section 822.285 — *Additional powers of board; fees; rules*, https://www.oregonlegislature.gov/bills_laws/ors/ors822.html (last accessed Jun. 16, 2023).

DRAFT LANGUAGE – State Board of Towing Fee Schedule

OAR 750-010-0010

Fees

(1) Pursuant to ORS 822.285 (3), the State Board of Towing shall impose a fee of \$_____ on any person holding or applying for a towing business certificate in the State of Oregon.

(a) The Fee shall be paid in addition to Oregon Dept. Of Transportation/Dept. of Motor Vehicle fees required under ORS 822.205 (7) and ORS 822.700, fees imposed by a County or District under ORS 803.445, and any other fee imposed by a State, County, or District agency in the registration or certification of a Tow/Recovery Vehicle as defined in ORS 822.205.

(b) The fee imposed under OAR 750-010-0010 (1) is paid to ODOT/DMV at the time of payment of the fee required under ORS 822.700 (Certification fees).

(c) Any fee paid to the State Board of Towing does not preclude the certification requirements under ORS 822.205.

(2) Fees collected under OAR 750-010-0010 shall 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.



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RULES COORDINATOR AND DELEGATION OF RULEMAKING AUTHORITY FORM

Fill out the form with 1–5 Rules Coordinators and all Delegated Signing Authorities, and submit it to the Archives Division. There will only be one form on file at a time per OAR chapter. If you need to add or remove names, submit a new form listing all active Coordinators and Authorities. This will supersede the previous form.

EFFECTIVE DATE: _____
This form must be on file with the Publications Unit, under the Oregon Secretary of State, to be effective.

AGENCY NAME	CHAPTER NO.
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AGENCY ADDRESS

RULES COORDINATOR

According to ORS 183.330(2):

Each state agency that adopts rules shall appoint a rules coordinator and file a copy of that appointment with the Secretary of State. The rules coordinator shall:

(a) Maintain copies of all rules adopted by the agency;

(b) Provide to the public, upon request, information pertaining to:

(A) All rulemaking proceedings of the agency;

(B) The status of the agency's rules; and

(C) All certificates and rules filed by the agency with the Secretary of State; and

(c) Keep and make available the mailing list required by ORS 183.335 (8).

(1) Rules Coordinator, <i>print name</i>	<i>signature</i>	<i>date</i>
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OIM username	<i>email</i>	<i>phone</i>
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(2) Rules Coordinator, <i>print name</i>	<i>signature</i>	<i>date</i>
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OIM username	<i>email</i>	<i>phone</i>
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(3) Rules Coordinator, <i>print name</i>	<i>signature</i>	<i>date</i>
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OIM username	<i>email</i>	<i>phone</i>
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(4) Rules Coordinator, <i>print name</i>	<i>signature</i>	<i>date</i>
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OIM username	<i>email</i>	<i>phone</i>
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(5) Rules Coordinator, <i>print name</i>	<i>signature</i>	<i>date</i>
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OIM username	<i>email</i>	<i>phone</i>
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Authorizing person, <i>print name</i>	<i>signature</i>	<i>date</i>
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The signature of the agency's authorized signer who has legal authority to approve rulemaking filings, appoint agency rules coordinators or delegate rulemaking authority.

