



Oregon

Tina Kotek, Governor

State Board of Towing

1905 Lana Ave, NE

Salem, OR 97314

Phone: (503) 871-5481

Email Address: info@towboard.oregon.gov

Web Site: www.oregon.gov/sbot

OREGON STATE BOARD OF TOWING Board Meeting Minutes September 19, 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
Andrea McCausland, DMV Sr. Fiscal Analyst
Larry Purdy, DMV Business Services Mgr
Andy Kapileo, Business Services Investigator

Guests and members of the public:

In person: Tom Holt, OTTA; Mike Wagner, Santiam Towing & Recovery; Steven Gump, Grumpy's Towing; Jose Garcia, Fearless Auto; G. Alfaro, Junk Car Pick Up.

Attending Remotely: Ali Alnuaimi, Andretta Schellinger, Eddie, Donita McDaniel, George Calatean, Lilly Pad Towing, James Jerome, Tyler, Tyler M, Caveman Towing, Michael Coe, Lillian Vorseth, Stephanie Dorman, Mark, Steve Liu, Damon Pocholec, Sherwood Like A Tow, Ken, Karen, North Valley Scrap and Salvage LLC, TJ, Donny Callahan, Richy Luker, Ronald J Crews, Clint Smith, Valerie Campbell, Diamond LV Towing and Recovery, Michael D, Bob's Auto & Towing, Dick's Towing

Chair Riley called the meeting to order at 1:05 p.m. Roll was called. All Board Members attended the meeting.

Agenda

The meeting Agenda was reviewed and approved by Board consensus.

Previous Meeting Minutes

The minutes from the July 12, 2023 and August 14, 2023 board meetings were approved.

Reports

McCullough provided the Administrator and Compliance Reports.

- McCullough has been working with DMV staff to ensure the \$100 “Board Fee” can be implemented beginning January 1, 2024. The fee will be paid with the \$17 DMV fee at the time of the renewal/application for a tow business certificate. The \$100 fee will go towards the Board’s operational expenses.
- McClausland reported projections indicate the Board may be able to pay the funds borrowed from ODOT for initial expenses and begin operating “in the black” by end of 2024, beginning of 2025.
- McCullough reported no complaints have been submitted to the Board and there are no open investigations.
- There have been some delays in creating the Board’s website, but the groundwork is complete and the website can be created in the next few weeks.
- McCullough reported a Ride Along with the ODOT Incident Response Team.
 - McCullough extended an invitation from ODOT to all Board members to schedule ride alongs with Incident Response. Board members should contact McCullough or Dustin Ross with TIM to schedule a ride.
 - ODOT would also like to seek the Board’s help in notifying the towing industry about ODOT’s RV Towing Incentive Plan in removing abandoned vehicles. The Board will discuss the program when time allows.
- Lindland reported that he has been in touch with various law enforcement officers, and may have a candidate for the Sheriff/Chief of Police position.

DMV Business Services Section

Purdy and Kapileo provided an overview of the Business Services investigation and compliance processes, and fraud and other issues seen during investigations. Both Purdy and Kapileo remained during the Board meeting to answer questions and provide insight on how their department handled complaints, investigations, and disciplinary actions as the Board reviewed the draft Proposed Rules.

Work Session

Board Vote:

The Board discussed the voting requirements of ORS 822.255 (4). Consensus was reached that the tower vote schedule will rotate alphabetically through the towers present at each meeting, exempting any tower with a conflict of interest on a vote.

Proposed Administrative Rules

The Board reviewed and discussed proposed Administrative Rules, taking comments and questions from the public. A table of the proposed Administrative Rules incorporating public comments and board discussion are attached.

Board Vote

The Board voted to Approve the Proposed Rules as Amended and continue to rules hearing, excepting the rules held by the Board for further discussion.

In Favor: Towers: Anderson and Baker, Coughlin, Lindland, Hanson, Riley. Towers McClellan and Shaner did not vote in compliance with ORS 822.255 (4). Opposed: None. Motion passes.

Next Steps:

- Beuken and McCullough will coordinate adding email address fields to the tow business certificate applications.
- Chair Riley and McCullough will coordinate contacting the Tribes regarding the Board's Notices.
- The Proposed Rules will be filed with the Secretary of State's office after the Board meeting.
- The Proposed Rules Hearing is scheduled for October 25, 2023 at 10 a.m.; a special board meeting for the Board to consider public comments and to vote on the proposed rules will be at 11 a.m.
- The administrative rules will become effective on January 1, 2024.
- The proposed rules include a \$100 fee added to the tow business certificate fee. Applicants will pay the fee, together with the \$17 DMV fee, when they apply for an initial or to renew a tow business certificate.
- The Board will send a post card to all tow business certificate holders with more information about the fee after the October 25 board meeting.

Next Meeting:

10/25/2023

10 a.m. Proposed Administrative Rules Hearing – *opportunity for the public to make comments on the proposed rules (draft attached)*

11 a.m. Special Board Meeting to Consider Public Comments – *the Board members will consider public comments and vote to adopt, amend, or take other action on the proposed rules.*

Public welcome to attend both meetings. Remote attendance information will be sent on October 2, 2023.

Adjourned:

Chair Riley adjourned the meeting at 3:20 p.m.

Documents Considered by the Board

- Agenda
- Minutes from July 12 and August 14, 2023
- Administrator and Compliance Reports
- Proposed Rules (amended rules with comments attached)

Minutes prepared by Torey McCullough

Minutes APPROVED by Board vote: November 14, 2023

Board Meeting Materials



Oregon

Tina Kotek, Governor

State Board of Towing
DMV HQ - 1905 Lana Ave, NE
Salem, OR 97314
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OREGON STATE BOARD OF TOWING Board Meeting Agenda September 19, 2023

AGENDA ITEM	PRESENTER	TIME
1. Call Meeting to Order	Chair	1:00
2. Welcome & Introductions <i>(Board Member, Staff, Guests and the Public)</i>	All	1:05
3. Approve Agenda	Board	
<i>Board Vote:</i> ___ Anderson ___ Baker ___ Coughlin ___ Lindland ___ Shaner ___ McClellan ___ Hanson ___ Riley		
4. Approve Minutes of July 12, 2023 Board Meeting	Board	
<i>Board Vote:</i> ___ Anderson ___ Baker ___ Coughlin ___ Lindland ___ McClellan ___ Shaner ___ Hanson ___ Riley		
5. Approve Minutes of August 14, 2023 Board Meeting	Board	
<i>Board Vote:</i> ___ Anderson ___ Baker ___ Coughlin ___ Lindland ___ McClellan ___ Shaner ___ Hanson ___ Riley		
6. Reports		1:10
a. Administrator Report – <i>report on administrative and financial status of the Board</i>	McCullough	
b. \$100 Certificate Fee progress/outreach	McCullough	
c. Financial Report	McCausland	
d. Compliance Report - <i>report on Compliance activities</i>	McCullough	
e. Other Board Updates and Reports		
Recruitment efforts for Chief of Police/Sheriff Position	Lindland	
DMV Offices Requiring Proof of Insurance	Beukens/All	
7. Public Comments and Correspondence	Public	1:20
8. Board Business/Work Session	All	1:30
a. Presentation and Conversation with DMV Investigators	Investigations	
b. Proposed Administrative Rules Chapter 750	Attached	
Public Comment – Proposed Rules		
<i>Board Vote: Proposed Rules</i>		
<input type="checkbox"/> <i>Approve Administrative Rules as Written and continue to rules hearing. OR</i> <input type="checkbox"/> <i>Approve Administrative Rules as Amended and continue to rules hearing. OR</i> <input type="checkbox"/> <i>Approve the Proposed Rules as Amended and continue to rules hearing, excepting rules held by the Board for further discussion.</i>		
<i>Board Vote:</i> ___ Anderson ___ Baker ___ Coughlin ___ Lindland ___ McClellan ___ Shaner ___ Hanson ___ Riley		
c. Getting the Word Out	Discussion	

d. Website (<i>time permitting</i>)	Discussion	
e. Board Seal (<i>time permitting</i>)	Discussion	
f. Trainings (<i>time permitting</i>)	Attached	
g. Public Records Policy (<i>time permitting</i>)	Attached	
h. DOJ Considerations (<i>time permitting</i>)	Discussion	
i. Complaint Process (<i>time permitting</i>)	Discussion	
j. Database and tracking options (<i>time permitting</i>)	Discussion	
k. Other New Business	Discussion	
9. Public Comments (<i>Comments related to work session items, 3-5 minutes time limit</i>)	Public	2:30
10. Board vote on Action Items - <i>if Needed</i>		
11. Next Steps	Board	2:45
a. Review Work Assignments and Direction to Staff		
b. Attorney General's Conference		
c. Check In/Feedback/Road Map		
d. Announcements		
e. Next Board Meeting		
12. Public Comments (<i>Comments related to board meeting topics, new business, announcements, etc. - 3-5 minutes time limit</i>)		
13. Adjourn Board Meeting	Chair	3:00
<i>Board Vote:</i> <input type="checkbox"/> Anderson <input type="checkbox"/> Baker <input type="checkbox"/> Coughlin <input type="checkbox"/> Lindland <input type="checkbox"/> Shaner <input type="checkbox"/> McClellan <input type="checkbox"/> Hanson <input type="checkbox"/> Riley		



OREGON STATE BOARD OF TOWING Board Meeting Minutes July 12, 2023

Meeting Location:

Oregon DMV HQ
1905 Lana Avenue, Rm 316
Salem, OR 97314

Attending Board Members:

Sen. Chuck Riley, Chair
Trent Hanson, Vice Chair
Bruce Anderson, Tower
Lt. Jason Lindland, OSP
Gary McClellan, Tower
Jason Shaner, Tower

Board and DMV Staff:

Torey McCullough, SBOT Administrator
Linda Beukens, DMV Program Srvs Mgr
Lindsey Frey, DMV Business Analyst

Absent Board Members:

Kevin Baker, Tower
Chris Coughlin, Consumer Advocate

Guests and members of the public:

Tom Holt, The Holt Company
Althea Cullen, AAG - DOJ Civil Enforcement Division
Serena Hewitt, AAG - DOJ General Counsel

Chair Riley called the meeting to order at 1:05 p.m. Self-introductions were made by those present.

Agenda

The meeting Agenda was reviewed and approved by Board vote:

In Favor: Anderson, Lindland, McClellan, Shaner, Hanson, Riley. Opposed: None.

Minutes

The Minutes of the February 7, 2023, Board Meeting were reviewed and approved with no corrections or changes by Board vote:

In Favor: Anderson, Lindland, McClellan, Shaner, Hanson, Riley. Opposed: None.

Designation of Administrative Officer

The Board reviewed the Proposed Order designating Torey McCullough as the Administrative Officer for the Board. Board Member Hanson and Anderson moved to accept the Designation, seconded by Board Member Shaner. Motion carried. *In Favor: Anderson, Lindland, McClellan, Shaner, Hanson, Riley. Opposed: None.*

The Order was signed by Chair Riley and will be recorded with the Oregon Secretary of State's Office.

Reports

McCullough presented the Administrator and Compliance reports to the Board.

The Board will maintain a cubical at DMV HQ in Program Services for records and to conduct board business as needed; the Board's phone hours will be 8 - 5, Monday - Friday.

Board members can contact McCullough via the Board phone number or by email; McCullough will also provide weekly emails to the Board member to provide work-in-progress updates and other information.

The Board is waiting for the State Data Center to assign a domain name; once created, work will begin on the Board's website.

Public Comment

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

Dept. of Justice Presentation

Asst. Attorney General (AAG) Cullen presented information and overview of the Dept. of Justice (DOJ) Enforcement Division and complaint process. AAG Cullen noted DOJ received approximately 352 tow complaints since January 2022, and tow complaints consistently rank in the top 10 of the consumer complaints filed with DOJ. AAG Hewitt discussed the resources available to the Board through General Counsel.

DOJ will provide the Board with two abatements and one current active complaint, and copies of the consumer complaints filed with DOJ from 2022 to date.

Work Session

Board's Purpose and Goals

The Board discussed the Board's purpose, Mission Statement and Goals, including:

- Address consumer complaints.
- Reduce the number of complaints by addressing the causes of complaints.
- Ensure fairness and continuity within the industry.

- Raise the level of professionalism amongst tow companies, ensure standardization of practice.
- Ensure a baseline level of training and expectations.
- Consistencies across the municipalities and local governments across Oregon regarding towing standards.

Board Member Recruitment

- Board Members Hanson and Shaner agreed to continue with the Board for second terms. McCullough will coordinate the reappointments once the Workday authorization has been transferred.
- Position 7, the Chief of Police/Sheriff position, remains vacant. Lt. Lindland offered to reach out to law enforcement contacts for potential interest in the position.

Draft Rules

- Discussion of possible certification/ minimum requirements of tow drivers. Oregon State Police are creating driver-specific requirement rules for their program; the Board may consider similar requirements for all tow drivers in the future, which may require a change in the Board's statutes.
- Currently the only requirement for an Oregon tow certificate is proof of insurance; it was brought to Beukens attention by Board members that DMV offices are not always requiring the insurance forms at time of registration, creating issues with the certificate holders and OSP.
- McCullough will coordinate with PSM Beukens and DMV-BA Frey to create a realistic timeline to draft rules for implementing a \$100 service fee under SB 300. The fee will be imposed on each tow certificate issued or renewed, and will be collected at the time of renewal of the tow certificate. The target date for implementing the fee is January 1, 2024.

Next Steps

- Chair Riley and McCullough will meet with DOJ on July 24th to discuss DOJ's process in anticipation of transitioning complaints to the Board.
- Copies of DOJ's complaints to be prepared for review and discussion at the Board's September Board meeting.
- Draft rules for the \$100 annual service fee to be prepared for review at the September Board meeting.
- A list of suggested training for McCullough, including Ride Alongs, TIM training, meeting with Executive contacts, classes and shadowing were recommended and will be scheduled.
- Lt. Lindland will reach out to law enforcement contacts regarding the vacant position.
- Program Services Beukens will follow up with insurance requirements at the time of renewal.

Announcements

- The next Board meeting is scheduled for September 19, 2023, 1 – 3 p.m. at DMV HQ.
- Oregon Tow Truck Association (OTTA) Meeting October 7, 2023, in Eugene.

There being no further business before the Board, the meeting was adjourned at 2:47 p.m.

Documents Considered by the Board

- Agenda
- Proposed Order of Designation
- March 7, 2023, Board Meeting Minutes
- Administrator/ Compliance Report
- Presentation by DOJ – Civil Enforcement
- Tow/Recovery Vehicles Fee Schedule
- Board Member Roster and State Map
- DOJ Complaint Summaries
- ORS 98.852-98.859; ORS 822.200-822.290; ORS 822.700 and ORS 822.995

Minutes prepared by Torey McCullough

Minutes APPROVED by Board vote:



BEFORE THE
STATE BOARD OF TOWING
FOR THE STATE OF OREGON

In the Matter of)
) **ORDER OF DESIGNATION**
The Administrative Officer for the Board)
)

WHEREAS this matter came before the Oregon State Board of Towing on July 12, 2023, for consideration of appointing Torey McCullough as the State Board of Towing Administrative Officer,
and

WHEREAS the Board being advised of the qualifications and experience of Torey McCullough;
and

WHEREAS the appointment of Torey McCullough as the State Board of Towing Administrative Officer has been approved the Office of Oregon Governor Tina Kotek as required by ORS 822.260 (1);

The Board hereby issues this ORDER OF DESIGNATION appointing Torey McCullough as the State Board of Towing Administrative Officer pursuant to ORS 822.260 (3).

Dated this _____ day of July, 2023.

State Board of Towing

Charles Riley, Board Chair



Oregon

Tina Kotek, Governor

State Board of Towing

1905 Lana Ave., NE

Salem, OR 97314

Phone: (503) 871-5481

Fax: (503)

www.Oregon.gov/

July 12, 2023

Administrator and Compliance Report

Thank you for offering me the privilege of serving as the first Administrator of the State Board of Towing in Oregon.

As of July 12, 2023:

- The Board has
 - A mailing address and phone number.
 - Board phone hours will be 8-5, M-Friday.
 - The Board has a cubicle at DMV being used to conduct business and keep official Board records.
- A request for a Board domain/website was submitted. Once the Data Center completes the request:
 - Construction of the Board's website will begin.
 - Board members will be assigned Board email addresses to conduct Board business.
- I've reached out to
 - Governor's Executive Appointment folks to discuss training and filling the vacant positions.
 - DOJ for a brief overview of the DOJ Consumer Complaint Process.
 - Preliminary meetings with folks within DMV who will assist the Board in achieving its goals.
 - Workday account coordination and transfer expected to be concluded by next week.

Consumer Protection

Oregon Department of Justice

Civil Enforcement Division

Oregon Department of Justice

Divisions

Office of the Attorney General

Administrative Services

Appellate

Child Advocacy

Child Support

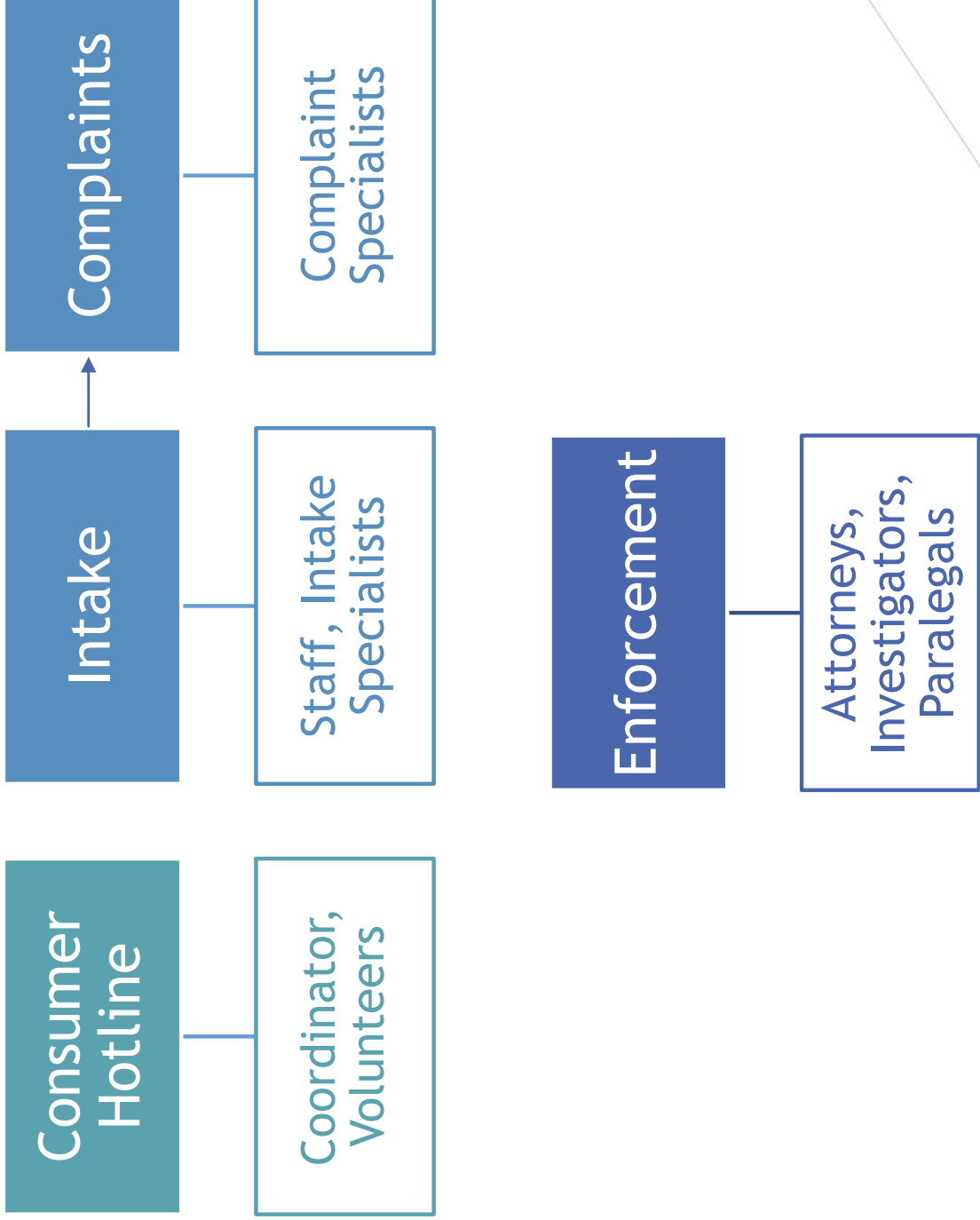
Civil Enforcement

Crime Victims and Survivor Services

Criminal Justice

Trial

Section Overview



Consumer Hotline

(877-877-9392)

What is the Consumer Hotline?

- Toll-free hotline available 8:30a to 4:30p weekdays
- Staffed by dedicated team of volunteers

What the volunteers can do

- Help callers file complaints
- Connect callers with other resources
- Provide basic information

What the volunteers cannot do

- Give legal advice
- Accept public records requests
- Provide information about an open investigation

Intake

What does intake process?

- Consumer complaints
- Mandatory notices

How do we receive complaints?

- Online submissions at oregonconsumer.gov
- Mail, fax, email

What does intake do with complaints?

- Enter and code new complaints
- Generate form letters
- Refer to other departments or agencies

Complaint Process

Voluntary, collaborative process

- Goal is to reach a resolution of the complaint
- Not an administrative action or investigation

What is a “consumer complaint specialist”?

- A non-attorney staff member who works with both parties to resolve a consumer’s concerns

What are the limitations?

- No legal advice
- No findings of fact or conclusions of law
- No authority to levy penalties or order relief

Does it work?

- Consumers receive free help, useful information, and recover millions of dollars every biennium

Enforcement

What does enforcement do?

- Investigate and prosecute UTPA violations
- Often in collaboration with other agencies

How do we investigate UTPA violations?

- Civil investigative demands
- Written discovery and sworn interviews

How do we prosecute UTPA violations?

- Most violations resolved by an assurance of voluntary compliance or a stipulated judgment
- A court may award injunctive relief, restitution and civil penalties up to \$25,000 per willful violation

How do we find and select cases?

- Agency referrals, consumer complaints, media reports, whistleblowers, interest groups, workgroups

Enforcement Activities

Oregon-only and joint investigations

- Local and regional issues
- Local actors or local impact
- High impact cases

Multistate investigations

- High profile regional or national issues
- Complex, high value cases
- Resource sharing, grants

Multistate letters and comments

- Federal rulemakings, federal legislation, matters of common concern

Post-settlement actions

- Contempt actions
- Multistate monitoring

UTPA Scope

Real estate, goods and services

- Primarily for personal, family or household use
- Includes loans and extensions of credit

Telephone solicitations

- Goods and services for personal or business use
- Excludes certain professionals, financial institutions, etc.

Business opportunities

- Franchises, distributorships and “other similar business opportunities”

Exclusions

- Landlord-tenant
- Insurance
- State-regulated lenders (subordinate authority)

UTPA “Laundry List”

Over 90 categories of UTPA violations

- Employing unconscionable tactics
- Misrepresentations about the characteristics, benefits, uses, qualities, standard, quality, or grade of goods and services
- Misrepresentations about the nature of a transaction
- Misleading statements about a prize, contest or promotion
- Misrepresentations about pricing or discounts
- Failing to disclose known material defects
- Failing to comply with requirements relating to home and telephone solicitation sales
- Violating detailed rules about motor vehicle sales and advertising
- And more...

UTPA “Laundry List”

Includes a wide range of business practices

- Auctions
- Automatic renewals
- Data security
- Debt collection
- Discounts and “free” offers
- Gas price advertising
- Gift cards
- Facsimile spam
- Foreclosure consultants
- Going out of business sales
- Health spas
- Home solicitations
- Odometers
- Phishing
- Privacy policies
- Price gouging
- Pyramid clubs
- Recalled products
- Referral compensation
- Rent-to-own
- Robocalls
- Student privacy
- Self-service storage
- Shipping fees
- Sweepstakes
- Telephone sales
- Towing
- Vehicle repair shops

Other Section Work

Statutory Duties

- Registering telephonic sellers
- Supervising the Oregon Foreclosure Avoidance Program
- Reviewing class action settlements for fairness

Legislation

- Proposing and reviewing new consumer laws

Rulemaking

- Issuing and updating administrative rules

Responding to Public Requests

- Responding to records requests and media inquiries

Outreach and Education

- Speaking engagements and conferences

Recent Cases

Google Privacy Settlement

Oregon helps drive largest AG-led consumer privacy settlement in U.S. history over Google location tracking

Oregon will receive a \$14.8 million settlement from Google as part of a consumer privacy case because the tech giant misled users about tracking their location through their accounts, Oregon Attorney General Ellen Rosenblum announced on Monday.

The settlement is Oregon's share of \$391.5 million Google agreed to pay in a case that involves 39 other states who sued over its location tracking practices. Rosenblum and Nebraska Attorney General Doug Peterson led the investigation and negotiations.

The Oregon Justice Department said the settlement was "the largest attorney general-led consumer privacy settlement ever."

Recent Cases

JUUL Deceptive Marketing Settlement

HealthWatch: Oregon leads \$438-million JUUL settlement for targeting youth

By: Jerry Howard **Sep 6, 2022** Updated **Mar 30, 2023**   0

This comes after a two-year [investigation](#) into the company's marketing practices led by the Oregon Department of Justice alongside Texas and Connecticut. The lawsuit states the company attracted young customers with launch parties, advertisements, social media posts and free samples.

In addition to Oregon, Juul has to pay at least \$438 million dollars to 33 other states and territories.

Recent Cases

Opioids Settlements

Oregon AG: Opioid settlements with 4 drug makers, pharmacies will provide \$220 million for crisis response

SALEM, Ore. (KTVZ) -- Attorney General Ellen Rosenblum announced Friday the final acceptance of \$17.3 billion in opioid agreements by drug makers Teva and Allergan and pharmacies CVS and Walgreens. Oregon is anticipated to receive nearly \$219.4 million over the next 15 years, with funds starting to arrive to state and local governments by the end of this year.

Recent Cases

COVID Testing Litigation

Oregon sues COVID test company, millions of dollars pocketed

SALEM, Ore. (AP) — The state of Oregon accused owners of an Illinois-based COVID-19 testing company of stealing millions of dollars in federal funds and insurance money in a lawsuit filed Thursday and said they boasted about buying a mansion and expensive sports cars.

Oregon Attorney General Ellen Rosenblum sued the Center for Covid Control, or CCC, and its testing partner, Doctors Clinical Laboratory, for deceptively marketing testing services and for violating Oregon's Unlawful Trade Practices Act.

Towing Cases

Sergeants Towing (2018)

State orders Sergeants Towing to halt 'predatory' practices in settlement

Published: Jan. 03, 2018, 8:56 p.m.

On Wednesday, Oregon's Attorney General Ellen F. Rosenblum announced a settlement with the towing business, requiring Sergeants to pay \$75,000 in fines, with \$50,000 suspended if it meets all conditions. If not, it must pay the full sum.

The company also must pay \$4,456 in restitution to seven consumers.

Towing Cases

Discount Towing & Recovery (2018)

Oregon Attorney General goes after Salem towing company after KGW investigation

PORTLAND, Ore.— A Salem towing company agreed to settle with the state Attorney General's office after a series of consumer complaints about excessive charges and unfair treatment.

Discount Towing & Recovery agreed to pay \$15,000 to the Oregon Department of Justice, according to documents filed in Marion County circuit court. Under the terms of the deal, Discount Towing will only have to pay \$2,000 unless the company fails to comply with the agreement.

Towing Cases

Retriever Towing Litigation (2023)

Retriever Towing sued by state over illegal tows, 'predatory towing practices'

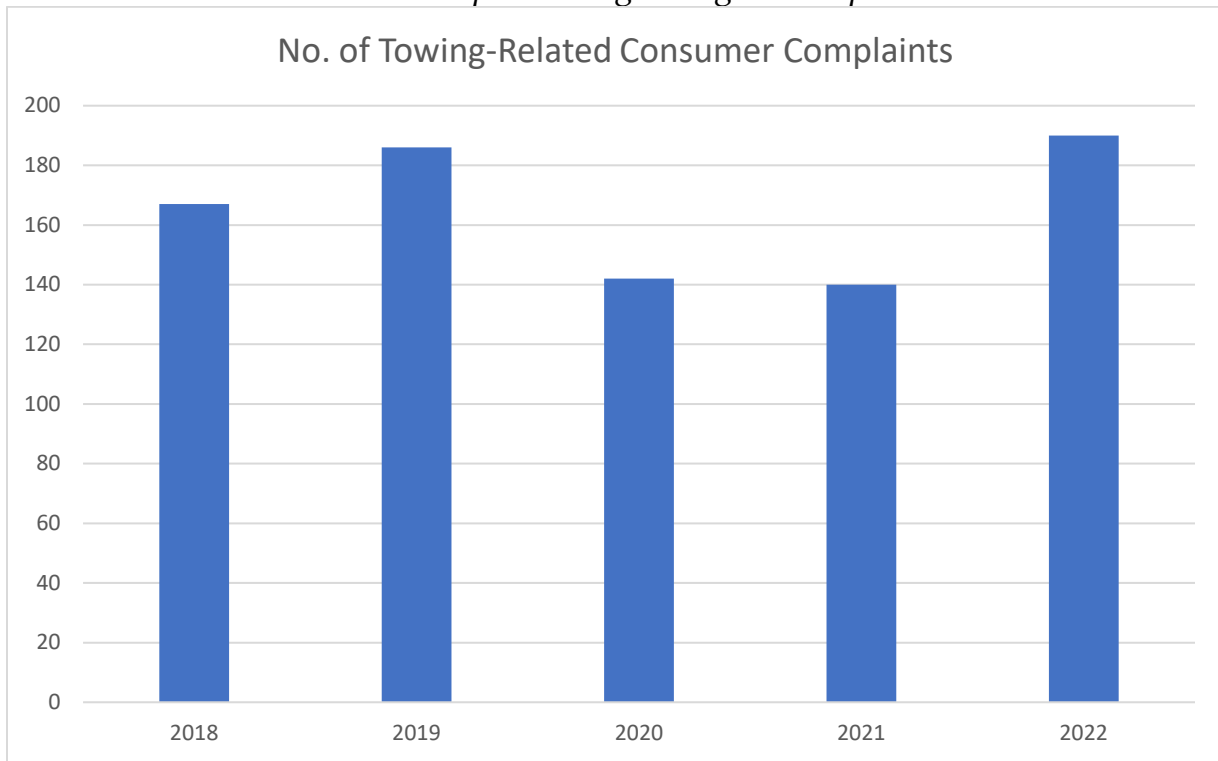
by KATU Staff | Tue, January 17th 2023, 12:02 PM PST

SALEM, Ore. — The Oregon Department of Justice Consumer Protection Section has filed a lawsuit against Retriever Towing, alleging the company illegally towed cars without authorization.

In 2017, the Oregon legislature passed reforms that forbid towing cars from parking facilities unless the towing company got signed permission to tow the car from the owner of the parking facility.

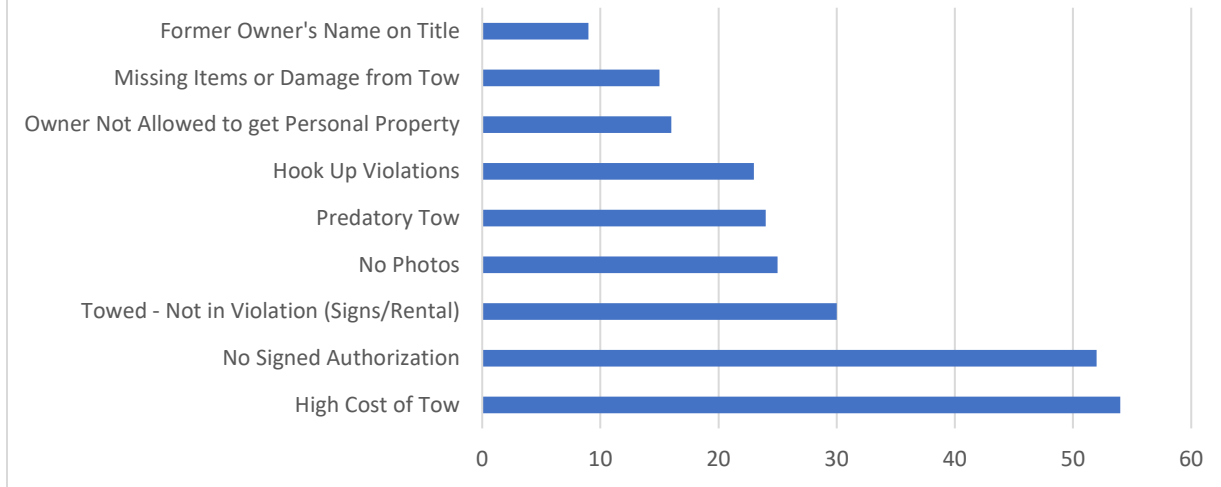
Retriever Towing is one of the largest towing operations in Oregon. In the lawsuit, which was filed on January 17, the Oregon Attorney General alleges Retriever Towing was not complying with Oregon law. The lawsuit states that Retriever Towing was towing cars without parking facility owners' authorization, going against the law.

Total number of towing-related complaints
received by Dept. of Justice between 2018 - 2022.
Includes complaints regarding municipal tows.



Calendar Year	No.
2018	167
2019	186
2020	142
2021	140
2022	190

Top Complaints Submitted 2018-2019

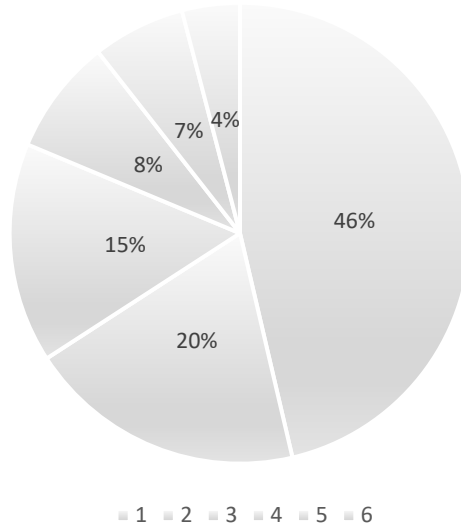


DOJ Consumer Hotline in 2018 and 2019

Does not include written complaints

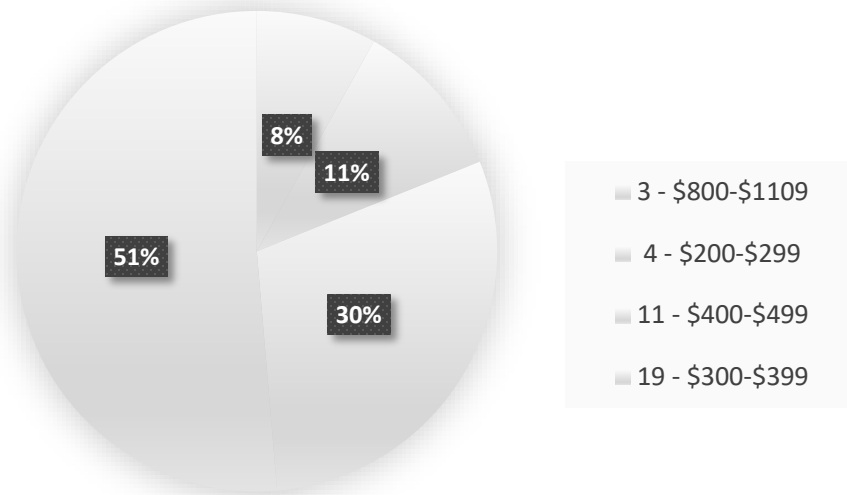
Nature of Complaint	Number
High Cost of Tow	54
No Signed Authorization	52
Towed - Not in Violation (<i>Signs/Rental</i>)	30
No Photos	25
Predatory Tow	24
Hook Up Violations	23
Owner Not Allowed to get Personal Property	16
Missing Items or Damage from Tow	15
Former Owner's Name on Title	9
Did Not Send Notice After Tow (<i>Owner not present</i>)	6
Not Allowed to Get to Vehicle	5
Did Not Provide Info - Location of Vehicle or Costs	5
Charged Gate Fee During Regular Hours	4
Car Not Stored in County Towed in	1
Did not Provide Price Sheet (<i>Owner present at time of tow</i>)	1
	270

2018 - 2019 DOJ Complaints by Companies



# Complaints Filed 2018-2019 per Company		
#	%	Company
57	46.3%	Retriever Towing
24	19.5%	Companies with One Complaint
19	15.4%	21st Choice Towing
10	8.1%	Pro Tow
8	6.5%	Companies with Two to Five Complaints
5	4.1%	Companies with Six to Nine Complaints
123		Total No. Individual Companies

DOJ Complaints re: Excessive Fees





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:

Sen. 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.

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

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

Minutes prepared by Torey McCullough

Minutes APPROVED by Board vote:

DRAFT

DRAFT LANGUAGE – State Board of Towing Fee Schedule

OAR 750-010-0010

Fees

(1) The State Board of Towing shall impose a fee of \$100 on any person holding or applying for a towing business certificate in the State of Oregon, pursuant to ORS 822.285 (3),

(a) The fee imposed under OAR 750-010-0010 (1) is to be paid in addition to and simultaneously with the tow business certification fee required under ORS 822.700 (Certification fees).

(b) Any fee paid to the State Board of Towing under this section 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.



ARCHIVES DIVISION
 800 Summer Street NE
 Salem, Oregon 97310
 adminrules.archives@sos.oregon.gov
 503-373-0701, option 2
 503-373-0953 (fax)

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.

 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, *print name* *signature* *date*

 OIM username *email* *phone*

 (2) Rules Coordinator, *print name* *signature* *date*

 OIM username *email* *phone*

 (3) Rules Coordinator, *print name* *signature* *date*

 OIM username *email* *phone*

 (4) Rules Coordinator, *print name* *signature* *date*

 OIM username *email* *phone*

 (5) Rules Coordinator, *print name* *signature* *date*

 OIM username *email* *phone*

 Authorizing person, *print name* *signature* *date*

The signature of the agency's authorized signer who has legal authority to approve rulemaking filings, appoint agency rules coordinators or delegate rulemaking authority.

State Board of Towing

Administrator's Report

To: SBOT Board Members

From: Torey McCullough, Board Administrator

Date: September 19, 2023

A public thank you to DMV Program Services, IT, DMV Business Regulation Section and their Investigators, and especially Amy Joyce, Linda Beukens and Karolina Lemus for their support and assistance. The support and assistance these folks have provided has been very helpful the past two months.

Tasks accomplished since July 12, 2023, Board Meeting:

- Board phone number and email addresses created.
- Board letterhead created.
- OAR Chapter 750 created and assigned to the Board by the Secretary of State, Archive's Division.
- Potential rules for Board consideration and public research researched and drafted for Board review.
- Created and implemented process to compile and store the Board's public records and historical documents.
- Created an initial mailing list of over 990 industry contacts, agencies, organizations, and individuals who may have an interest in the Board's administrative rules and policies; printed and mailed postcards to the contact list with information of the September board.
- The Board's website is in the end stages of being set up and should be operational by the end of the month.

Meetings:

- Met with DOJ General Counsel regarding consumer complaints. Discussions have been tabled until the Board has a process to accept and track complaints.
- Met with Staff of the DMV Dismantlers program.
- Met with DMV staff, identified necessary tasks to implement the \$100 fee under ORS 822.285 (3) by January 1, 2024.
- Met with the Governor's Executive Appointments staff regarding expectations and process.
- Ride Alongs with (1) DMV Investigator and (2) ODOT Incident Response.
- Attended Oregon Dealer Advisory Committee Quarterly Meeting.
- Reached out to PBOT Towing Program.

Financial Report:

- The Board will begin generating revenue in January 1, 2024 under the rule proposed Administrative Rules to be considered by the Board.
- Initial projections show the Board may be able to post positive revenue in January/February 2025.
- More information to be presented by Andrea McCausland from DMV Financial Unit.
- Projected costs may include mailing expenses, training expenses, office supplies and misc. expenses, but should remain minimal for the next 6-8 months.

Upcoming Projects and Tasks:

- The Proposed Rules process and hearing will be the primary focus for the rest of September and through October.
- The Board mailing of the notice of the registration fee increases to Tow Business Certificate Holders will be sent in late October.
- Research, identify, and compile required and suggested Board Bylaws and policies.
- Attendance at Traffic Incident Management (TIM), Oregon Tow Truck Association (OTTA) and Oregon Attorney General (AG) conferences.
- Attend regular meetings of PBOT, ODAC, and other partners as identified.
- Continue research on complaint and disciplinary processes and monitoring options available to the Board.
- Coordinate investigations and possible records sharing with other DMV divisions.
- Content and form creation for the Board's website.

State Board of Towing

Compliance Report

To: SBOT Board Members

From: Torey McCullough, Board Administrator

Date: September 19, 2023

Compliance Overview:

- 0 complaints received since the last board meeting.
- 0 complaints under investigation.

An initial complaint form has been drafted and will be used until an online complaint form can be constructed.

Tow Complaints submitted to Dept of Justice, Consumer Protection will begin transitioning to this Board once the Board has:

- (1) A website
- (2) Complaint and disciplinary processes identified and
- (3) A tracking system in place to monitor complaints through the investigation and disciplinary processes.

There will also be coordination with different DMV divisions on

- (1) Establishing responsibilities of the Board as they relate to ODOT/DMV operations; and
- (2) Responding to and accepting complaints and concerns regarding towers and certificate holders.

Draft Rules for Board Consideration and Public Input
 State Board of Towing – OAR Chapter 750

Authority:

ORS 822.265 Rulemaking authority

(1) In accordance with applicable provisions of ORS chapter 183, the State Board of Towing may adopt rules:

(a) Necessary for the administration of the laws that the board is charged with administering.

(b) To implement ORS 98.853 (Conditions allowing towing) to 98.862 (Exceptions to requirements of ORS 98.856).

Division 1 – Model Rules of Procedure

No.	Title	Rule
OAR 750-001-0001	Uniform and Model Rules of Procedure.	Pursuant to the provisions of ORS 183.341, the State Board of Towing adopts the Attorney General's Uniform and Model Rules of Procedure under the Administrative Procedures Act. These rules shall be controlling except as otherwise required by statute or rule.
OAR 750-001-0010	Notice of Proposed Rules.	<p>(1) Prior to the adoption, amendment, or repeal of an administrative rule under OAR Chapter 750, the State Board of Towing shall give notice of its intended action:</p> <ul style="list-style-type: none"> (a) By publishing in the Secretary of State's bulletin referred to in ORS 183.360 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 only 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: <ul style="list-style-type: none"> (A) Oregon Dept. of Transportation, Dept. of Motor Vehicles, Program Services (B) Dept. of Motor Vehicles, Vehicle Service (C) Oregon Tow Truck Association (D) Reserved for appropriate organization, agency, or publication with a direct interest in the towing industry. (E) Reserved for appropriate organization, agency, or publication with a direct interest in the towing industry. (F) Other organizations, agencies or publications known to the Board that may have a direct interest in the Board's administrative rules and policies. <p>(2) The Board may update the mailing list described in subsection (1)(c) of this rule annually by requesting persons to confirm they wish to remain on the mailing list.</p> <ul style="list-style-type: none"> (a) If a person does not respond to a request for confirmation within 30 days of the date that 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, provided that the person provides a mailing address or email address to which the notice may be sent.
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 as applicable and relevant to the Board, except to the extent the Model Rules conflict with or are modified by the Board's administrative rules under OAR Chapter 750.
OAR 750-001-0040	Authorization for Agency Representative	<p>The State Board of Towing adopts the Attorney General's Model Rules of Procedure to authorize the appearance of its staff as the Board's representative at contested hearings pursuant to ORS 183.452:</p> <p>(1) Subject to the approval of the Attorney General, an officer or employee of the Board is authorized to appear on behalf of the Board in Administrative Hearings, as designated by the Board.</p> <p>(2) The Board representative may not make legal argument on behalf of the Board.</p> <p>(a) "Legal Argument" includes arguments on:</p> <ul style="list-style-type: none"> (A) The jurisdiction of the agency to hear contested cases. (B) The constitutionality of a statute or rule or the application of a constitutional requirement to an agency; and (C) The application of court precedent to the facts of a particular contested case proceeding. <p>(b) "Legal Argument" does not include presentation of motions, evidence, examination and cross-examination of witnesses or presentation of factual argument or arguments on:</p> <ul style="list-style-type: none"> (A) The application of the statutes or rules to the facts in the contested case; (B) Comparison of prior actions of the agency in handling similar situations; (C) The literal meaning if the statutes or rules directly applicable to the issues in the contested case; (D) The admissibility of evidence; and (E) The correctness of procedures being followed in the contested case hearing.

OAR 750-001-0050	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, except to the extent the Model Rules conflict with or are modified by the Board's administrative rules under OAR Chapter 750.
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Division 10 – General Administrative and Operational Rules

No.	Title	Rule
OAR 750-010-0001	Definitions.	<p>As used in OAR Chapter 750 and by the State Board of Towing to conduct its business:</p> <ol style="list-style-type: none"> (1) "Administrator" means the Board Administrative Officer. (2) "Board", "SBOT" or "Tow Board" means the State Board of Towing. (3) "Compensation" means something given or received as payment including but not limited to bartering, tips, monies, donations, or services. (4) "Conflict of interest" means a situation in which a person is in a position to derive personal benefit from actions or decisions made in their official capacity. (5) "DMV" means the Oregon Department of Transportation, Driver and Motor Vehicle Services. (6) "Initial tow" means services provided by a tow operator including, but not limited to, collisions, incidents, disableds, and impound requests, resulting from an original call, on a particular vehicle, received by the Towing Business or Tow Operator. (7) "ODOT" means Oregon Dept. of Transportation. (8) "Non Preference Towing" means the rotational list of towing businesses established by OSP under ORS 181A.350. (9) "Predatory Towing" means illegal or unethical towing practices including, but not limited to, charging exorbitant fees, refusing the owner access to personal items in the vehicle during business hours, removing vehicles without a contract or a direct dispatch, and falsification of documents or records. (10) "Professional relationship" means the relationship established when a Towing Business or Tow Operator contracts with a client, verbally or in writing, to provide any service associated with the towing industry. (11) "Professional role" means assuming the demands and responsibilities of professional authority by taking charge of the conditions which create and maintain client safety and trust in the professional-client relationship. (12) "Respondent" means the person against whom a formal enforcement action is issued. (13) "Secondary tow" means towing services from a Tow Business or Tow Operator's storage facility or place of business to another location designated by the owner/agent of a vehicle. (14) "Special Committee" means a standing, special, ad hoc, or sub-committee ("Special Committee") created to carry on the work of the Board. (15) "Tow Operator" means an individual who operates a tow truck for compensation, which may include the impounding, transporting, or storage of unauthorized vehicles, or in the disposal of abandoned vehicles. (16) "Towing Business" means an individual, partnership, corporation, or other business entity that owns or operates a tow truck for commercial purposes. (17) "Towing Certificate" means a towing business certificate issued under ORS 822.205. (18) "Tow Truck" means a motor vehicle operating for compensation that is 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 truck owner or operator's business profits or benefits in any way from towing a vehicle, the tow truck must be considered a tow truck under OAR Chapter 750. (19) "Unprofessional or dishonorable conduct" means a behavior, practice or condition that is contrary to the ethical and professional standards adopted by the Board.
OAR 750-010-0010	Fees.	<ol style="list-style-type: none"> (1) The State Board of Towing shall impose a fee of \$100 on any person holding or applying for a towing business certificate in the State of Oregon, pursuant to ORS 822.285 (3). The fee: <ol style="list-style-type: none"> (a) Shall be collected during the application process for issuance or renewal of a Tow Business Certificate as described in ORS 822.200 to 822.215. (b) 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 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.
OAR 750-010-0030	Fiscal.	The State Board of Towing fiscal year shall 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.	<p>The State Board of Towing may contract for consultant personal services when:</p> <ol style="list-style-type: none"> (a) The specialized skills, knowledge, and resources are not available within the Board or its staff;

		<p>(b) The work cannot be done in a reasonable time with the Board's own work force;</p> <p>(c) An independent and impartial evaluation of a situation is required by a consultant with recognized professional expertise and stature in a field; or</p> <p>(d) It will be less expensive to contract for the work.</p>
OAR 750-010-0050	Board Meetings.	<p>(1) The State Board of Towing shall hold regular public Board Meetings at least once every fiscal quarter.</p> <p>(2) Regularly scheduled Public Board Meetings shall be noticed to the public a minimum of ten (10) calendar days before the scheduled date of the meeting by:</p> <p>(a) Posting on the Board website; and</p> <p>(b) Posting on the Public Calendar of the Oregon Transparency website; and</p> <p>(c) By distributing a copy of the Notice by electronic mail to persons on the Board's mailing list.</p> <p>(3) The Board shall hold emergency or special meetings at the request of the Chair, Vice Chair, 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).</p> <p>(4) In case of an emergency, a meeting may be held pursuant to ORS 192.640.</p>
OAR 750-010-0060	Annual Business Work Session.	The State Board of Towing will hold an annual business meeting and work session every fiscal year.
OAR 750-010-0080	Board Member Assignments.	<p>(1) State Board of Towing members may be assigned, individually or as a committee, to a task or project by volunteering or by Board vote during a public meeting.</p> <p>(2) No more than three (3) active Board Members shall be assigned to any one committee.</p> <p>(3) The scope of the Board Member Assignments is limited to research, evaluation, or information gathering for presentation and recommendation to the Board unless otherwise approved by the Board.</p>
OAR 750-010-0090	Committees and Subcommittees.	<p>(1) Special Committees 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.</p> <p>(2) A Special Committee may exist as long as there remains concern by the Board for the assigned area of interest, conclusion of the Special Committee Assignment, or until disbanded by vote of the Board during public session of a regularly scheduled board meeting.</p> <p>(3) Special Committees shall consist of three (3) or more members, including one (1) Board member assigned as the Board's representative and liaison, except as provided under ORS 183.333 (8).</p>
OAR 750-010-0100	Board Staff.	<p>(1) The State Board of Towing shall appoint an Administrative Officer, approved by the Governor of the State of Oregon, to serve as the Administrator of the Board.</p> <p>(2) The Administrator shall be responsible for the general administration and implementation of the Board's affairs in accordance with the general policies established by the Oregon Statutes, Oregon Administrative Rules, and the Board's policies and direction.</p> <p>(3) A formal review of performance of the Administrator will be conducted at the Board's annual meeting and work session.</p> <p>(4) The Administrator shall have signature authority for notices of proposed actions, final orders, other disciplinary actions, subpoenas, and other signature authority as defined and delegated by the Board.</p>
OAR 750-010-0110	Public Records Requests.	<p>(1) Anyone may request disclosure of a public record for which the State Board of Towing is the custodian by submitting a written request in person, via mail, email, or fax.</p> <p>(2) A request for public records must include:</p> <p>(a) The name, mailing address, email address, and telephone number, if any, of the requestor;</p> <p>(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</p> <p>(c) The signature of the requestor and date of request.</p> <p>(3) 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.</p> <p>(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.</p> <p>(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.</p>
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 shall not affect the validity of any remaining portion of the rules of the Board under OAR Chapter 750.

OAR 750-040-0001	Violations of Statutes.	The State Board of Towing may impose a civil penalty or take other disciplinary action for violation of ORS 822.265: ORS 98.853, 98.854, 98.856, 98.858, 181A.350, 822.200, 822.215, 822.225, 822.230, 822.235 or 822.605, hereinafter collectively referred to as "statutes."
OAR 750-040-0010	Violation of Administrative Rules.	<i>Reserved for violations to be determined by the Board.</i>
OAR 750-040-0020	Separate Violations.	Each violation of a State Board of Towing statute, 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 750-040-0030	Subsequent Violations.	In the event of second or subsequent violations of the State Board of Towing's statutes or of rules adopted by the Board, the Administrator shall not consider a prior Final Order that was issued more than five (5) years preceding the date of the second or subsequent notice of proposed sanctions.
OAR 750-040-0040	Enforcement.	(1) The State Board of Towing may issue a Notice of Proposed Disciplinary Action for violation(s) of the Board's statutes or administrative rules adopted by the Board. (2) The Board Administrator or the Administrator's designee shall have the authority to negotiate and approve a stipulated settlement at any time prior to the effective date of a Final Order by the Board.

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 industry; (b) Establishing professional industry standards; (c) Investigating complaints and concerns of the public regarding the towing industry; and (d) Enforcing the laws and 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 towing and recovery for compensation is essential. (b) Encouragement of a competitive and qualified 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 truck company responding in good faith to life-threatening emergency situations.
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 industry members: (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 member who has a conflict of interest with respect to any complaint shall declare the conflict and shall 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 shall be in writing, and 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) Complainant name, contact information, and personal information shall be kept confidential to the extent provided by law. (4) While anonymity may limit the ability of the Board to investigate a complaint, anonymous complaints will be allowed provided: (a) An explanation is offered of the reason why the Complainant does not wish to be identified. (b) The alleged facts of the Complaint are sufficient to allow the Board to pursue an investigation without further communications with the Complainant. (5) Complainants shall not be considered a party to a Board compliance case or disciplinary action.

		<p>(6) Complaints will be initially reviewed by the Board Administrator to:</p> <p>(a) Assess Board jurisdiction and authority to address the issue(s) raised; and</p> <p>(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.</p> <p>(7) 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.</p> <p>(8) Complaints and initial response will be presented during Executive Session of the next regularly scheduled meeting of the Board.</p> <p>(9) Any Board member or Board staff member who has a conflict of interest with respect to any complaint shall declare the conflict and shall not participate in the investigation, disposition, or any other activity concerning the complaint.</p>
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Division 70
Investigations and Investigation Reports

OAR 750-070-0001	Purpose of Investigations.	<p>The purpose of an investigation conducted by the State Board of Towing is to:</p> <p>(1) Investigate the allegations of a complaint; or</p> <p>(2) Investigate information indicating potential violations of Oregon's laws and rules regulating the towing industry; or</p> <p>(3) Verify compliance with Oregon's laws and rules regulating the towing industry or with any Order issued by this Board or another Oregon jurisdiction; and</p> <p>(4) Obtain sufficient, credible, and verifiable evidence of violation of the laws or rules administered by the State Board of Towing to justify issuance sanctions or such other action as the circumstances may warrant.</p>
OAR 750-070-0010	State Board of Towing Investigations.	<p>(1) The State Board of Towing may investigate a submitted Complaint when:</p> <p>(a) The complaint subject appears to be within the Board's jurisdiction and authority, and</p> <p>(b) There is sufficient evidence to justify proceeding to investigate to determine if the allegations against the Respondent are such that, if proven, could result in disciplinary action being imposed by the Board.</p> <p>(2) The Board Administrator oversees the investigation process on behalf of the State Board of Towing and serves as the primary point of contact.</p> <p>(3) To the extent permitted by law, the board will cooperate with other regulatory boards and other agencies when conducting an investigation.</p> <p>(4) Nothing in this section is intended to limit the Board's authority to initiate and conduct investigations on the Board's own motion, supported by any basis deemed adequate by the Board.</p>
OAR 750-070-0020	Investigation of Violations and Complaints.	<p>(1) The State Board of Towing may delegate its investigative powers and authority for purposes of initiating and carrying out investigations.</p> <p>(2) In the conduct of investigations, the Board may:</p> <p>(a) Take evidence.</p> <p>(b) Take the depositions of witnesses.</p> <p>(c) Compel the appearance of witnesses before the Board.</p> <p>(d) Compel the production of documents or other information deemed necessary to carry out the investigation.</p> <p>(3) In exercising its authority under 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.</p> <p>(4) If any person fails to comply with a subpoena issued under this section or refuses to testify on matters on which the person lawfully may be interrogated, the procedure set out in ORS 183.440 shall be followed to compel compliance.</p>
OAR 750-070-0030	Cooperation in Board Investigations.	<p>(1) Every Tow Business Certificate holder, its representatives and employees having information regarding a possible violation of the rules or statutes 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.</p> <p>(2) Failure by a Tow Business Certificate holder or its representative or employee to cooperate with a Board investigation is grounds for disciplinary action.</p> <p>(3) Cooperation in a Board investigation may include:</p> <p>(a) Submitting client or business records, with or without a signed release by the client, during a Board investigation of the allegations presented in the Complaint; and</p> <p>(b) Providing a complete case file at the request of the Board, excepting personal information protected by law; and</p> <p>(c) Being available for a personal interview during a Board investigation during reasonable hours; and</p> <p>(d) Responding to questions presented by the Board or the Board's investigator related to the investigation; and</p> <p>(e) Allowing access, during business hours, of the tow business premises and tow equipment for inspection if required to conduct a Board investigation into the allegations of a complaint.</p> <p>(4) Respondents named in a Complaint may be personally interviewed or be given an opportunity to provide a written response to the Complaint as part of a Board investigation.</p>

		<p>(a) Written responses, records, or 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 mailed by USPS regular or by electronic mail, unless an extension is authorized by the Board Administrator.</p> <p>(b) 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.</p>
OAR 750-070-0040	Investigation Reports.	<p>(1) The purpose of an investigation report is to provide the Board with enough information to determine whether one or more violations of statutes and rules occurred and to take action when appropriate.</p> <p>(2) An investigation report will be completed and submitted to the Board within 120 days after the Board receives the complaint.</p> <p>(a) The Board may extend the time for submitting the report by up to 30 days for just cause after case review and Board vote.</p> <p>(b) The Board may grant more than one extension of time.</p> <p>(3) The Investigation Report, exhibits, and other information related to the case will be reviewed by the Board during Executive Session at a scheduled board meeting.</p> <p>(a) The Board shall evaluate all evidence obtained during the investigation, including the original complaint, and any documents or comments received from the Complainant, Respondent, law enforcement, or other parties.</p> <p>(b) If the evidence is insufficient to justify further proceedings, the Complainant and Respondent shall be so notified in writing.</p> <p>(c) If the evidence is sufficient to justify further proceedings, the Board will consider and take appropriate action during public session of a regular or special meeting.</p> <p>(4) Investigatory information obtained during a Board investigation or contained in a written report to the Board is confidential and shall be exempt from public disclosure unless otherwise required by law.</p> <p>(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 commission, board, or agency may be accepted by the Board as a Board Investigation Report.</p>
OAR 750-070-0050	Board Actions After Investigations.	<p>Upon completion of an investigation the Board may do any of the following:</p> <p>(1) Close the investigation and take no action.</p> <p>(2) Issue a letter of concern, reprimand, or instruction.</p> <p>(3) Issue a Notice of Proposed Action proposing disciplinary action.</p> <p>(4) Enter into a stipulated agreement with the Respondent to impose discipline.</p> <p>(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.</p>

Division 80

Progressive Discipline, Discipline and Sanctions, Schedule of Civil Penalties, Collection of Civil Penalties

OAR 750-080-0001	Progressive Discipline.	<p>(1) The goal of progressive discipline is to correct unprofessional behavior and conduct, deter a person or entity from repeating the conduct, and educate the person or entity to improve compliance with applicable statutes and rules.</p> <p>(2) Progressive discipline includes increasingly severe steps or measures against a person, persons, or entity when there is a failure to correct inappropriate behavior, conduct, or when subsequent instances of inappropriate behavior and conduct occur.</p> <p>(3) The Board will evaluate relevant and mitigating factors to determine whether to issue a non-disciplinary educational letter of advice or letter of concern, or to issue discipline through reprimand, suspension, revocation, or civil penalties.</p> <p>(4) Any disciplinary action taken by the Board will be in accordance with ORS chapter 183.</p>
OAR 750-080-0010	Subsequent Violations.	<p>As used in OAR Chapter 750, a violation will be considered a second or subsequent violation if the person or business entity against whom the civil penalty is assessed was notified verbally or in writing, either by the State Board of Towing or by law enforcement, a state agency, or another agency with proper jurisdiction in the State of Oregon, within five (5) previous years of the occurrence of the same or a substantially similar violation, and was</p> <p>(1) Disciplined or sanctioned for the violation, including payment of civil penalties; or</p> <p>(2) Entered into a Corrective or Stipulated Agreement wherein the person or entity agreed to correct the conduct or behavior resulting in a violation; or</p> <p>(3) Given an opportunity for hearing on the previous alleged violation.</p>
OAR 750-080-0020	Mitigating Circumstances.	<p>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:</p> <p>(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.</p> <p>(2) The nature of the violation.</p> <p>(3) The effect of the violation on public safety and welfare.</p> <p>(4) Whether the conduct was inadvertent or intentional.</p>

		<ul style="list-style-type: none"> (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. (8) The economic and financial condition of the person subject to sanction. (9) Any mitigating or aggravating factors that the Board may choose to consider.
OAR 750-080-0030	Disciplinary Actions and Sanctions.	<ul style="list-style-type: none"> (1) The State Board of Towing may order the Department of Transportation to deny, suspend, revoke or refuse to renew a towing business certificate issued under ORS 822.205 or 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 pursuant to ORS 822.290. (3) The Board may assess against a person or entity a civil penalty under ORS 822.995 according to the Civil Penalty Schedule under OAR 750-080-0040. (4) A Respondent will have the right to a contested case hearing provided that the written request for a hearing is received by the Board within 20 days of the Notice of Proposed Disciplinary Action, except as provided under ORS 183. (5) The Board may assess reasonable costs of a disciplinary proceeding against the Responsible Party. Costs may include, but are not limited to: <ul style="list-style-type: none"> (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	Civil Penalty Schedule.	<ul style="list-style-type: none"> (1) 1st offense: \$XXXX; (2) 2nd offense: \$XXXX; (3) 3rd offense: \$XXXX; (4) Additional offenses: additional civil penalties, in an amount up to \$25,000 per violation, as determined by the Board.
OAR 750-080-0050	Effective Date of Disciplinary Actions.	<ul style="list-style-type: none"> (1) The Board 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 under a Final Order becomes due and payable 10 days after the date of the 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 and 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 specifically defined 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 terms and conditions requires Board ratification and approval.

Draft for Discussion Purposes

Notes for clarification: The following are some of the Oregon Revised Statutes (ORS), enacted by the Oregon Legislature for the State Board of Towing to consider or administrate under ORS 822.265, ORS 822.280, ORS 822.285, ORS 822.290, and ORS 822.995 (see below for definitions).

The Board will conduct further research and discuss the ORSs assigned to the Board and related to the towing industry during public meetings over the next six months.

ORS 822.265 - Rulemaking authority.

(1) In accordance with applicable provisions of ORS chapter 183, the State Board of Towing may adopt rules:

- (a) Necessary for the administration of the laws that the board is charged with administering.
- (b) To implement ORS 98.853 (Conditions allowing towing) to 98.862 (Exceptions to requirements of ORS 98.856).

ORS 822.280 Denial, suspension, revocation or refusal of towing business certificate; contested case hearing.

(1) As used in this section:

- (a) "Person" includes individuals, public bodies as defined in ORS 174.109 ("Public body" defined), corporations, firms, associations, partnerships, limited liability companies, joint stock companies or any other business entity created under law.
- (b) "Relative" means an individual related within the third degree as determined by the common law, a spouse, an individual related to a spouse within the third degree as determined by the common law or an individual in an adoptive relationship within the third degree as determined by the common law.

(2) In addition to any other penalty provided under ORS 822.215 (Grounds for denial, suspension, revocation or refusal of certificate) and subject to ORS chapter 183, the State Board of Towing may order the Department of Transportation to deny, suspend, revoke or refuse to renew a towing business certificate issued under ORS 822.205 (Certificate), if the person holding or applying for the certificate:

- (a) Fails to comply with any rule adopted by the board;
- (b) Violates any provision of, or rules or ordinances adopted under, 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) or 822.605 (False swearing relating to regulation of vehicle related businesses);

- (c) Fails to comply with an order of the board, including but not limited to the failure to pay a civil penalty as ordered by the board;
 - (d) Has performed work as a tower without the appropriate certification or letter of appointment to participate on the rotational list of towing businesses established under ORS 181A.350 (Eligibility of towing business to be placed on department list), or has employed individuals to perform work as towers without appropriate certification or letter of appointment;
 - (e) Has advertised or otherwise held themselves out as being a certified towing business without holding the appropriate certification;
 - (f) As a, or as a relative of a, partner, officer, member or employee of a towing business, advertises or holds themselves out as a towing business that is certified if the towing business does not possess the appropriate certification;
 - (g) Has engaged in towing or recovering by any means, as part of any business operation of the person, vehicles that are wrecked, damaged, disabled or abandoned or replacement vehicles;
 - (h) Fails to meet any condition or requirement to obtain a certificate or letter of appointment;
 - (i) Acts or has acted in a manner creating a serious danger to the public health or safety; or
 - (j) Has been subject to a revocation, cancellation or suspension order or to other disciplinary action related to towing or the towing industry by any other public body, as defined in ORS 174.109 ("Public body" defined), or has failed to pay a civil penalty imposed by the public body.
- (3) A violation described in subsection (2) of this section for which the board orders that the department deny, suspend, revoke or refuse to renew a certificate to perform work or conduct business may be treated as a failure to be in conformance with 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).
- (4) A person subject to discipline under this section is entitled to a contested case hearing in accordance with ORS chapter 183.
- (5) The board is the agency responsible for providing notice and contested case hearing rights under ORS chapter 183 to a person subject to discipline under this section. [2021 c.578 §8]

ORS 822.285 Additional powers of board.

(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]

ORS 822.290 Denial of participation on Department of State Police tow rotation.

(1) As used in this section:

(a) "Person" includes individuals, public bodies as defined in ORS 174.109 ("Public body" defined), corporations, firms, associations, partnerships, limited liability companies, joint stock companies or any other business entity created under law.

(b) "Relative" means an individual related within the third degree as determined by the common law, a spouse, an individual related to a spouse within the third degree as determined by the common law or an individual in an adoptive relationship within the third degree as determined by the common law.

(2) Subject to ORS chapter 183, the State Board of Towing 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 ORS 181A.350 (Eligibility of towing business to be placed on department list), if the person holding or applying for the letter of appointment:

(a) Fails to comply with any rule adopted by the board;

(b) Violates any provision of, or rules or ordinances adopted under, 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) or 822.605 (False swearing relating to regulation of vehicle related businesses);

(c) Fails to comply with an order of the board, including but not limited to the failure to pay a civil penalty as ordered by the board;

(d) Has performed work as a tower without the appropriate certification or letter of appointment or has employed individuals to perform work as towers without appropriate certification or letter of appointment;

(e) Has advertised or otherwise held themselves out as being a certified tower without holding the appropriate certification;

(f) As a, or as a relative of a, partner, officer, member or employee of a towing business, advertises or holds themselves out as a towing business that is certified if the towing business does not possess the appropriate certification;

(g) Has engaged in towing or recovering by any means, as part of any business operation of the person, vehicles that are wrecked, damaged, disabled or abandoned or replacement vehicles;

(h) Fails to meet any condition or requirement to obtain a certificate or letter of appointment;

(i) Acts or has acted in a manner creating a serious danger to the public health or safety; or

(j) Has been subject to a revocation, cancellation or suspension order or to other disciplinary action related to towing or the towing industry by any other public body, as defined in ORS 174.109 ("Public body" defined), or has failed to pay a civil penalty imposed by the public body.

(3) A violation described in subsection (2) of this section for which the board orders the department to deny, suspend, condition or revoke a letter of appointment to participate on the rotational list of towing business established under ORS 181A.350 (Eligibility of towing business to be placed on department list) may be treated as a failure to be in conformance with 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).

(4) A person subject to discipline under this section is entitled to a contested case hearing in accordance with ORS chapter 183.

(5) The board is the agency responsible for providing notice and contested case hearing rights under ORS chapter 183 to a person subject to discipline under this section. [2021 c.578 §10]

ORS 822.995 Civil penalties for violations related to towing

(1) In addition to any other penalty provided by law, any person who violates any provision 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) or 822.605 (False swearing relating to regulation of vehicle related businesses) or any rule adopted by the State Board of Towing is subject to payment of a civil penalty to the board.

(2) The board may adopt rules establishing a schedule of civil penalties that may be imposed under this section. Civil penalties imposed under this section may not exceed \$25,000 for each violation.

(3) Civil penalties under this section shall be imposed as provided in ORS 183.745 (Civil penalty procedures).

(4) In imposing a penalty pursuant to the schedule adopted under subsection (2) of this section, the board shall consider the following factors:

(a) The past history of the person incurring a penalty in taking all feasible steps or procedures necessary or appropriate to correct any violation.

(b) Any prior violations by the person incurring the penalty of statutes, rules or orders pertaining to facilities.

(c) The economic and financial conditions of the person incurring the penalty.

(d) The immediacy and extent to which a violation threatens the public health or safety. [2021 c.578 §11]

ORS 822.995 Civil penalties for violations related to towing; factors; rules. (1) In addition to any other penalty provided by law, any person who A1:B123 violates any provision of ORS 98.853, 98.854, 98.856, 98.858, 181A.350, 822.200, 822.215, 822.225,

- ORS 98.853
1. A tower may tow a motor vehicle if the motor vehicle:
 - (a) Blocks or prevents access by emergency vehicles;
 - (b) Blocks or prevents entry to the premises;
 - (c) Blocks a parked motor vehicle; or
 - (d) Parks without permission in a parking facility used for residents of an apartment and:
 - (A) There are more residential units than there are parking spaces;
 - (B) The landlord has issued parking tags or other devices that identify vehicles that are authorized to be parked on the premises; and
 - (C) There are signs posted that are clearly readable by an operator of a motor vehicle in each parking stall or at each entrance to the parking facility prohibiting or restricting public parking on the parking facility.
 2. Prior to towing a motor vehicle pursuant to ORS 98.812 (Towing of unlawfully parked vehicle), a tower shall take at least one photograph of the motor vehicle and record the time and date of the photograph. The photograph must show the motor vehicle as it was left or parked at the time the tower arrived to conduct the tow. The tower shall maintain for at least two years, in electronic or printed form, each photograph taken along with the date and time of the photograph. Upon request, the tower shall provide a copy of any photographs to the owner or operator of the motor vehicle at no additional charge.
 - 3
 - (a) If the owner or operator of the motor vehicle is present at the time of the tow, the tower shall release the motor vehicle at no charge unless the hookup is complete. If the hookup is complete, the tower shall release the motor vehicle and may charge the owner or operator of the motor vehicle a fee that does not exceed the charge to hook up for that type of tow as listed in a written statement described in ORS 98.856 (Tower responsibility of disclosure to owner or operator of vehicle).
 - (b) For purposes of this subsection, a hookup is complete if the motor vehicle to be towed has been loaded onto a tow vehicle, or if any part of the motor vehicle has been placed on or connected to an assembly that is part of a tow vehicle, such that the tow vehicle is capable of being in motion with the motor vehicle in tow.
 4. A tower who controls or has access to multiple storage facilities must tow a motor vehicle to the tower's storage facility with available space that is located in the same county as and is closest to where the motor vehicle was hooked up to the tow vehicle.

- ORS 98.854
- A tower may not:
- 1
 - (a) Tow a motor vehicle from a parking facility unless there is a sign displayed in plain view at the parking facility that, using clear and conspicuous language, prohibits or restricts public parking at the parking facility.
 - (b) Notwithstanding paragraph (a) of this subsection, a tower may tow a motor vehicle from a parking facility with the prior consent of the owner or operator of the motor vehicle.
 2. Except as provided in ORS 98.853 (Conditions allowing towing), tow a motor vehicle from a parking facility without first contacting the owner of the parking facility or the owner's agent at the time of the tow and receiving signed authorization from the owner of the parking facility or the owner's agent that the tower should tow the motor vehicle. The tower shall maintain for at least two years, in electronic or printed form, each signed authorization received under this subsection. Upon request, the tower shall provide a copy of the signed authorization to the owner or operator of the motor vehicle at no additional charge.
 3. Serve as an agent of an owner of a parking facility for the purpose of signing an authorization required by subsection (2) of this section.
 4. Tow a motor vehicle from a parking facility if the owner of the parking facility or the owner's agent is an employee of a tower.
 5. Charge more than a price disclosed under ORS 98.856 (Tower responsibility of disclosure to owner or operator of vehicle) when towing a motor vehicle without the prior consent or authorization of the owner or operator of the motor vehicle.
 6. Charge more than an amount set under ORS 98.859 (Maximum rates for towing) when towing a motor vehicle without the prior consent or authorization of the owner or operator of the motor vehicle.
 7. Solicit towing business at, or within 1,000 feet of, the site of a motor vehicle accident, unless the tower tows the motor vehicle pursuant to a prenegotiated payment agreement between the tower and a motor vehicle road service company.
 8. Park a tow vehicle within 1,000 feet of a parking facility for the purpose of monitoring the parking facility for towing business.

9. Provide consideration to obtain the privilege of towing motor vehicles from a parking facility. For the purposes of this paragraph, the provision of:
 - (a) Signs by a tower under ORS 98.862 (Exceptions to requirements of ORS 98.856) does not constitute consideration.
 - (b) Goods or services by a tower below fair market value constitutes consideration.
10. Require, as a condition of towing a motor vehicle or releasing a motor vehicle or personal property in the motor vehicle, that the owner or operator of the motor vehicle agree not to dispute:
 - (a) The reason for the tow;
 - (b) The validity or amount of charges; **or**
 - (c) The responsibility of the tower for the condition of the motor vehicle or personal property in the motor vehicle.
11. Hold a towed motor vehicle for more than 24 hours without:
 - (a) Taking an inventory of all personal property in the motor vehicle that is visible from the exterior of the motor vehicle; **and**
 - (b) Holding the personal property in the motor vehicle in a secure manner.
12. Accept cash as a method of payment for towing services unless the tower provides exact change not later than the end of the business day following receipt of payment.
13. Operate in a city or county without a license issued by the city or county if required by ORS 98.861 (Licenses for towing).
14. Charge for the hookup and release of a motor vehicle except as provided in ORS 98.853 (Conditions allowing towing). [2007 c.538 §3; 2009 c.622 §2; 2013 c.135 §1; 2013 c.691 §1; 2017 c.480 §7]

ORS 98.856

1. A tower shall disclose to the owner or operator of a motor vehicle in a conspicuous written statement of at least 10-point boldfaced type:
 - (a) The prices the tower charges for all the goods and services that the tower offers;
 - (b) The location where the tower will:
 - (A) Store the motor vehicle and personal property in the motor vehicle; **or**
 - (B) Tow the motor vehicle, if the tower is towing the motor vehicle to a location other than a location under the control of the tower;
 - (c) The telephone number and any other means of contacting the tower, and the hours of availability at that telephone number and at the other means of contacting the tower;
 - (d) The methods of payment that the tower accepts; **and**
 - (e) That, if the owner or operator of the motor vehicle pays for the tow with cash, the tower will provide, in person or by mail, exact change not later than the end of the business day following receipt of payment.
2. If the owner or operator is present at the time of the tow, the tower shall provide the information required under this section to the owner or operator of the motor vehicle before towing the motor vehicle.
3. If the owner or operator of the motor vehicle is not present at the time of the tow, the tower shall provide the information required under this section to the owner or person in lawful possession of the motor vehicle prior to the time the owner or person in lawful possession of the motor vehicle redeems the motor vehicle.
4. If the owner or operator of the motor vehicle is not present at the time of the tow:
 - (a) Within five business days from the date of the tow, the tower shall request the name and address of the owner of the motor vehicle from the records of the state motor vehicle agency for the state in which the motor vehicle is registered.
 - (b) The tower shall provide the information required under this section to the owner of the motor vehicle by mail by the end of the first business day following receipt of the information contained in the records of the state motor vehicle agency.
 - (c) If the owner of the motor vehicle or a person in lawful possession of the motor vehicle redeems the motor vehicle or contacts the tower prior to five business days after the tow, the tower is not required to contact the state motor vehicle agency.
5. If the owner or operator of the motor vehicle is not present at the time of the tow but the owner or operator of the motor vehicle requested the tow and arranged to pay the tower directly, the tower may obtain the name and address of the owner of the motor vehicle from the owner or operator of the motor vehicle and may provide the information required under this section:
 - (a) Within five business days after the tow; **or**
 - (b) With a copy of the invoice for the tow or upon receipt of payment, whichever first occurs.

ORS 98.858

1. A tower in physical possession of a motor vehicle shall permit the owner or person in lawful possession of a motor vehicle the tower has towed to:
 - (a) Redeem or inspect the motor vehicle:
 - (A) Between 8 a.m. and 6 p.m. on business days;
 - (B) At all other hours, within 60 minutes after asking the tower to release or allow for the inspection of the motor vehicle; **and**
 - (C) Within 30 minutes of a time mutually agreed upon between the tower and the owner or person in lawful possession of the motor vehicle;

- (b) Contact the tower at any time to receive information about the location of the motor vehicle and instructions for obtaining release of the motor vehicle; **and**
 - (c) Obtain all personal property of an emergency nature in the motor vehicle and the motor vehicle's registration plates within the time allowed under paragraph (a) of this subsection.
2. A tower may not charge the owner or person in lawful possession of the motor vehicle a fee in any amount to obtain personal property of an emergency nature or registration plates except for a gate fee between the hours of 6 p.m. and 8 a.m. on business days, or on a Saturday, a Sunday or a legal holiday.

ORS 181A.350 The Superintendent of State Police may make rules governing the eligibility of towing businesses to be placed and remain on any list of such businesses used by the Department of State Police when it requests towing services on behalf of any person.

ORS 822.200

1. A person commits the offense of operating an illegal towing business if the person does not hold a certificate issued under ORS 822.205 (Certificate) and the person does any of the following:
 - (a) Engages in the towing or recovering of vehicles by any means for any direct or indirect compensation when the vehicle being towed or recovered is owned by a person other than the person performing the towing or recovery activity.
 - (b) Engages in towing or recovering by any means, as part of any business operation of the person, vehicles that are wrecked, damaged, disabled or abandoned or replacement vehicles.
 - (c) Purports in any way to be engaged in the business of performing activities described in this subsection.
2. This section does not apply to any of the following:
 - (a) Persons operating under and within the scope of a vehicle transporter certificate issued under ORS 822.310 (Privileges granted by certificate).
 - (b) A person who provides assistance to another motorist, whether or not compensation is received, if the assistance is not provided as part of the business operation of the person providing the assistance.
 - (c) A person engaging in any activity relating to a vehicle in which that person holds a security interest.
 - (d) An employee of a person issued a towing business certificate under ORS 822.205 (Certificate) while that employee is performing official duties as an employee.
 - (e) A person who holds a valid dismantler certificate under ORS 822.110 (Dismantler certificate) who tows a vehicle described under ORS 819.280 (Disposal of vehicle at request of person in lawful possession).
3. The offense described in this section, operating an illegal towing business, is a Class A misdemeanor.

ORS 822.215

3. 1. The Department of Transportation may deny or refuse to issue any towing business certificate under ORS 822.205 (Certificate) or may suspend, revoke or refuse to renew any towing business certificate issued upon proof that the applicant for or holder of the certificate has done any of the following:
 - (a) Used fraud or deception in securing the certificate.
 - (b) Received in any manner or by any device any rebate or other additional fee for towing or recovery from a person who performs repairs on a vehicle who does not also own the vehicle. This paragraph does not prohibit the payment of the towing fee by a person who performs repairs on a vehicle if the fee is included in the charges by that person for repairs on the vehicle.
 - (c) Used vehicles for the purposes of towing or recovering services that did not meet the minimum safety standards established by the department.
 - (d) Failed to display special towing business registration plates, stickers or indicia or identification devices for proportionally registered tow vehicles authorized under ORS 805.200 (Plates and other devices with special designs) on each vehicle used to tow or recover vehicles.
 - (e) Failed to maintain the amounts and types of insurance required to qualify for issuance of a towing business certificate under ORS 822.205 (Certificate).
 - (f) Failed to obtain any permits or authority required under any provision of ORS chapter 825 or rules adopted thereunder.
 - (g) Violated any provision 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) or 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) or a rule adopted under ORS 822.265 (Rulemaking authority).
2. After receiving an order from the State Board of Towing under ORS 822.280 (Denial, suspension, revocation or refusal of towing business certificate), the department shall impose the disciplinary action requested by the board.

ORS 822.225

- (1) A person commits the offense of tow vehicle operator failure to remove injurious substance if the person is operating a tow vehicle that is removing a wrecked or damaged vehicle from a highway and the person fails to remove any glass or other injurious substance dropped upon the highway from such vehicle.
- (2) The offense described in this section, tow vehicle operator failure to remove injurious substance, is a Class D traffic violation.

- ORS 822.230 (1) Notwithstanding ORS 822.200 (Operating illegal towing business) to 822.225 (Failure to remove injurious substance), and except as provided in subsection (2) of this section, a city or county may, by charter or ordinance, regulate towing businesses if the city or county charter or ordinance provisions pertain only to towing authorized by ORS 98.812 (Towing of unlawfully parked vehicle) and the provisions:
- (a) Regulate an aspect of a towing business that is not regulated by ORS 822.200 (Operating illegal towing business) to 822.225 (Failure to remove injurious substance); **or**
 - (b) Regulate an aspect of the towing business that is regulated by ORS 822.200 (Operating illegal towing business) to 822.225 (Failure to remove injurious substance) and the provisions of the charter or ordinance are more stringent than those of the statutes.
2. This section does not authorize imposition of any license fee or tax on a towing business by a city or county.
3. The governing body of a city or county may adopt ordinances that include, but are not limited to, the following requirements:
- (a) That towing businesses accept methods of payment other than and in addition to cash.
 - (b) That towing businesses post fees in a conspicuous place at the location of the towed vehicles.
 - (c) That any posted signs that warn of the possibility of towing or that give information about recovery of a towed vehicle be prominently displayed and show the fees charged to recover a towed vehicle.
 - (d) That towing businesses offer transportation at a reasonable cost from within the immediate vicinity of the place from which the vehicle was towed to the towed vehicle.
 - (e) That towing businesses establish locations for towed vehicles in such a way that no vehicle will be towed a greater distance than is necessary and reasonable.
 - (f) That towed vehicles be stored in a public location that has at least one attendant on duty at all times.
- ORS 822.235 1. If a tower recovers a vehicle after a theft, the vehicle is totaled and the vehicle has no applicable insurance coverage, the person who is the owner of the vehicle may transfer the person's interest in the vehicle to the tower in payment or partial payment of the tower's fees for recovery and storage of the vehicle.
2. A tower that accepts a transfer of interest in a vehicle from a person under this section may not assess fees against the person for storage of the totaled vehicle that occurs on and after the date of the transfer of interest.
3. Notwithstanding the provisions for liens under ORS 98.812 (Towing of unlawfully parked vehicle) and 98.830 (Towing abandoned vehicle from private property), if a person transfers their interest in a vehicle under this section to a tower within 14 days of the date the person receives notice under ORS 98.857 (Recovery of stolen vehicle), the tower may not bring an action against the person for, or otherwise take any affirmative steps to collect, or permit an agency or assignee to collect, any amount as compensation for towing, caring for or storing the totaled vehicle.
4. A tower that receives title under this section is responsible for any fees imposed by the Department of Transportation for transferring title.
- ORS 822.605 1. A person commits the offense of false swearing relating to regulation of vehicle related businesses if the person knowingly makes any false affidavit or knowingly swears or affirms falsely to any matter or thing relating to the regulation of vehicle dealers, vehicle dismantlers, towing businesses, vehicle transporters, snowmobile dealers, Class I all-terrain vehicle dealers, commercial driver training schools or driver training instructors under the vehicle code.
2. The offense described in this section, false swearing relating to regulation of vehicle related businesses, is a Class C felony.
- ORS 822.290 (2) Subject to ORS chapter 183, the State Board of Towing 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 ORS 181A.350, if the person holding or applying for the letter of appointment:
- (a) Fails to comply with any rule adopted by the board;
 - (b) Violates any provision of, or rules or ordinances adopted under, ORS 98.853, 98.854, 98.856, 98.858, 181A.350, 822.200, 822.215, 822.225, 822.230, 822.235 or 822.605;
 - (c) Fails to comply with an order of the board, including but not limited to the failure to pay a civil penalty as ordered by the board;
 - (d) Has performed work as a tower without the appropriate certification or letter of appointment or has employed individuals to perform work as towers without appropriate certification or letter of appointment;
 - (e) Has advertised or otherwise held themselves out as being a certified tower without holding the appropriate certification;
 - (f) As a, or as a relative of a, partner, officer, member or employee of a towing business, advertises or holds themselves out as a towing business that is certified if the towing business does not possess the appropriate certification;
 - (g) Has engaged in towing or recovering by any means, as part of any business operation of the person, vehicles that are wrecked, damaged, disabled or abandoned or replacement vehicles;

- (h) Fails to meet any condition or requirement to obtain a certificate or letter of appointment;
- (i) Acts or has acted in a manner creating a serious danger to the public health or safety; or
- (j) Has been subject to a revocation, cancellation or suspension order or to other disciplinary action related to towing or the towing industry by any other public body, as defined in ORS 174.109, or has failed to pay a civil penalty imposed by the public body.

**Draft for
Discussion Purposes
Only**

Notes for clarification: The following table is a draft of potential violations from a number of different resources, include laws or regulations of other states and jurisdictions. This is a preliminary draft document meant for discussion only.

The Board did not discuss, consider, or vote on any of the potential violations listed in the table on September 19, 2023, and none of the potential violations have been adopted into rule.

The table, in its entirety, was tabled for further discussion at the September 19, 2023. The Board will begin discussion of potential violations to include in the Administrative Rules within the next six months.

Prior to drafting violations into the proposed administrative rules, the Board will seek public input, form Rules Advisory Committees, and discuss at public meetings the merit, applicability, value, and enforceability of the potential violation(s).

Once the violations are drafted into a proposed rule, there will be another opportunity for public comment and testimony during the public Proposed Administrative Rules Hearing.

Pursuant to ORS 822.995 (1), violation of the following are grounds for the Board to impose corrective or disciplinary action, including, but not limited to, reprimand, denial, suspension or revocation of a certificate, registration or licensure issued by DMV, and/or a civil penalty:

yes (need)	N/A	Discussion
		<i>General Violations</i>
		Has violated any provision 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 or any rule adopted by the under OAR Chapter 750.
		Fails to comply with an order issued by the Board or any jurisdiction, including but not limited to the failure to pay a civil penalty as ordered by the board;
		Fails to pay a civil penalty assessed by DMV, the Board, or any other jurisdiction of appropriate authority.
		Knowingly makes a false statement of material fact, including by omission or misrepresentation, in:
		(a) An application for a tow business certificate or renewal or attachments thereof;
		(b) In any communication to the Board or DMV
		(c) Any investigation by the Board, DMV, or law enforcement; or
		(d) Any Board or DMV document.
		Violation of any city or county ordinance adopted under ORS 822.230
		Willfully evading or attempting to evade any law, ordinance, code or regulation of the state, or counties and cities of this state, governing the tow industry.
		<i>Consumer Protection/Public Safety</i>
		Any conduct or practice that falls below the standard of minimal competence within the profession that results in unacceptable risk of harm to a customer or the public; regardless of whether injury occurs.
		Any conduct or practice which could endanger the health or safety of a customer, the public, first responders,
		Any conduct or practice which impairs a tow certificate holder or a tow operator's ability to safely and skillfully perform towing operations or duties.
		Employing illegal or unethical business practices including but not limited to:
		(A) Fraud, deceit or misrepresentation in obtaining or attempting to obtain any fee or third party reimbursement for services.
		(B) Taking advantage of a relationship with a customer for the tow operator or tower business certificate holder's personal advantage, including obtaining a benefit that is a personal, sexual, romantic or financial. This includes the promotion or sale of services, goods, or appliances in such a manner as to exploit the client for the financial gain or self-gratification of the tower or tower certificate holder.
		(C) A tow operator shall bill customers, the public, or third parties for only those services actually rendered or as agreed to by mutual understanding at the beginning of services or as later modified by mutual agreement.
		Engages in unprofessional conduct or behavior prohibited under ORS 98.854.
		Failing to disclose or releasing information or documentation to a customer or the public if required by law or on written consent of client.
		Failure to disclose information as required by ORS 98.856.
		Failure to provide the lawful, registered owner of a towed vehicle the access to the towed vehicle as required by ORS 98.858.
		Failure to release a vehicle as required by ORS 98.853 (3).
		Failure to remove hazardous or injurious substances as required by ORS 822.225 (1)
		Failure to store a towed vehicle at a location as required by ORS 98.853 (4).
		Intentionally harassing, abusing, or intimidating a customer or the public either physically or verbally.
		Misrepresent services rendered to a customer, the public, or a state agency or jurisdiction.
		Misrepresentation or fraud in any aspect of the profession, including but not limited to charging for unnecessary services, charging for services not provided, failing to provide services that are paid in full, or failure to comply with Oregon insurance billing laws and rules.
		The use of intoxicants, drugs, controlled substances, or mind altering substances to such an extent as to impair or potentially impair a tower's ability to perform professional duties in a safe manner;
		Towing a vehicle in violation of ORS 98.853 (1) unless otherwise specifically required or exempted by the laws or rules in the State of Oregon.

			<i>Fraud/Unethical Business Practices</i>
			Buys, sells, receives, disposes of, conceals or has in the tower's possession any vehicle or component from which an identification number has been removed, defaced, covered, altered or destroyed for the purpose of concealing or misrepresenting the identity of the vehicle.
			False swearing relating to the regulation of a vehicle-related business as defined in ORS 822.605.
			Falsely impersonating a towing business or an employee of a towing business.
			Issues a known fraudulent or counterfeit registration permit, bill or sale, or other legal documentation.
			Issues a temporary registration permit to a person not domiciled in Oregon or who is otherwise not subject to or eligible for Oregon registration.
			Purchases, sells, disposes of or has in the dealer's possession, any vehicle that the dealer knows or with reasonable diligence should have known has been stolen or appropriated without the consent of the owner.
			Signs a name or allows any other person to sign a name of the owner, security interest holder, or lessor on a certificate of title, salvage title or any motor vehicle document used by DMV in the transfer of title without first obtaining a properly signed Power of Attorney.
			Signs a name or allows any other person to sign a name on an Authorization to Tow without proper authority or jurisdiction.
			Using fraud or deception in applying for a certificate of registration
			<i>Other Unprofessional Business Practices</i>
			Allows or assists a person who is not an employee of the dealer to imply or represent an affiliation with the tow business certificate holder in order to engage in any towing activity for compensation.
			Allows or permits the unlawful use of any certificate of registration plate.
			Conduct or actions in violation of ORS 822.215 (8) (1) which could result in the refusal, denial, or revocation of a tow business certificate issued by the DMV.
			Fails to maintain the insurance coverage for the appropriate vehicle as defined in ORS Chapter 825, as required by ORS 822.205 (2).
			Fails to meet any condition or requirement to obtain a certificate or letter of appointment;
			Fails to properly display the tow vehicle plate issued by DMV.
			Fails to maintain any business records required by law or rule related to operation of a tow business, tow vehicles, or employment of tow operators, or fails to make those records available to the Board, DMV, law enforcement personnel, investigators of the Oregon Department of Justice, or other authorized local, state, and federal agencies and their agents.
			(A) Failure to maintain photographic records required under ORS 98.853
			(B) Failure to maintain employee or independent contractor personnel or payroll files as required by employment laws and regulations.
			Has engaged in towing or recovering by any means, as part of any business operation of the person, vehicles that are wrecked, damaged, disabled or abandoned or replacement vehicles without a tow business certificate.
			Has performed towing services for compensation without the appropriate certification or letter of appointment or has employed individuals to perform work as towers without appropriate certification or letter of appointment.
			Inappropriately charging a fee or other non-compliance with ORS 822.235.
			Provides towing services for compensation anytime between the day DMV receives notice of cancellation of bond or insurance and the day the tow business certificate holder presents proof to DMV of another bond or certificate of insurance.
			Providing or offering to provide tow services beyond the scope permitted by law.
			Use of a tow vehicle plate issued to one VIN by DMV on a vehicle with a different VIN.
			Violation of any rules, requirements, or provisions of the list created by the Superintendent of State Police under ORS 181A.350, whether or not the tow operator or business owner qualifies for the list, is placed on the list, or is removed from the list.
			<i>Advertising</i>

		Operating a tow business under a false or assumed name in a manner which may be reasonably interpreted to be an intentional and willful attempt to deceive the public.
		The use of false, deceptive, or misleading advertising.
		<i>Uncertified Tow Operations</i>
		As a, or as a relative of a, partner, officer, member or employee of a towing business, advertises or holds themselves out as a towing business that is certified if the towing business does not possess the appropriate certification;
		Has advertised or otherwise held themselves out as being a certified tower without holding the appropriate certification;
		Has engaged in towing or recovering by any means, as part of any business operation of the person, vehicles that are wrecked, damaged, disabled or abandoned or replacement vehicles;
		Has performed work as a tower without the appropriate certification or letter of appointment or has employed individuals to perform work as towers without appropriate certification or letter of appointment;
		<i>Other Discipline</i>
		Has been convicted of a crime that bears a demonstrable relationship to providing tow services or the operation of a towing facility.
		Has been subject to a revocation, cancellation or suspension order or other disciplinary action related to towing or the towing industry by any other public body, as defined in ORS 174.109, or has failed to pay a civil penalty imposed by the public body.
		<i>Board Investigations</i>
		Knowingly or recklessly making any false statement to the Board or a representative of the Board
		Failing to cooperate with the Board in any investigation action or disciplinary proceeding, including but not limited to:
		(a) Failure to furnish any requested papers or documents,
		(b) Failure to provide in writing a full and complete explanation covering the matter contained in the complaint filed with the Board,
		(c) Failure to respond to subpoenas issued by the Board whether or not the recipient is accused in the proceeding;
		(d) Failure to participate in an interview during a Board investigation, either at the time of the investigation or failing to schedule an interview within a reasonable period of time when requested as part of a Board investigation;
		(e) Failing to respond or directly answer questions asked during an interview or investigation, or failure to verbally provide information reasonably known at the time of the interview or investigation.
		Refusing to permit the Board or its representatives to inspect the business premises during regular business hours;
		Refusing to permit an inspection of any vehicles used by a tow or recovery business as required by OAR 735-154-0050