



Oregon State Board of Towing  
Agenda Item 10.a  
Discussion – Drafting Administrative Rules  
June 9, 2026

*This document does not represent formal Board decisions or policy; the document facilitates board discussion to:*

- 1. Define or clarify ambiguity in Oregon law.*
- 2. Address situations and scenarios submitted in complaints*
- 3. Answer questions or provide clarification to the public, towing industry, and board partners.*

*ORS 98.850 Legislative findings and declaration*

*(2) The Legislative Assembly declares that: (a) Statutes that assist members of the public in avoiding involuntary loss of use of motor vehicles and in expediting recovery of motor vehicles and the personal property in the motor vehicles promote the safety and welfare of members of the public.*

*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).*

*Laws assigned to the Board to administer: 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).*

## Board Project:

The Board is charged with administrating statutes written under the authority of other agencies.

Project parameters: Identify existing laws and administrative rules of other agencies for adoption by reference in the Board's administrative rules for effectiveness and consistency in compliance enforcement.

### Example 1:

Statute Assigned to the Board to administer:

**ORS 822.280 Denial, suspension, revocation or refusal of towing business certificate**

*(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*

*Adoption of other agency rules*

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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) 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 822.995 Civil penalties for violations related to towing**

(1) In addition to any other penalty provided by law, any person who violates any provision of ... 822.200 (Operating illegal towing business), 822.215 (Grounds for denial, suspension, revocation or refusal of certificate) ...

DMV Rules to consider:

- OAR Chapter 735 – Division 154 (attached)
- DMV Title and Registration Handbook – Chapter O

Example 2:

Statute Assigned to the Board to administer:

### **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 ... 181A.350 (Eligibility of towing business to be placed on department list) ...

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