



# Oregon

Tina Kotek, Governor

State Board of Towing  
 DMV HQ - 1905 Lana Ave, NE  
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**OREGON STATE BOARD OF TOWING  
 Board Meeting Agenda  
 November 14, 2023**

AGENDA ITEM	PRESENTER	TIME
<b>1. Call Meeting to Order</b>	Chair	9:00
<b>2. Welcome &amp; Introductions</b> <i>(Board Member, Staff, and the Public)</i>	All	9:05
<b>3. Approve Agenda</b>	Board	
<i>Board Vote*:        ___ Anderson ___ Baker ___ Coughlin ___ Lindland ___ McClellan ___ Shaner ___ Hanson ___ Riley</i>		
<b>4. Approve Minutes of September 19, 2023 Board Meeting</b>	Board	
<i>Board Vote*:        ___ Anderson ___ Baker ___ Coughlin ___ Lindland ___ McClellan ___ Shaner ___ Hanson ___ Riley</i>		
<b>5. Approve Minutes of October 25, 2023 Board Meeting</b>	Board	
<i>Board Vote*:        ___ Anderson ___ Baker ___ Coughlin ___ Lindland ___ McClellan ___ Shaner ___ Hanson ___ Riley</i>		
<b>6. Reports</b>		9:10
a. Administrator Report - <i>report on administrative activities</i>	McCullough	
o Financial Report		
• \$100 Tow/Recovery Certificate Fee		
• Board Website		
• Rules Hearing and Adopted Administrative Rules		
• Gov. Appointments/Position 7 Status		
b. Compliance Report - <i>report on compliance activities</i>	McCullough	
c. Updates and Reports		
• Email Addresses on Tow Certificate Applications	McCullough	
• Contacting the Tribes		
o <i>Next Step: Define Board's ask</i>		
• Other Updates and Reports	All	
<b>7. Public Comments and Correspondence</b>	Public	9:30
<b>8. Board Business/Work Session</b>	All	9:40
a. Website Content		
b. Board Seal - Logo?		
c. Trainings		
d. Planning, Goal Setting and Next Steps		
• Check In and Feedback		

<ul style="list-style-type: none"> <li>Partners</li> </ul>		
<ul style="list-style-type: none"> <li>Road map and direction</li> </ul>		
<b>9. New Business</b>		10:40
<b>10. Public Comments</b> ( <i>Comments related to work session items, 3-5 minutes time limit</i> )	Public	
<b>11. Next Steps</b>	Board	10:50
a. Review Work Assignments and Direction to Staff		
b. Announcements		
c. Next Board Meeting		
<b>12. Final Public Comments</b> ( <i>Time permitting</i> )		
<b>13. Adjourn Board Meeting</b>	Chair	11:00
<i>Board Vote*:                  ___Anderson ___Baker ___Coughlin ___Lindland ___McClellan ___Shaner ___Hanson ___Riley</i>		

\*Board vote during the meeting may be either consensus or roll call vote, depending on the Agenda item for decision.

If roll call vote, the November tower rotation will be:

- Anderson and McClellan
- Baker and Shaner

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# State Board of Towing

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## Administrator's Report

To: SBOT Board Members

From: Torey McCullough, Board Administrator

Date: November 14, 2023

### Tasks accomplished since September 19, 2023, Board Meeting:

- Board website "go live" on October 24, 2023. A basic information page is available to the public; next steps are the Public Meetings page and Calendar, complaint form, and informational pages.
- Mailed: 836 post cards notifying Oregon DMV Tow and Recovery Vehicle Certificate holders of the 01/01/2024 additional \$100 board fee.
- The Board's vote for recommendation has been forwarded to the Governor's Executive Appointment Committee.

### Proposed Administrative Rules:

- Administrative Rules Hearing October 25, 2023. The hearing was attended by all Board members and members of the public. No public testimony or comment was presented for the Board's consideration.
- A total of 33 initial Administrative Rules under OAR Chapter 750 were adopted by the Board, finalized with Secretary of State's office, and are effective January 1, 2024.
  - Division 1: Model Rules of Procedure. Oregon Attorney General model procedural rules adopted by the Board.
  - Division 10: General Administrative and Operational Rules. Rules further defining the Board's administrative and operational procedures, i.e., how the Board conducts business.
  - Division 40: Violations. Restatement of ORS 822.265 and the Board's authority over violations of specific laws. *Note: the Board has not drafted or adopted any laws OR rules creating "new" violations.*
  - Division 60: Consumer Protection and Complaints. Rules defining (1) the Board's objective of consumer protection and (2) the complaint process.
  - Division 70: Rules defining the Board's investigation process and expectations.
  - Division 80: Rules defining the Board's discipline objectives, processes, and enforcement.

Under current Board rules, disciplinary action can be taken only when there is a *violation* of one or more of the following statutes:

- ORS 98.853 (Conditions allowing towing)
- ORS 98.854 (Prohibitions placed on towers)

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- ORS 98.856 (Tower responsibility of disclosure to owner or operator of vehicle)
  - ORS 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)
  - ORS 181A.350 (Eligibility of towing business to be placed on department list)
  - ORS 822.200 (Operating illegal towing business)
  - ORS 822.215 (Grounds for denial, suspension, revocation or refusal of certificate)
  - ORS 822.225 (Failure to remove injurious substance)
  - ORS 822.230 (City or county regulation of towing businesses)
  - ORS 822.235 (Recovery after theft)
  - ORS 822.605 (False swearing relating to regulation of vehicle related businesses)
- The 33 rules adopted by the Board are the basic framework for Board operation. There is more work to be done.

#### Meetings and Trainings Attended:

- Traffic Incident Management (TIM) Conference
- I-TECC Training
- Oregon Tow Truck Association (OTTA) Quarterly Meeting
- Attorney General Public Law Conference
- Oregon Dealers Advisory Committee (ODAC) Quarterly Meeting
- Governor's Executive Appointment Committee

#### Financial Report:

#### Upcoming Projects and Tasks:

- OTTA Quarterly meeting December 2, 2023.
- Complaint form, process, and collaboration with DOJ and DMV business services.
- Website pages and information.
- Other tasks as assigned by the Board.

# **Documents Referred to in the Administrator Report**



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## OREGON STATE BOARD OF TOWING PROPOSED ADMINISTRATIVE RULES HEARING REPORT

A Proposed Administrative Rules hearing was held in Room 122 at DMV Headquarters, 1905 Lana Avenue, NE, Salem, Oregon, on October 25, 2023. Remote attendance through the web, Microsoft Teams, and by phone was available to the public.

The hearing was called into session at 10:05 a.m. by the hearing coordinator, Torey McCullough, Board Administrator. All board members were in attendance for the hearing.

### Attendance:

All Board members attended the public hearing.

*Public Attending in Person:* Mike Wagner, Santiam Enterprises

*Public Attending Remotely:* Taylor; Kyle; Tim Bennett of Oregon Dept. of Justice; Michael Iwai of Ontario Police Dept.; Dustin Ross of Oregon Dept. of Transportation; Tim Hein, Jarom Sweazey of Gresham Police Dept.; Clayton Simon; Bobby Call; four unidentified persons attending by phone.

The hearing was opened to public comment and testimony. No members of the public submitted verbal or written comments or testimony on the proposed rules.

Mike Wagner of Santiam Enterprises expressed concerns in the use of the term "exorbitant" as used in the definitions under proposed rule 750-010-0001.

There was no other public verbal or written statements or comments during the hearing regarding any of the other proposed rules.

The proposed administrative rules hearing was adjourned at 10:16 a.m.

The floor was opened for public comment after adjournment of the hearing. All board members remained for the public comment session.

McCullough provided an overview of the next steps in the process; the Final Rules would be filed with the Secretary of State's office, and effective January 1, 2024. McCullough has worked with the DMV programs, forms, and other divisions to

ensure the necessary changes were made so that the \$100 Board fee could be imposed with the DMV tow certificate fee beginning January 1, 2023.

There was a general discussion among the Board members on the focus of the Board in reviewing submitted complaints would be first on education rather than penalties, unless conduct was especially egregious. It was discussed that the Board would provide information and education to the consumers, the towing industry, and others as applicable. It was noted by several members that they were interested in pursuing possible remedies for consumers who experienced harm during an incident or event that was brought before the Board for review.

Jarom Sweazey, public information officer from the Gresham Police Dept., asked if repossession companies were required to notify the police when they repossessed a vehicle. Officer Sweazey was encouraged to forward customer inquiries to the Board's general email, [info@towboard.oregon.gov](mailto:info@towboard.oregon.gov).

During the discussion, it was found that different areas of the state have different requirements, that the Dept. of Consumer and Business Services (DCBS) regulates repossessions, and that the Board may have an interest in that the tow vehicles require a TW plate.

It was discussed that the inconsistency of notifying the police during repossessions is supports one of the Board's role might be to research issues and encourage consistency across the state in implementing towing practices when discrepancies and inconsistencies are found, and that the Board would be dependent on the public and partners to identify concerns and issues that the Board might address or act as a conduit of information.

Lt. Lindland then provided an update on the Division 50, Non Preference Towing rules, which is that the rules have been drafted and are being prepared for a rules hearing.

Dustin Ross, Traffic Incident Management Coordinator with ODOT, provided an overview and update on the TIM Training, noting that with the end of wildfire season there has been an uptick in fire departments interested in the training. TIM training is training of agencies involved in traffic incidents, mainly accidents, so that the agencies – fire, law enforcement, ODOT, and emergency medical services can better coordinate; the tow industry has also been involved in trainings, and Ross would like to see other agencies, including DEQ, EPA, and BLM, involved in the trainings so that all of the different emergency services are working and training together, building relationships and an understanding how the other agencies work.

TIM trainings are available locally with local partners, and can be tailored to fit the needs of the attendees and their occupations.

Crash Responder Safety Week is coming up in November. Ross is hoping to have the Governor sign a proclamation, and hopes to have public service announcements on the ODOT variable message boards to get folks to slow down and be more aware of the emergency services agencies working alongside the roadways.

After a final request for public comments and questions, the public forum was closed at 10:50 a.m.

*Hearing Report prepared by Torey McCullough  
Hearing Transcript is being edited for clarity.*

DRAFT



**State Board of Towing (Official Board)**

Seat #	Position	Active Member	Active Candidate(s)	Recruiting Stage	Term Start Date	Term End Date
0000001	Holds a tow certificate and represents an Oregon city with a pop. of 100,000 or more.	Bruce Anderson			9/1/2022	7/1/2023
0000002	Holds a tow certificate and represents an Oregon city with a pop. of less than 100,000.	Jason Shaner			7/1/2023	6/30/2027
0000003	Holds a tow certificate and has a specialized knowledge of towing equip and vehicles with a GVWR of more than 44,000 lbs.	Kevin Baker			9/1/2022	7/1/2025
0000004	Holds a tow certification and has specialized knowledge in towing vehicles with a GVWR of 26,000 lbs or less.	Gary McClellan			9/1/2022	7/1/2025
0000005	Represents the insurance industry.	Trent Hanson			7/1/2023	6/30/2027
0000006	One member from a tow program within the Department of State Police;	Jason Lindland			10/3/2022	6/30/2026
0000007	Member who is Chief of Police or County Sheriff.		Mike Iwai	Pending Governor Approval		
0000008	Member of the public.	Charles Riley			9/1/2022	7/1/2024
0000009	Member who is a consumer advocate.	Chris Coughlin			9/1/2022	7/1/2025

## **Non-Senate Appointments**

### **Non-Senate | Timeline**

Non-Senate appointments are made by Governor Kotek on a monthly basis. Here is the timeline for those:

- **5th of each month** – Board Administrator/Stakeholder recommendations due to Advisors
- **10th of each month** – Advisor recommendations due to Executive Appointments Team
- **15th of each month** – Executive Appointments Team will submit memo with candidates to the Governor
- **30th of each month** (tentative pending the Governor’s timeline; this could be earlier or later than the 30<sup>th</sup>) – Non-Senate appointments decision made by the Governor
- **1-5 days** after Governor’s approval, Executive Appointments Team will send out appointment letters to appointees (new members and reappointments)

## **Process Reminder/Overview**

### **Executive Appointments Process | Senate & Non-Senate**

Please review [the process steps thoroughly](#). There are a lot of moving pieces when it comes to appointments; hopefully, this helps clarify and serves as guidance when going through the process.

- **APPLY:** Candidate applies for appointment or reappointment through Workday.
  - All candidates must apply; this includes new appointments and members seeking reappointment.
  - Guidance on how to apply and application links can be found here: [Boards & Commissions](#).
- **PROCESS:** Executive Appointments reviews and processes complete applications.
- **REVIEW:** Board Administrator and the assigned Advisor review applications in Workday.
  - While reviewing applications, no need to do anything in the system other than look over applications.
- **UNOFFICIAL RECOMMENDATION:** Board Administrators notify the assigned Advisor of recommended candidate/s (by emailing their completed Recommendations Spreadsheet (attached)—not a step in Workday).
  - Deadlines for Senate confirmed appointments will be outlined in emails from Executive Appointments Team; dates are pending the Legislature’s calendar.
  - Deadlines for non-Senate confirmed appointments are outlined above.
- **OFFICIAL RECOMMENDATION:** Advisor submits official list of recommended candidates to Executive Appointments Team by designated deadline.
  - Please note that the Executive Appointments Office will only move candidates forward for appointment upon receiving recommendation from Advisors.
- **MEMO TO THE GOVERNOR:** Executive Appointments will submit recommended candidates for the Governor’s (and Senate as required) review and approval.
- **APPOINTMENT:** Upon approval by the Governor (and Senate as required), candidates will receive communication from Executive Appointments notifying them of their appointment, term dates, and next steps. Relevant Board Administrators and Advisors will receive a separate email notifying you of who has been appointed that round.

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# State Board of Towing

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## Compliance Report

To: SBOT Board Members

From: Torey McCullough, Board Administrator

Date: November 14, 2023

### Complaints:

- 0 received
- 0 in process

### Case Management System:

- Met with State of Oregon Enterprise Services and third-party vendors to research options for the Board's case management system.
- A more detailed status update will be given at the Board meeting.

### Online Complaint Form and Excel Tracking:

- The online complaint form is being developed for the public and consumers to lodge complaints directly from the Board website.
- The "final" version of the complaint form will be sent for Board member approval before offering to the public.
- Researching logistics on how state agencies, mainly DOJ Consumer Complaints and DMV Business Services, can share complaints with the Board.

# **Work Session Documents**

**The Board may - or may not - refer to the following documents and information during the work session.**

**The documents are work product only, and do not represent final decisions of the Board.**

**Documents discussed and considered by the Board during the meeting will be attached to the meeting minutes and available on the Board's website.**



**A**



**B**



**C**

State Board of Towing – Planning Session for 2024

Mission Statement:  
*Examples:*

Board Objectives/Values:

Board Goals:  
1 Year

2-5 years

5 years

Example for Discussion Only

Strategic Priorities			
<i>What are the next things to accomplish?</i>			
Legislative & Administrative Rules	Foundational Requirements	Customer Service, Consumer Advocacy, Industry	Complaints, Investigations, Disciplinary Process Outreach and Education
Goals and Outcomes			
<i>What does the end result look like?</i>			
Legislative & Administrative Rules	Foundational Requirements	Education, Customer Service and Consumer Advocacy	Complaints, Investigations, Disciplinary Process Outreach
Next Steps			
<i>How do we get there?</i>			
Legislative & Administrative Rules	Foundational Requirements	Education, Customer Service and Consumer Advocacy	Complaints, Investigations, Disciplinary Process Outreach


Example for Discussion Only