



Oregon State Board of Towing
Discussion – Proposed Administrative Rules/Legislative Concepts
August 12, 2025

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.

Topic 1: ORS 98.854 (2) – signed authorization

As of January 1, 2026, the legal signed authorization requirement will be:

A tower may not:

(2) Tow a motor vehicle from a parking facility without first being contacted by 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.

- ☐ Are the meaning and intent of the signed authorization no clear "as written" or is there a need to further define the meaning and intent in Administrative Rules?
- ☐ Are there any conditions or expectations of the tower not specifically required in this statute that should be a requirement under an OAR possible examples:
 - ☐ Board Discussion:
 - ☐ Direction to Staff:

ORS 98.820 Towing vehicle from fuel dispensary premises:

(2) An owner, operator or employee of a fuel dispensary may have a vehicle towed from the fuel dispensary premises if:...

(e) The owner, operator or employee provides the towing company with a signed statement that:

- (A) Describes the vehicle to be towed;
- (B) Identifies the property from which the vehicle is to be towed; and
- (C) States that the vehicle is preventing or hindering access to a fuel dispensing device in a manner that is interfering with business activity at the fuel dispensary.

(3) A towing company that tows a vehicle pursuant to this section is immune from civil liability for towing the vehicle if the towing company possesses a signed statement described in subsection (2)(e) of this section. This subsection does not grant immunity for any loss, damage or injury arising out of any negligent or willful damage to, or destruction of, the vehicle that occurs during the course of the towing.

ORS 98.830 Towing abandoned vehicle from private property

(1) A person who is the owner, or is in lawful possession, of private property on which a vehicle has been abandoned may have a tower tow the vehicle from the property if:

(c) The person fills out and signs a form that includes:

(A) A description of the vehicle to be towed;

(B) The location of the property from which the vehicle will be towed; and

(C) A statement that the person has complied with paragraphs (a) and (b) of this subsection.

(2) A tower who tows a vehicle pursuant to this section is immune from civil liability for towing the vehicle if the tower has a form described in subsection (1) of this section, filled out by a person purporting to be the owner or a person in lawful possession of the private property from which the vehicle is towed. This subsection does not grant immunity for any loss, damage or injury arising out of any negligent or willful damage to, or destruction of, the vehicle that occurs during the course of the towing.

Topic 2: Require law enforcement notification of all tows.

Requiring all nonconsensual tows to be reported to local law enforcement prior to the tow, or as required by local law enforcement (some jurisdictions allow a tower to contact law enforcement after the tow, but before return to the tow yard). This would include a tower notifying law enforcement for:

1. PPIs
2. Repos
3. Abandoned Vehicles not called in by law enforcement

Topic 3: Board regulation of the Repossession industry

Currently, repossessions are not regulated in Oregon.

The Board, in its role, would be able to:

1. Accept and process consumer complaints against unethical or illegal repossession activities by a tower.
2. Provide compliance enforcement of federal laws and regulations
3. Provide public protection against unlawful and unethical repossession actions including breach of peace, unlawful charges, use of intimidation, failure to release a vehicle when required by law, etc.

Topic 4: Board regulation of roadside assistance companies

Currently, roadside assistance services are not regulated in Oregon.

Hello,

An article about illegal tow trucks caught my attention. I've had a couple incidents with roadside assistance. I think insurance companies should have to be required to vet the companies they work with. They seem to select the cheapest option for you when you request one. I always look up the companies they send and if they have really poor ratings or don't

seem to be a real company I request a change/ cancel, but it's a really big problem. Last time they tried to send a company called Michigan Towing to pick me up. I couldn't find them on Google Maps at all, which was a red flag to me, but I found them on Yelp and the reviews were really bad:

<https://www.yelp.com/biz/michigan-towing-hillsboro>

It's a waste of time and money that we have to go back and forth with insurance companies to make safe decisions, practical decisions for us.

Thanks for trying to penalize them and crack down on this,

There is no vetting or oversight of companies offering roadside services in Oregon, leaving:

1. The public exposed to unnecessary risk and safety concerns
2. Roadside assistance responders being untrained in roadside safety
3. There is a demonstrated connect of illegal tow companies offering and advertising "roadside assistance", but providing towing services.

Topic 5: Board costs and fees

Allowing payment of the Board's costs and fees incurred in a disciplinary action when the Board prevails at hearing.

1. Board operations are paid by the tower's who legally register their tow vehicles.
2. The Board's disciplinary process is progressive; unless especially egregious, a tower found in violation is educated and warned prior to issuance of a disciplinary action.
3. This means - with the exception of egregious actions demonstrating criminal behavior or demonstrating willful and deliberate harm to the public - the Board will not issue a disciplinary action until there is a demonstration of the Respondent's knowledge of the law, and willful repetition of violations.
4. Respondents have a right to a hearing to contest the disciplinary action proposed by the Board.
5. Legal and law abiding towers should not be responsible for payment of the cost of investigations and hearings when a Respondent knowingly and willfully violates, or continues to violate, Oregon's tow laws.
6. The Board makes every attempt to settle disciplinary cases when reasonable to do so. As part of the settlement, the Respondent pays the investigation costs and associated fees.
7. If the disciplinary action results in a contested case hearing, the Board would be awarded costs and fees only when the Board prevails at hearing.

Topic 6 - Signage:

1. If no signs restricting parking are posted, a 72-hour notice is required before towing.
2. Signs displaying a tow company's name and contact information provide information to the public on how to retrieve a vehicle that has been towed.

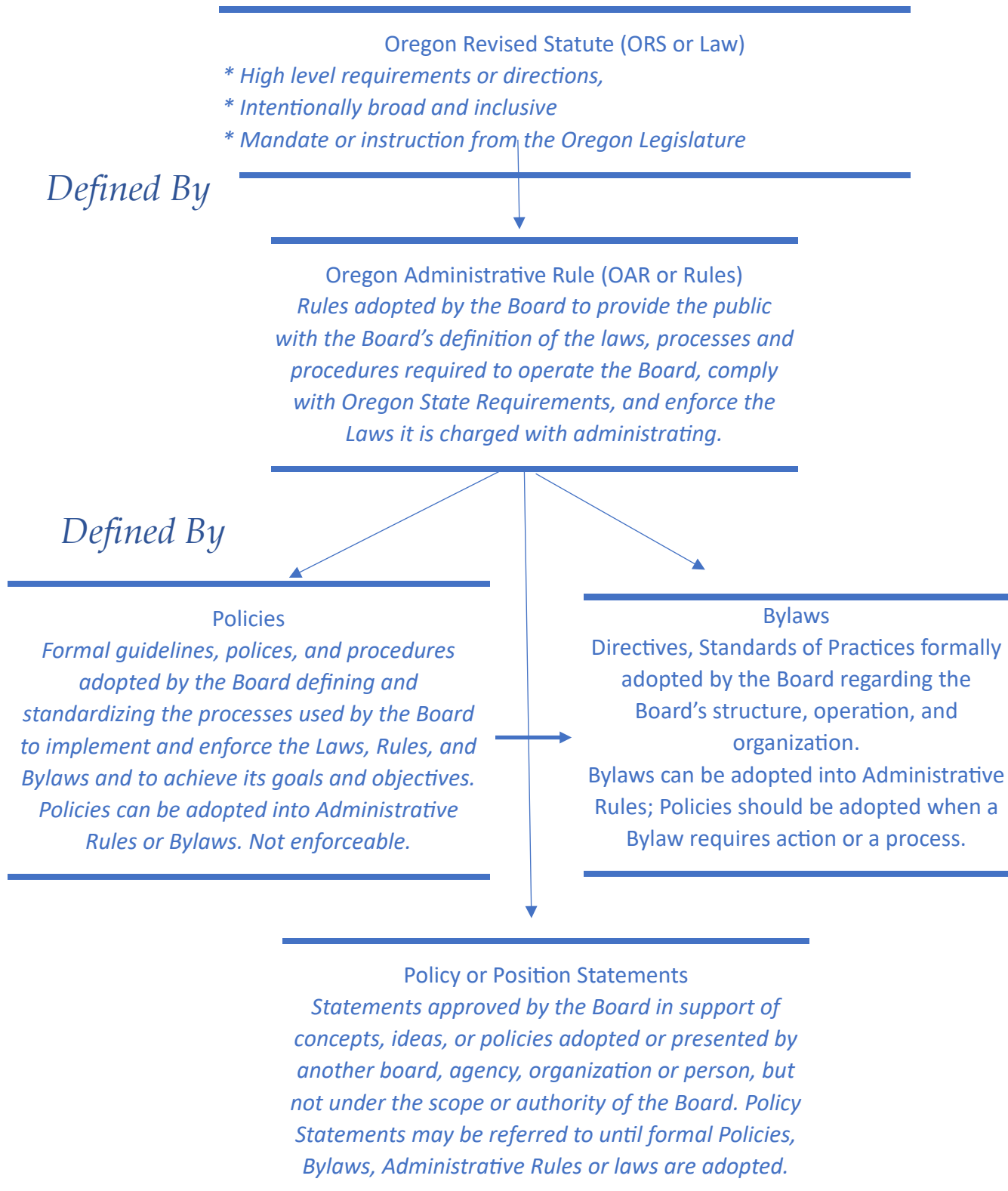
3. Only the tow company listed on the sign may lawfully tow a vehicle without the vehicle owner's consent.
4. A tow company not listed on the sign may lawfully tow a vehicle only with the vehicle owner's consent or, if consent is not given, after providing a 72-hour notice.
5. Property owners are responsible for ensuring signage displays current and accurate information.
6. At least one sign must be posted at the property entrance or outside the front office, providing contact information for vehicle recovery when a vehicle has been towed. The property may list a property manager as the contact instead of a specific tow company.
7. Property management companies are not required to contract with a towing company to remove unauthorized vehicles.
8. There are no restrictions on a vehicle owner authorizing their own vehicle to be towed.
9. Law enforcement or government agencies may have vehicles towed from private property using the agency's non-preference or rotation tow program.

Topic 7 - Assigned Parking Spaces

1. A property owner/property management company, at their discretion, may allow tenants with assigned parking spaces to contact the tower to remove unauthorized vehicles parked in the tenant's assigned spot.
2. When allowing tenants to authorize the tow, the property owner and the tower should require the tenant provide a copy of the lease and photo identification prior to the tow.
3. Identifying information used when a tenant authorizes the tow from their assigned space need not be shared with the person whose vehicle was towed. The identifying information is to be provided to the Board or other agency verifying the lawfulness of the tow.
4. A tenant's request to have an unauthorized vehicle removed from the tenant's assigned parking space takes precedent over a notice of tow.

Clarification: Are signs required to be posted before a tenant can have an unauthorized vehicle removed from the assigned parking spot?

Differences and Relationships between Laws, Rules, Policies, Bylaws, and Policy Statements





Oregon

Tina Kotek, Governor

State Board of Towing

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MEMORANDUM

Dt: **August 12, 2025**
To: **Oregon State Board of Towing Board Members and Partners**
Fm: **Torey McCullough**
Re: **Amendments to Proposed Administrative Rule Calendar**

At this time:

The law requires rules committees when the proposed rules have a financial impact. The current list being considered for proposed amended rules do not demonstrate a financial impact.

The Board is not required to host proposed administrative rules hearing.

Board policy:

The Board has a transparent and interactive proposed rule and policy process.

Due to limitation of Board resources and upcoming deadlines, the Board staff recommends the Board amends its draft proposed rule calendar as follows:

August 12, 2025 Work Session:

Identify topics for proposed rules (2026) and legislative concepts (2027)

September:

09/01: Draft of proposed concepts sent to towing industry, partners, public, the Board's advisory group, and others for initial review for feedback and comment.

09/09: Board discussion of proposed language and rules.

09/30: File draft proposed rules with Secretary of State to comply with deadlines.

Work with collaborative partners to present draft proposed rules at meetings:

- OTTA
- PBOT

The Oregon State Board of Towing is responsible for protection of the safety and well-being of the public through the regulation of the towing industry by administering and enforcing the laws and rules of the State of Oregon, setting professional standards and expectations of the towing industry, and ensuring fairness and continuity of towing services provided by Oregon's towing industry.

- DMV

October:

10/01: Fall newsletter announcing proposed rules hearing and other information

10/14: Board annual meeting.

- Formal rules hearing.
- Dedicated time to take comments and amend language of draft proposed administrative rules.

November:

- Second formal rules hearing.
- Board vote to adopt proposed rules effective January 1, 2026

Enrolled
Senate Bill 1036

Sponsored by Senator MANNING JR (at the request of Chuck Riley)

CHAPTER

AN ACT

Relating to towing motor vehicles; amending ORS 98.853 and 98.854.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 98.853 is amended to read:

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)] (1) Prior to towing a motor vehicle pursuant to ORS 98.812, 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)] (2)(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.

(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)] (3) 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.

SECTION 2. ORS 98.854 is amended to read:

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,] Tow a motor vehicle from a parking facility without first [contacting] **being contacted by** 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 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 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] **in a location that is 1,000 feet or less from** [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 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.

(14) Charge for the hookup and release of a motor vehicle except as provided in ORS 98.853.

Passed by Senate May 29, 2025

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Obadiah Rutledge, Secretary of Senate

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Rob Wagner, President of Senate

Passed by House June 13, 2025

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Julie Fahey, Speaker of House

Received by Governor:

.....M.,....., 2025

Approved:

.....M.,....., 2025

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Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M.,....., 2025

.....
Tobias Read, Secretary of State

A-Engrossed House Bill 3186

Ordered by the House May 27
Including House Amendments dated May 27

Sponsored by Representative SOSA (at the request of State Board of Towing) (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act changes the name of the State Board of Towing to the Oregon State Board of Towing. The Act says that the OSBT is an independent agency. (Flesch Readability Score: 77.8).

[Digest: The Act says that the State Board of Towing is an independent agency. (Flesch Readability Score: 69.9).]

Changes the name of the State Board of Towing to the Oregon State Board of Towing. Establishes the Oregon State Board of Towing as an independent board.

A BILL FOR AN ACT

Relating to the State Board of Towing; creating new provisions; and amending ORS 822.215, 822.250, 822.255, 822.260, 822.265, 822.270, 822.275, 822.280, 822.285, 822.290 and 822.995.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 822.215 is amended to read:

822.215. (1) The Department of Transportation may deny or refuse to issue any towing business certificate under ORS 822.205 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 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.

(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, 98.854, 98.856 or 98.858 or a rule adopted under ORS 822.265.

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

(2) After receiving an order from the **Oregon** State Board of Towing under ORS 822.280, the department shall impose the disciplinary action requested by the board.

SECTION 2. ORS 822.250 is amended to read:

822.250. *[(1) The State Board of Towing is established within the Department of Transportation.]*

[(2)] (1) The **Oregon** State Board of Towing *[consists]* **is established, consisting** of nine members appointed by the Governor as follows:

(a) One tower who holds a towing business certificate issued under ORS 822.205 and who represents a city in Oregon with a population of 100,000 or more;

(b) One tower who holds a towing business certificate issued under ORS 822.205 and who represents a city in Oregon with a population of less than 100,000;

(c) One tower who holds a towing business certificate issued under ORS 822.205 and who has specialized knowledge in towing equipment and vehicles with a gross vehicle weight rating of more than 44,000 pounds;

(d) One tower who holds a towing business certificate issued under ORS 822.205 and who has specialized knowledge in towing vehicles with a gross vehicle weight rating of 26,000 pounds or less;

(e) One member who represents the insurance industry **with specialized knowledge of property and casualty insurance as it affects the towing industry;**

(f) One member from a tow program within the Department of State Police;

(g) One member who is a *[chief of police or a county sheriff]* **sworn law enforcement officer of a city, county, tribal or other local law enforcement agency with knowledge and experience in local law enforcement towing programs;**

(h) One member who is a member of the public; and

(i) One member who is a consumer advocate.

[(3)] (2) All members of the board must be residents of Oregon.

[(4)] (3) The term of office of each member of the board is four years, but a member serves at the pleasure of the Governor. Before the expiration of the term of a member, the Governor shall appoint a successor whose term begins on July 1 next following. A member is eligible for reappointment. If there is a vacancy for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term.

[(5)] (4) A member of the board is entitled to compensation and expenses as provided in ORS 292.495.

SECTION 3. ORS 822.255 is amended to read:

822.255. (1) The **Oregon** State Board of Towing shall select one of its members as chairperson and another as vice chairperson, for terms and with duties and powers necessary for the performance of the functions of the offices as the board determines.

(2) Except as provided in subsection (3) of this section, a majority of the members of the board constitutes a quorum for the transaction of business.

(3) When the board is deliberating or voting on a matter before it, four members of the board constitute a quorum.

(4) No more than two members who are towers may vote on any matter. The chairperson shall assign a rotation of voting members who are towers. If an assigned member who is a tower has an actual or potential conflict of interest in a matter before the board, the chairperson shall designate a different member who is a tower and who does not have an actual or potential conflict of interest in the matter before the board to deliberate and vote on that matter.

(5) The board shall meet at least once a quarter at a time and place determined by the board.

1 The board shall also meet at such other times and places as are specified by the call of the chair-
2 person, vice chairperson or administrative officer.

3 **SECTION 4.** ORS 822.260 is amended to read:

4 822.260. (1) The **Oregon** State Board of Towing shall appoint an administrative officer to serve
5 at the pleasure of the Governor. The determination of qualifications of the administrative officer and
6 appointment of the administrative officer shall be made by the board after consulting with the
7 Governor.

8 (2) The administrative officer may not be a member of the board.

9 (3) The designation of the administrative officer must be by written order, filed with the Secre-
10 tary of State.

11 (4) The administrative officer is in the unclassified service under ORS chapter 240, and the
12 board shall fix the salary of the administrative officer in accordance with the applicable provisions
13 of ORS chapter 240.

14 (5) Subject to any applicable provisions of ORS chapter 240, the administrative officer shall ap-
15 point all subordinate officers and employees of the board, prescribe their duties and fix their com-
16 pensation.

17 **SECTION 5.** ORS 822.265 is amended to read:

18 822.265. (1) In accordance with applicable provisions of ORS chapter 183, the **Oregon** State
19 Board of Towing may adopt rules:

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

21 (b) To implement ORS 98.853 to 98.862.

22 (2) The board may adopt a seal.

23 **SECTION 6.** ORS 822.270 is amended to read:

24 822.270. (1) The **Oregon** State Board of Towing Account is established in the State Treasury,
25 separate and distinct from the General Fund.

26 (2) The account consists of the following:

27 (a) Moneys collected from fees imposed under ORS 822.285.

28 (b) Moneys appropriated to the account by the Legislative Assembly.

29 (c) Moneys from any other source.

30 (3) Moneys in the account are continuously appropriated to the [*Department of Transportation*]
31 **Oregon State Board of Towing** to carry out the provisions of ORS 822.250 to 822.290 and 822.995.

32 **SECTION 7.** ORS 822.275 is amended to read:

33 822.275. The **Oregon** State Board of Towing, acting through its chairperson or vice chairperson,
34 may administer oaths, take depositions and issue subpoenas to compel the attendance of witnesses
35 and the production of documents or other written information necessary to carry out the provisions
36 of ORS 822.250 to 822.290 and 822.995. If any person fails to comply with a subpoena issued under
37 this section or refuses to testify on matters on which the person lawfully may be interrogated, the
38 procedure set out in ORS 183.440 shall be followed to compel obedience.

39 **SECTION 8.** ORS 822.280 is amended to read:

40 822.280. (1) As used in this section:

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

44 (b) "Relative" means an individual related within the third degree as determined by the common
45 law, a spouse, an individual related to a spouse within the third degree as determined by the com-

mon 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 and subject to ORS chapter 183, the **Oregon** 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, 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, 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 to participate on the rotational list of towing businesses established under ORS 181A.350, 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, 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 to 822.290 and 822.995.

(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.

SECTION 9. ORS 822.285 is amended to read:

822.285. (1) In carrying out its investigative and enforcement duties, functions and powers, and notwithstanding any other provision of law, the **Oregon** State Board of Towing may procure services and award a contract for the personal services of a subject matter expert, on a case-by-case basis, in any manner deemed practical or convenient. The price of such contracts, including any amendments, may not exceed \$25,000.

(2) If the board has reason to believe that any person has been engaged or is engaging in any violation of ORS 98.853, 98.854, 98.856, 98.858, 181A.350, 822.200, 822.215, 822.225, 822.230, 822.235, 822.250 to 822.290, 822.605 or 822.995 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

1 compliance with ORS 98.853, 98.854, 98.856, 98.858, 181A.350, 822.200, 822.215, 822.225, 822.230,
 2 822.235, 822.250 to 822.290, 822.605 or 822.995 or any rule adopted under those statutes, or any order
 3 issued by the board. Upon a proper showing, a permanent or temporary injunction, restraining order
 4 or writ of mandamus shall be granted.

5 (3) The board, by rule, may impose a fee on any person holding or applying for a towing business
 6 certificate. The amount of the fee shall be established to recover expenses incurred by the board in
 7 carrying out ORS 822.250 to 822.290 and 822.995. Any fees collected under this subsection shall be
 8 deposited into the **Oregon** State Board of Towing Account established under ORS 822.270.

9 **SECTION 10.** ORS 822.290 is amended to read:

10 822.290. (1) As used in this section:

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

14 (b) "Relative" means an individual related within the third degree as determined by the common
 15 law, a spouse, an individual related to a spouse within the third degree as determined by the com-
 16 mon law or an individual in an adoptive relationship within the third degree as determined by the
 17 common law.

18 (2) Subject to ORS chapter 183, the **Oregon** State Board of Towing may order the Department
 19 of State Police to deny, suspend, condition or revoke a letter of appointment to participate on the
 20 rotational list of towing businesses established under ORS 181A.350, if the person holding or apply-
 21 ing for the letter of appointment:

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

23 (b) Violates any provision of, or rules or ordinances adopted under, ORS 98.853, 98.854, 98.856,
 24 98.858, 181A.350, 822.200, 822.215, 822.225, 822.230, 822.235 or 822.605;

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

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

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

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

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

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

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

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

42 (3) A violation described in subsection (2) of this section for which the board orders the de-
 43 partment to deny, suspend, condition or revoke a letter of appointment to participate on the rota-
 44 tional list of towing business established under ORS 181A.350 may be treated as a failure to be in
 45 conformance with ORS 822.250 to 822.290 and 822.995.

(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.

SECTION 11. ORS 822.995 is amended to read:

822.995. (1) In addition to any other penalty provided by law, any person who violates 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 **Oregon** 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.

(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.

SECTION 12. Section 13 of this 2025 Act is added to and made a part of ORS 822.250 to 822.290.

SECTION 13. (1) At the request of the Oregon State Board of Towing, the Department of Transportation and the board shall enter into an interagency agreement under which the department may provide central business operating services for the board including, but not limited to:

(a) Budget preparation services;

(b) Daily processing for accounts payable, accounts receivable, payroll, receipts and disbursements;

(c) Records and inventory maintenance accounting services;

(d) Financial management reports and revenue and expenditure projections;

(e) Purchasing, leasing and contracting services;

(f) Internal audit services;

(g) Computer and information system services;

(h) Dedicated office space and access to regular mail service;

(i) Human resource services; and

(j) Other services and resources associated with general business operations as needed.

(2) The board shall comply with applicable administrative rules adopted by the department related to the services provided by the department under subsection (1) of this section.

(3) The department may charge the board a fee for the services the department provides under this section. The department shall calculate the rate of the fee using the same methodology the department uses to calculate the central services assessment imposed within the department for similar services.

(4) At the request of the board, the department shall collect fees authorized under ORS

1 **822.285 (3) and distribute the funds to the Oregon State Board of Towing Account established**
2 **under ORS 822.270. The department may deduct direct merchant fee costs and an adminis-**
3 **trative fee for the collection service prior to fund distribution.**

4 **SECTION 14. The Oregon State Board of Towing Account is a continuation of the State**
5 **Board of Towing Account established by ORS 822.270. Moneys contained in the State Board**
6 **of Towing Account on the effective date of this 2025 Act are considered to be moneys in the**
7 **Oregon State Board of Towing Account.**