

Oregon State Board of Towing



Draft and Propose Administrative Rules Update

To SBOT Board Members
From: Torey McCullough, Board Administrator
Date: March 11, 2025

1. Calendar

The Board's strategic plan and calendar have the following tentative dates* scheduled for the various steps in the proposed rules process:

Date	Task
March & April 2025	Public meetings and work sessions to draft administrative rules.
April 28, 2025	File proposed rules with Oregon Secretary of State.
May 27, 2027	Public proposed rules hearing.
June 10, 2025	Board vote to adopt proposed administrative rules.
July 1, 2025	Effective date for administrative rules.

September & October 2025	Public meetings and work sessions to draft administrative rules.
October 27, 2025	File proposed rules with Oregon Secretary of State.
November 25, 2025	Public proposed rules hearing.
December 9, 2025	Board vote to adopt proposed administrative rules.
January 1, 2026	Effective date for administrative rules.

**Board meeting dates are tentative, to be confirmed by the Board members at each meeting or work session.*

**The strategic plan and board calendar are objective based; the board will not adopt administrative rules until the Board determines the rules have been thoroughly vetted, have value, are fair and enforceable, and align with the Board's mission statement and authority.*

2. 2024 and 2025 progress:

ORS Review:

The Board has reviewed and discussed a number of laws and rules, including portions of: ORS 98.853, ORS 98.854, ORS 98.856, ORS 98.859 and ORS 822.200.

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.

The Board has identified a number of terms and word usage in current statute needing clarification, including defining the intent of the statutes for the purpose of compliance and enforcement.

The Board has also identified a number of statutes that are vague, incomplete, unassigned, inconsistent with other statutes, and require statutory modifications for enforcement and consistency.

ORS Complaint Review:

The Board has reviewed complaints as part of the statute review process as it determines the intent of the laws and defining compliance and violation of the laws.

As of March 2025 the Board's case management system allows secure review of complaint and investigation materials.

3. Purpose of Administrative Rules:

- Administrative rules clarify, interpret and implement the laws assigned to the Board (or agency) to administer.
- Administrative rules are not to reiterate or restate existing law when the plain language of the law is clear.

4. 2025 draft and proposed administrative rule objectives:

- The Board's operational administrative rules should be reviewed and updated to avoid redundancy with the Board's Bylaws.
- The civil penalty schedule under OAR 750-080-0040 reviewed and modified as needed.
- Most of the statutes reviewed by the Board to date use plain language identifying the intent of the law. Definition of some of the words, verbiage, and phrases within the statute are needed for consistency, clarity, enforcement, and implementation.

5. Next Steps.

Board discussion required to determine next steps in the draft administrative rule process.



State Board of Towing Definitions Drafting OARs

This document does not represent formal Board decisions or policy; the document facilitates board discussion to better define and clarify ambiguity in Oregon law and to ensure ownership of vehicles is consistent in application amongst partner agencies.

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.

Definition of terms:

Vehicle ownership:

- Lawful owner of the vehicle:
- Operator of the vehicle:
- Person in lawful possession:
- A person with right to possession of the vehicle:
- The owner:
- A person entitled to possession:
- Property owner:
- Property owner's agent:

Government agency (*federal, state, local or tribal agency*)

ORS 98.853 (2) and 98.854 (2)

Upon Request

ORS 98.853 (3) (b)

Complete hook up

ORS 98.854 (2)

Signed authorization

Clarification:

Lawful possession for agency tows: if the government/law enforcement representative is at the scene when the vehicle operator is at the scene, the agency determines if the vehicle should be released to the owner/operator, or if the tower should