



# Oregon

Tina Kotek, Governor

**State Board of Towing**  
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## OREGON STATE BOARD OF TOWING January 11, 2024

*Public Work Session of the Board to discuss and identify the Board's complaint processes in compliance with:*

*ORS 183.333 (7) The Legislative Assembly finds and declares that it is the policy of this state that whenever possible the public be involved in the development of public policy by agencies and in the drafting of rules. The Legislative Assembly encourages agencies to seek public input to the maximum extent possible*

*ORS 192.620 Policy. The Oregon form of government requires an informed public aware of the deliberations and decisions of governing bodies and the information upon which such decisions were made. It is the intent of ORS 192.610 to 192.690 that decisions of governing bodies be arrived at openly.*

WORK SESSION AGENDA	PRESENTER	TIME
<b>1. Call Beginning of Work Session</b>	Chair	1:00
<b>2. Welcome &amp; Introductions (Board Members, Staff, and the Public)</b>	All	1:05
<b>3. Approve Agenda</b>	Board	
<i>Board Vote:            ___ Anderson ___ Baker ___ Coughlin ___ Iwai ___ Lindland ___ Shaner ___ McClellan ___ Hanson ___ Riley</i>		
<b>4. Review and Discuss Board's Complaint Process</b>	All	
<i>The public is encouraged to participate with questions and comments during the work session.</i>		
1. Review Work Session Resources:		
a. ORSs Assigned to the Board and OARs Chapter 750		
b. Work Session Complaint Examples		
c. Review: Draft Complaint Process Workflow		
2. Work Session Objectives		
a. Objective 1: Expectations of the Board's Complaint Process		
b. Objective 2: Definitions of Board Complaints		
c. Objective 3: Board Review Process - Board Member Review		
d. Objective 4: Data Tracking and Metrics		
3. Review Forms ( <i>time permitting</i> )		
a. Complaint Instructions		
b. Complaint Forms		
c. Sample Email Correspondence - Complaints		
d. Website - Complaint Page		
e. Website - Complaint FAQs		
<b>5. Board Vote (if needed)</b>		
<i>Board Vote:            ___ Anderson ___ Baker ___ Coughlin ___ Iwai ___ Lindland ___ McClellan ___ Shaner ___ Hanson ___ Riley</i>		
<b>6. Next Steps</b>	Board	2:50

a.	Review work session consensus		
b.	Review work assignments and delegation		
c.	Next Board Meeting		
<b>7.</b>	<b>Public Comments</b> ( <i>Time Dependent</i> )		
<b>8.</b>	<b>Adjourn Work Session</b>	Chair	3:00
<i>Board Vote:</i>			
<input type="checkbox"/> Anderson <input type="checkbox"/> Baker <input type="checkbox"/> Coughlin <input type="checkbox"/> Iwai <input type="checkbox"/> Lindland <input type="checkbox"/> McClellan <input type="checkbox"/> Shaner <input type="checkbox"/> Hanson <input type="checkbox"/> Riley			

ORS 822.255 (4) voting protocol:

- Anderson, McClellan
- Baker, Shaner



# State Board of Towing

## January 11, 2024 Work Session

### WORK SESSION OVERVIEW

Identify components and define the Board's Complaint process during a public work session.

### AUTHORITY

ORS 183.333 (7) *The Legislative Assembly finds and declares that it is the policy of this state that whenever possible the public be involved in the development of public policy by agencies and in the drafting of rules. The Legislative Assembly encourages agencies to seek public input to the maximum extent possible*

ORS 192.620 *Policy. The Oregon form of government requires an informed public aware of the deliberations and decisions of governing bodies and the information upon which such decisions were made. It is the intent of ORS 192.610 to 192.690 that decisions of governing bodies be arrived at openly.*

ORS 822.265 *Rule Making 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 822.995 *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]*

## **PROBLEM - "WHY" OF THE WORK SESSION**

- The Board is mandated under ORS Chapter 822 to review complaints and take disciplinary action against persons or entities violating Oregon's laws and rules regulating the towing industry.
- The Board does not have a formal complaint policy or steps to process submitted complaints have not been identified.
- The Board's goals include protection of the public and education of the industry; the Board is unable to identify needs due to lack of data tracking.

## **SOLUTION - WORK SESSION GOALS**

Goal and objectives of the work session are:

- Formalize Board intent and processes for complaint handling.
- Define "What is a Board Complaint" and establish criteria.
- Identify criteria for differentiating between Not a Board Complaint, Not a Complaint but of Board Interest, and Board Complaint.
- Identify workflow and process for submitted complaints.
- Review forms and correspondence templates.
- Identify data and metrics to track

## **ADDITIONAL WORK SESSION OUTCOMES**

While not primary to the work session objectives, the following are additional potential outcomes of the work session:

- Review appropriate ORS for clarity, relevance, and effectiveness.
- Identify need for potential administrative rules to clarify appropriate ORS and to comply with ORS 822.265.
- Begin building criteria and structure to implement the civil penalty schedule under ORS 822.995 (2).
- Review wording and verbiage used in ORSs, OARs, forms, and documents to identify need for definitions of terms, and ensure use of consistent verbiage.

## **PUBLIC INPUT AND COMMENT - NOTICE AND CHANNELS FOR SOLICITING INPUT**

- Notice of Public Work Session posted on Oregon's Transparency Calendar and the Board's website in November 2023.
- Public Announcement and invitation made at OTTA Quarterly Meeting.
- Notice and Draft Agenda sent to the Board's email subscription list.
- Board email communications include an announcement and link to the Work Session under signature block.
- Board website and transparency calendar website updated on January 8, 2024 to include work session materials.
- Work Session will include opportunities for public input, questions, and interactions.

## RESOURCES

- Current ORS and OARs related to the legislative intent and Board’s authority for a complaint process.
- “Real World” complaint examples from different sources
- Draft Complaint Process Diagram
- Work Sheets – facilitate discussion and input towards Board Objectives
- Draft Forms and Correspondence Templates for review and discussion

## POST-WORK SESSION EXPECTATIONS AND TIMELINE

- After Board discussion and consensus, Board staff will draft policies as directed.
- Board review and consideration of work product for formal adopting policies, bylaws, or proposed administrative rules during public session of a regular Board meeting.
- Implementation date of the Board processes and policies determined by Board consensus or vote.
- Board website updated with complaint process as relevant.

## OTHER CONSIDERATIONS/CONCERNS

- DOJ, DMV Business Services, and other agencies are looking at the Board to implement and enforce the laws regulating the towing industry.
- There has been no data collection related to towing complaints; the extent and types of violations unknown.
- The Board’s focus is on consumer protection and industry best practices; the Board will look at outreach and best practice solutions for complaints that may not meet the definition of Board Complaint, but are public welfare and professional standards concerns.

**KEY METRICS IDENTIFIED**

ACTIVITY	DESCRIPTION	PERFORMANCE METRIC
Compliance Process	Board processing and resolving complaints.	Reduced number of complaints received by DMV
		Establish data sets to evaluate industry compliance

**TIMELINE**

ACTIVITY	DESCRIPTION	START DATE	END DATE
01/11/2024 Work Session	Work Session to identify and define Board Complaint process	11/14/2023	01/11/2024
Material Prep	Work session materials drafted, reviewed by Board	11/14/2023	01/05/2024
Draft policies for Board review	Draft policies as identified in work session.	01/12/2024	