

OFFICE OF THE SECRETARY OF STATE
TOBIAS READ
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ARCHIVES DIVISION
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NOTICE OF PROPOSED RULEMAKING INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 750 STATE BOARD OF TOWING

FILED

09/29/2025 11:42 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Proposed rules and rule amendments for clarity and compliance enforcement.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 11/18/2025 1:25 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

CONTACT: Torey McCullough
503-871-5481
torey.mccullough@towboard.oregon.gov

ICO DMV HQ - PROGRAM SERVICES
1905 Lana Avenue, NE
Salem, OR 97314

Filed By:
Torey McCullough
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 10/28/2025

TIME: 10:00 AM - 10:30 AM

OFFICER: Torey McCullough

REMOTE HEARING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 971-277-1965

SPECIAL INSTRUCTIONS:

Teams Login Information:

Meeting ID: 285 655 478 304 4

Passcode: Mm6mF3TD

DATE: 11/18/2025

TIME: 1:00 PM - 1:25 PM

OFFICER: Torey McCullough

IN-PERSON HEARING DETAILS

ADDRESS: Oregon DMV HQ, ICO DMV HQ, 1905 Lana Avenue, NE, Salem, OR 97314

SPECIAL INSTRUCTIONS:

RSVP for in-person attendance required by 3:00 p.m. on 11/07/2025.

REMOTE HEARING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 971-277-1965

SPECIAL INSTRUCTIONS:

Teams Login Information:

NEED FOR THE RULE(S)

Adopt and amend administrative rules to align with Oregon statutes, compliance enforcement needs.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

ORS 90.485, 98.805, 98.820, 98.830, 98.853 - 98.862, 801.375, 802.240 , 803.540, 822.200, 822.210, 822.235, OAR 735-154-0000 and 735-154-0060, ORS Chapter 819, OAR Chapter 257 Division 50, board public meeting minutes and public work session notes and materials.

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

No impact or affect.

FISCAL AND ECONOMIC IMPACT:

No impact.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

The proposed rules do not represent a change in policy or regulation. All regulations and legal requirements in the proposed rules reflect current requirements under existing laws. Towers complying with current laws and business practices will see no additional reporting, recordkeeping, or administrative responsibilities. There is no economic impact for state agencies, the industry, or the public. Providing the guidelines within administrative rules will streamline the Board processes and investigations, making processes more efficient and economical.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Board meetings and work sessions are open to the public; towers are small business owners. The board actively engaged towers and small businesses in meetings, information gathering, and discussions. Updates, information, and materials were also sent to property management companies, property owners, tenant advocates, and others with an interest in the towing laws. The Board worked closely with the industry association, Oregon Tow Truck Association, in identifying needs and drafting proposed rules.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

The proposed rules clarify existing laws, and do not define new policies or regulations.

Due to lack of staff and financial resources, the Board does not have the resource to sustain a formal rules advisory committees at this time.

The Board will create and utilize rules advisory committees once the scope of proposed rules development moves beyond identifying procedures and requirements of current laws.

To maintain transparency, encourage engagement, and solicit input and public comment the Board regularly corresponds through

1. An email subscription group of approximately 200 individuals.

2. Two active policy and rule advisory groups:

- a. Towing industry members (approximately 80 on the voluntary email subscription list) and
- b. A public advisory group of approximately 160 individuals who have expressed interest in the Board's policies and rules process.

3. Regular communication with Board collaborative partners and advisors.

RULES PROPOSED:

750-010-0001, 750-040-0005, 750-040-0006, 750-040-0008, 750-040-0015, 750-060-0001, 750-070-0020, 750-070-0030

AMEND: 750-010-0001

RULE SUMMARY: Adding additional definitions to incorporate new rules, terms, and provisions.

CHANGES TO RULE:

750-010-0001

Definitions.

As used in OAR Chapter 750:

(1) "Administrator" means the Board Administrative Officer appointed under ORS 822.260.

(2) "Agent" or "Owner's agent" means:

(a) A person authorized by the property owner to lawfully act as the property owner's agent in identifying or authorizing a vehicle to be towed in ORS 98.853 (Conditions allowing towing) to 98.854 (Prohibitions placed on tower).

(b) A tower, its employee, sub-contractor, representative or delegate cannot act as a property owner's agent for the purposes of identifying or authorizing a vehicle to be towed without the consent of the vehicle owner or operator.

(3) "As soon as practicable" means:

(a) At the time the vehicle is recovered by the tower.

(b) No later than the end of the business day following recovery of the vehicle, if vehicle is recovered outside of business hours.

(4) "Board", "SBOT", "Tow Board", or "Towing Board" means the State Board of Towing.

~~(35)~~ "Compensation" means: Something given or of value received as payment for providing towing services including, but not limited to bartering, direct payment, commissions, tips, and donations, discounts, barter, trades, donations, or and any other economic or non-economic benefit or any other consideration in exchange for towing services.

~~(46)~~ "DMV" means the Oregon Department of Transportation, Driver and Motor Vehicle Services.

~~(57)~~ "Employee" means: any party compensated, directly or indirectly, by the tower.

~~(8)~~ "Industry" means the collective tow operators, tow businesses, and other entities working in the tow and recovery professions.

~~(69)~~ "Law" means a written statute passed by the Oregon Legislature.

~~(710)~~ "Non Preference Towing" means the rotational list of towing businesses established by Oregon State Police under ORS 181A.350.

~~(811)~~ "OAR" means an Oregon Administrative Rule adopted by the Board and filed with the Oregon Secretary of State.

~~(912)~~ "ODOT" means Oregon Dept. of Transportation.

~~(103)~~ "Operator of the vehicle" means a person who demonstrates physical control of a vehicle.

~~(14)~~ "ORS" mean Oregon Revised Statute, written laws passed by the Oregon Legislature.

~~(145)~~ "OSP" means Oregon State Police.

~~(126)~~ "Owner of a motor vehicle" means the owner as defined in ORS 801.375.

~~(17)~~ "Owner of a parking facility" or "owner of the parking facility" means the owner of a parking facility as defined in ORS 98.805 (1).

~~(18)~~ "Person in lawful possession," "person with right to possession of the vehicle," and "person entitled to possession" means a person identified in ORS 802.240.

~~(19)~~ As used in ORS 822.200(1)(c), "purports to be engaged in" means to solicit or advertise towing services through the telephone book, business directory, newspaper, radio, television, posting on vehicles, signs, business, billboards or by any other means as defined in OAR 735-154-0000.

~~(20)~~ "Respondent" means the person or entity to whom a formal enforcement action is issued.

~~(213)~~ "Special Committee" or "Subcommittee" means a standing, special, ad hoc, or other committee comprised of no more than three Board Members created to assist with the work of the Board as assigned.¶

~~(1422)~~ "Tower" or "Tow Operator" means an individual who operates a tow or recovery vehicle for compensation, which may include, but is not limited to, the impounding, transporting, or storage of unauthorized vehicles, or the disposal of abandoned vehicles.¶

~~(1523)~~ "Towing Business" means an individual, partnership, corporation, or other business entity that owns or operates a tow or recovery vehicle for commercial purposes.¶

~~(1624)~~ "Tow Certificate" or "Towing Business Certificate" means a towing or recovery vehicle business certificate issued by DMV under ORS 822.205.¶

~~(1725)~~ "Tow Truck" means a motor vehicle operated for compensation equipped with equipment designed and intended for towing or the recovery of wrecked, disabled, or abandoned vehicles or other objects creating a hazard on the public roadways. If a tow operator, or tow truck owner business, profits, benefits, or is compensated for operation of the vehicle in towing or recovery, the vehicle must be considered a tow truck under OAR Chapter 750.¶

~~(26)~~ "Upon request" means:¶

~~(a)~~ On the date and at the time the request is received by the tower.¶

~~(b)~~ If the request is outside of business hours, the document is to be provided no later than the end of the business day.

Statutory/Other Authority: ORS 822.265, ORS 822.260, ORS 822.275, ORS 822.280, ORS 822.290, ORS 822.995

Statutes/Other Implemented: ORS 822.265, ORS 822.260, ORS 822.275

ADOPT: 750-040-0005

RULE SUMMARY: The rule provides expectations and guidelines for required photos for the industry, vehicle owners, the public, and for compliance enforcement.

CHANGES TO RULE:

750-040-0005

Administration and Implementation of ORS 98.853

(1) The photograph(s) required in ORS 98.853 (2) will sufficiently show:¶

(a) The vehicle as parked prior to the tow.¶

(b) The vehicle parked in violation, including photographs demonstrating:¶

(A) When required or present, the notice affixed to the vehicle OR¶

(B) The nearest sign showing the parking restrictions of the parking facility showing the vehicle parked in relation to the sign disclosing the parking regulations for the parking facility.¶

(C) If not legible in the photograph, additional photograph(s) of the sign posted closest to the vehicle.¶

(2) A tower will provide the photograph(s) at the time of the request, but no later than the end of the next business day following the request.¶

(3) A tower may require a request for the photographs under ORS 98.853 (2) be submitted electronically, including by completion of a form on the tower's website, by email, or through a portal only when:¶

(a) The time and date of the request is documented in the tower's records.¶

(b) A receipt for the request is sent upon submission of the request.¶

(4) If a tower is unable to provide documents upon request in compliance with ORS 98.853 (2) the tower will provide the requester with:¶

(a) A written acknowledgment of the request;¶

(b) The expected date the information will be provided by the tower;¶

(c) The reason for the delay in providing the information.¶

(d) If the vehicle has not been released at the time of the request, a tower will not charge additional fees, including daily storage fees, from the date of request until the requested information is provided to the vehicle owner or operator.¶

(A) Beginning on the same day if the request is received prior to 3:00 p.m. on a business day.¶

(B) Beginning the next business day if requested after 3:00 p.m. on a business day.

Statutory/Other Authority: ORS 822.265, ORS 98.853, ORS 822.275, ORS 822.280, ORS 822.285, ORS 822.290, ORS 822.995

Statutes/Other Implemented: ORS 822.265

RULE SUMMARY: New rule for implementation of legal requirements under SB1036, and to clarify compliance expectations of ORS 98.854 for the towing industry, public, and for compliance enforcement.

CHANGES TO RULE:

750-040-0006

Administration and Implementation of ORS 98.854.

(1) Signs posted prohibiting or restricting public parking in a parking facility required by ORS 98.854 (1) will:

(a) Clearly explain the parking prohibitions or restrictions using plain words or easy-to-understand graphics.

(b) Be easily read by a driver of a vehicle from within 20 feet of the sign.

(c) Be prominently displayed inside the parking facility.

(d) At least one sign must be posted at each entrance to the parking facility.

(e) Additional signs will be prominently posted in the parking facility as needed to communicate parking restrictions or prohibitions to vehicle owners or operators:

(A) When the parking facility consists of 20 or more parking spaces in a common area.

(B) When parking areas within a parking facility may be perceived as separate parking facilities or businesses.

(f) At least one sign prohibiting or restricting public parking will disclose contact information, including, but not limited to:

(A) The name and phone number of the tower authorized by the property owner to remove vehicles from the parking facility or

(B) The 24-hour phone number or contact information if no tow company is disclosed on the signs posted in the parking facility.

(2) Signs prohibiting or restricting public parking are prominently displayed inside the parking facility.

(a) At least one sign must be posted at each entrance to the parking lot.

(b) Additional signs will be prominently posted in the parking facility as needed to communicate parking restrictions to vehicle owner or operators when:

(c) Parking facilities consisting of 20 or more parking spaces.

(d) Parking areas within a parking facility are used by different businesses or may appear to be separate parking facilities.

(3) A notice, posted a minimum of 72 hours prior to the tow of a vehicle from private property, is required when:

(a) The vehicle is towed without the vehicle owner or operator's consent and

(b) No signs prohibiting or restricting public parking are posted OR

(c) The tow is conducted by a tower other than the tower disclosed on posted signs.

(4) A 72-hour notice is not required when

(a) Signs posted in the parking facility prohibit or restrict parking in clear language or using graphics clearly disclosing no parking, tow zones, or other parking restrictions.

(b) The tow is authorized or requested by law enforcement or other government agencies.

(c) The tow complies with ORS 90.485.

(d) The tow is conducted at the request of the vehicle owner or operator.

(5) A vehicle may be towed prior to the time disclosed on a 72-hour notice when:

(a) Signs are posted in the parking facility in compliance with ORS 98.854 (1) and

(b) The tow is authorized by the property owner or their agent.

(6) As a parking sign disclosing the name and contact information of a tow company is considered an advertisement for towing services as defined in ORS 822.200 and OAR 735-154-0000, it is a violation of ORS 822.200 to:

(a) Post a sign for a tow company without a valid business certificate; or

(b) Continue to display a tower's name on parking signs in a parking facility after the tower's tow business certificate becomes expired, surrendered, suspended, or revoked.

(7) A tower will post signs only with the express permission of the property owner or their agent.

(a) A signed agreement may be entered into between the property owner and the tower at the discretion of the parties but is not required for compliance with ORS 98.854.

(b) A signed agreement between a tower and a property owner or its agent will not:

(A) Appoint or designate the tower or its employees to act as a property owner's agent for the purposes of identifying or authorizing vehicles to be towed.

(B) Allow a tower to tow or tow a vehicle without a signed authorization from the owner or owner's agent of the parking facility.

(C) Allow consideration to be provided from the tower to the property owner or its agents for the privilege of posting signs in the parking facility including, but not limited to:

(i) Offering free parking enforcement or parking patrol services either by the tower, a tower employee, or a contractor of the tower.

(ii) Commission or fee paid by the tower to the property owner or their agent for vehicles towed from the private parking facility.

(8) The signed authorization required under ORS 98.854 (2) will include the following information:

(a) The date and time of the initial tow request and authorization.

(b) A description of the vehicle to be towed.

(c) The street address and location of the property from which the vehicle will be towed.

(d) The reason for the tow.

(e) A statement that the person signing the authorization has the authority to do so; and

(f) The legible, dated signature of the person authorizing the tow.

(g) The tower will keep the following information on file with the signed authorization:

(A) The date, time and manner in which the tow request was received

(B) The date and time the tow vehicle arrived at the private parking facility.

(C) The date and time the tow vehicle arrived at the tow lot.

(9) The tower will have in their possession the signed authorization required in ORS 98.854 (2) prior to initiating hook up and towing of a vehicle. The following are acceptable forms of a signed authorization for the purposes of ORS 98.854 (2):

(a) A "wet signature" signed at the origin site of the tow.

(b) An electronic signature, signed at the time of the request or at the origin site of the tow.

(c) An email documenting the time, date and sender email requesting and authorizing the tow, or

(d) A request and authorization submitted by the property owner or their agent through a secure portal requiring a login and password

(e) A tower, or its employee or designee, cannot act as the property owner's agent for the purpose of authorizing a tow.

(f) A signed authorization will not be signed prior to the request and authorization of the tow, or after completion of the tow.

(10) A tower may require a request for the signed authorization under ORS 98.854 (2) be submitted electronically, including by completion of a form on the tower's website, by email, or through a portal only when:

(a) The time and date of the request is documented in the tower's records.

(b) A receipt for the request is sent upon submission of the request.

(c) If a tower is unable to provide documents upon request in compliance with ORS 98.854 (2) the tower will provide the requester with:

(A) A written acknowledgment of the request;

(B) The expected date the information will be provided by the tower;

(C) The reason for the delay in providing the information.

(d) If the vehicle has not been released at the time of the request, a tower will not charge additional fees, including daily storage fees, from the date of request until the requested information is provided to the vehicle owner or operator.

(A) Beginning on the same day if the request is received prior to 3:00 p.m. on a business day.

(B) Beginning the next business day if requested after 3:00 p.m. on a business day.

Statutory/Other Authority: ORS 822.265, ORS 98.854, ORS 822.275, ORS 822.280, ORS 822.285, ORS 822.290, ORS 822.995

Statutes/Other Implemented: ORS 822.265

ADOPT: 750-040-0008

RULE SUMMARY: New rule to clarify compliance expectations of towing rates and fees, include in the towing administrative rules the legal requirements of other statutes prior to issuing a notice of lien, for the industry, public, and for compliance enforcement.

CHANGES TO RULE:

750-040-0008

Administration and Implementation of ORS 98.856

(1) A tower will provide proof of payment for all payments or monies received.¶

(a) A receipt for payment received at the origin or drop off of a towed vehicle must be provided to the vehicle owner or operator and disclose:¶

(b) The tower's business name and contact information.¶

(c) The amount due.¶

(d) The amount paid and form of payment.¶

(e) A brief description of the service(s) provided in exchange for payment.¶

(f) Exact change due, if any.¶

(g) Date and time of the payment.¶

(h) The person accepting payment.¶

(i) A receipt does not need to be provided if the tower provides an itemized statement at the time of payment.¶

(j) The tower must provide an itemized statement in addition to the receipt when a receipt does not itemize the charges paid by the vehicle owner or operator.¶

(2) Once the tower has custody or control of a vehicle, an itemized statement is required upon request or at the time of payment for all vehicles towed or impounded disclosing:¶

(a) The reason for the tow.¶

(b) Who authorized the tow.¶

(c) The location of the origin of the tow.¶

(d) The date of the tow.¶

(e) Itemization of the services provided or charges incurred as a result of the towing event.¶

(f) Exact change due, if any.¶

(g) Any discounts or other courtesies provided by the tower.¶

(h) Date and time of the payment.¶

(3) A tower will not charge a rate or fee not disclosed on the written statement required under ORS 98.856 (1) without the prior consent of the vehicle owner or operator.¶

(4) A tower will not charge for services not rendered or provided.¶

(5) All rates and fees on the written statement required under ORS 98.856 (1) or disclosed on an itemized statement and charged to a vehicle owner or other person in lawful possession will:¶

(a) Comply with legal and consumer regulations including, but not limited to, regulations related to credit card fees, collection fees, interest.¶

(b) Comply with the statutory requirements and processes.¶

(6) Nothing within these laws or rules prohibits a tower, at the tower's sole discretion, from reducing or discounting a tow bill or invoice.¶

(7) A tower will not charge a vehicle owner or operator additional services or fees for a roadside assistance, motor club, or other service provider dispatched call without first providing the written statement of fees required by ORS 98.856 and obtaining the informed consent of the vehicle owner or operator to the fees and services.¶

(8) A tower will not misrepresent law enforcement or other government fees on a written statement or invoice.¶

(9) Itemized charges will accurately disclose sub-contracted work, including rental equipment, required for a tow or recovery.¶

(10) A tower will provide the itemized statement disclosing all invoiced charges:¶

(a) Upon request of the vehicle owner or operator and¶

(b) At the time of payment for release of the vehicle.¶

(c) A tower will not delay release of the vehicle for the purposes of preparing an itemized statement or other requested documents.¶

(d) If the tower is unable or unwilling to provide an itemized statement, a copy of the signed authorization, or copies of the required photographs upon request, the tower will not charge additional fees, including storage or notice of lien fees, from the date of request until the information is provided.¶

(A) Beginning the same day if the request is received prior to 3:00 p.m. on a business day.¶

(B) Beginning the next business day if requested after 3:00 p.m. on a business day.¶

(e) A receipt showing payment is sufficient to comply with the requirement when payment is made:¶
(A) For the hook up fee to release the vehicle at origin of the tow and no other fees or charges are paid or¶
(B) For flat rate tow or service upon release of the vehicle when no other fees or charges are paid or¶
(C) At the tow yard or business when:¶
(i) The impound occurs outside of business hours and payment is made prior to the next business day AND¶
(ii) The itemized statement is provided by the next business day.¶
(11) A vehicle owner or operator has the right to refuse a tower's services except when¶
(a) The impound is dispatched and authorized by a law enforcement or government agency under the agency's authority under ORS Chapter 819 or¶
(b) After hookup of the vehicle is complete when the tow is conducted under the signed authorization of a property owner or their agent if the vehicle owner or operator is unable to pay the hook up fee.¶
(12) A tower may assess storage charges or fees against a towed vehicle when a notice is required and the tower can demonstrate compliance with the notice of lien requirements of ORS 98.812, 819.160, and other laws or regulations.¶
(13) When required, a tower will not issue a notice of lien until the tower can demonstrate notification of the local law enforcement agency in compliance with ORS 98.812 (2), or other local laws, ordinances, or regulations.¶
(14) Storage fees for recovered stolen vehicles will not begin to accrue until the date the tower first attempts to notify the owner of the stolen vehicle in compliance with ORS 98.857.¶
(15) A notice or other lien document is a transactional document demonstrating compliance with Oregon's laws and rules. If a notice of lien fee is itemized on the invoice or statement, and invoiced for payment to the vehicle operator or owner or their representative, upon request, the tower will provide:¶
(a) A copy of the notice of lien and proof of mailing unless previously mailed to the vehicle owner's current mailing address.¶
(b) A copy of the assignment of the account to a lien service, showing the date the lien was assigned, is sufficient if a copy of the lien has not been provided to the tower.¶
(16) Providing inaccurate, false, or misleading information on a notice of lien or possessory lien form, or making a false affirmation on a form, is a violation of ORS 822.605, subject to investigation and disciplinary action by the Board.¶
(17) A tower will provide a copy of the appraisal form of a vehicle when:¶
(a) The value of the vehicle is under \$1000 and an appraisal is required by ORS 819.160, 819.215, or other laws.¶
(b) When the appraisal is documented as an itemized cost on the invoice statement.
Statutory/Other Authority: ORS 822.265, ORS 98.812, ORS 98.853, ORS 98.854, ORS 98.856, ORS 98.857, ORS 822.605, ORS 822.995
Statutes/Other Implemented: ORS 822.265

ADOPT: 750-040-0015

RULE SUMMARY: This new rule clarifies the tow business certificate and application requirements, prohibits the lending, renting, and allowing the use of an active certificate by anyone but the business named on the tow business certificate application as required in ORS 822.200.

CHANGES TO RULE:

750-040-0015

Implementation and Administration of ORS 822.200

(1) A tower may not lease, rent, loan, or sell a tow business certificate or TW plates.¶

(2) The name of the company operating the tow vehicle is restricted to the name of the business or entity listed on the tow business certificate.¶

(3) Knowingly or recklessly submitting a tow business certificate application with false, misleading, or inaccurate information is a violation of ORS 822.605 including, but not limited to:¶

(a) Disclosing the name of the tower on the application with the intent of leasing, loaning, loaning, selling, or otherwise allowing the use of the tow vehicle for compensation by an entity or person not named on the tow business certificate.¶

(b) Disclosing an invalid, outdated, or erroneous information, including contact information and mailing address or the weight of the vehicle.¶

(4) As the tow business certificate is the instrument demonstrating legal operation of a tow vehicle, the tow business certificate is to be provided upon request to verify legal operation of a towing business when:¶

(a) The tow business certificate is requested by a vehicle owner or operator prior to hook up. ¶

(b) The tow business certificate is requested at the tow yard, storage facility, or other physical location by the vehicle owner or person in lawful possession.¶

(c) Upon request when the tow vehicle is conducting towing business.

Statutory/Other Authority: ORS 822.265, ORS 822.275, ORS 822.280, ORS 822.285, ORS 822.290, ORS 822.995, ORS 822.200, ORS 822.205, ORS 822.210, ORS 822.605

Statutes/Other Implemented: ORS 822.265

AMEND: 750-060-0001

RULE SUMMARY: Amending consumer protection statement to include that every vehicle towed is towed under required authorization for clarity, compliance with existing laws, and protection of the public.

CHANGES TO RULE:

750-060-0001

Consumer Protection and Complaints.

(1) The objective of the State Board of Towing is to safeguard the health, safety, and public welfare of the people of Oregon by:

- (a) Providing education to the public and the towing industry;
- (b) Establishing professional industry standards;
- (c) Investigating complaints and concerns of the public regarding the towing industry; and
- (d) Enforcing the laws and administrative rules regulating the towing industry in Oregon.

(2) Considerations for the protection of the safety and wellbeing of the public include:

(a) Standards and classifications for professional tow trucks and equipment used for commercial towing and recovery operations is essential.

(b) Encouragement of a competitive and trained professional towing industry by establishing a uniform and equitable system for the standardization and regulation of the tow industry.

(c) The use of nonqualified tow truck companies or private motor vehicles to tow or recover for hire or compensation.

(d) A private citizen, a tower, or tow truck company responding in good faith to life-threatening emergency situations.

(3) Every tow in Oregon is authorized

(a) With the informed consent of the vehicle owner, operator, or the person who has legal control and custody of the vehicle.

OR

(b) under the legal authorization of law enforcement, other agency, or property owner with the legal authority to have the vehicle impounded.

OR

(c) Under the direction of the vehicle owner's service representative.

(4) Towers cannot independently identify vehicles to be towed for the purpose of creating their own towing business or solicit business when prohibited by law.

(5) If the impound/tow is dispatched under the legal authorization of law enforcement, government agency, or another authorized entity the tower will provide a written statement of fees to the owner or operator of the vehicle in compliance with ORS 98.856 and the reasonable consent of the owner must be obtained when:

(a) The authority releases the vehicle to the owner prior to impound.

(b) The required work to tow or recover a vehicle is different from the anticipated dispatched service, including:

(A) Location of the vehicle

(B) Condition of the vehicle

(C) Complexity of the necessary work

(D) When the dispatching service provider determines the scope of work required for the vehicle exceeds the contracted assistance of the provider.

Statutory/Other Authority: ORS 822.265, ORS 98.853, ORS 98.854, ORS 98.856, ORS 822.275, ORS 822.285, ORS 822.290, ORS 822.995

Statutes/Other Implemented: ORS 822.265

AMEND: 750-070-0020

RULE SUMMARY: Remove redundant language provide better transparency and clarity to the towing industry and public, streamline board's compliance and investigation processes and procedures for efficiencies and increased customer service.

CHANGES TO RULE:

750-070-0020

Investigations of Violations or Complaints.

(1) The State Board of Towing may delegate its investigative powers and authority for purposes of initiating and carrying out investigations.¶

(2) In the conduct of investigations, the Board may:¶

(a) Take evidence.¶

(b) Take the depositions of witnesses.¶

(c) Compel the appearance of witnesses before the Board.¶

(d) Compel the production of documents or other information deemed necessary to carry out the investigation.¶

(3) In exercising its authority under ORS 822.275 and subsection (2) of this section, the Board may issue subpoenas over the signature of the board Chairperson, Vice Chairperson or to the Board Administrator as delegated by the Board.¶

~~(4) If a person or entity fails to comply with a subpoena issued by the Board or refuses to testify on matters on which the person lawfully may be interrogated, the procedure set out in ORS 183.440 will be followed.~~

Statutory/Other Authority: ORS 822.265, ORS 822.275, ORS 822.280, ORS 822.285, ORS 822.290, ORS 822.995

Statutes/Other Implemented: ORS 822.265, ORS 822.275, ORS 822.280

AMEND: 750-070-0030

RULE SUMMARY: Amend rule to clarify participation in investigations, lack of response to request for information may be considered a no-contest response, waiver of right to participate in the investigation.

CHANGES TO RULE:

750-070-0030

Cooperation in Board Investigations.

(1) Every Tow Operator, Tow Business, and their representatives and employees, regardless of tow business certificate status, having information regarding a possible violation of the administrative rules or laws governing the towing industry in Oregon must cooperate with the State Board of Towing investigations in furnishing such information in order that appropriate investigative, corrective, or disciplinary action may be taken.¶¶

(2) Failure by a Tow Operator, a Tow Business, their representative or employee to cooperate with a Board investigation is grounds for disciplinary action.¶¶

(3) Cooperation in a Board investigation includes but is not limited to:¶¶

(a) Submitting client or business records relevant to the investigation, excepting confidential information protected by law;¶¶

(b) Being available for a personal interview in support of a Board investigation during reasonable hours;¶¶

(c) Responding and directly answering questions asked during an interview or investigation;¶¶

(d) Verbally providing information reasonably known at the time of the interview or investigation; and¶¶

(e) Allowing access, during business hours, of the business premises and equipment for inspection if required to conduct a Board investigation into the allegations of a complaint.¶¶

(4) Respondents named in a complaint, or their representatives, may be personally interviewed or may be given an opportunity to provide a written response to the complaint as part of a Board investigation.¶¶

(a) Written responses, records, and other information requested by or on behalf of the Board must be provided to the Board office within 21 calendar days after the Board request is personally served, mailed by USPS regular, or sent by electronic mail, unless an extension is authorized by the Board Administrator.¶¶

(b) Written responses, records, or other information requested but not received at the Board's office within 21 calendar days may not be considered in the Board's investigation.¶¶

(5) Failure of a respondent, tower operator, tow business, or their representative or employee to provide information or documentation requested by the Board:¶¶

(a) Will not delay or otherwise impede the Board's investigation or any related disciplinary proceedings.¶¶

(b) May be deemed as a waiver of objection or waiver to engage in an investigation, and may be treated as a no contest response for purposes of the Board's investigation and disciplinary proceedings.

Statutory/Other Authority: ORS 822.265, ORS 822.275, ORS 98.853, ORS 98.854,, ORS 98.856, 822.280, ORS 822.285, ORS 822.290, ORS 822.995

Statutes/Other Implemented: ORS 822.265, ORS 822.275, ORS 98.853