



Oregon

Tina Kotek, Governor

State Board of Towing

1905 Lana Ave, NE

Salem, OR 97314

Phone: (503) 871-5481

Email Address: info@towboard.oregon.gov

Web Site: www.sbot.oregon.gov (coming soon)

**OREGON STATE BOARD OF TOWING
NOTICE OF
PROPOSED RULES HEARING and
SPECIAL BOARD MEETING**

Date & Time:

October 25, 2023

Proposed Rules Hearing: 10:00 – 11:00 a.m.

Special Board Meeting: 11:00 a.m. – 12:00 p.m.

MEETING LOCATION:

DMV Headquarters
1905 Lana Ave., NE
Conference Room 122
Salem, OR 97314

Board Members:

Chuck Riley (Chair)
Trent Hanson (Vice Chair)
Bruce Anderson
Kevin Baker
Chris Coughlin
Lt. Jason Lindland
Gary McClellan
Jason Shaner

Join on your computer, mobile app or room device:

Microsoft Teams meeting

Join on your computer, mobile app or room device

Join Remotely from the Web:

<https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting>

Meeting ID: 294 387 589 392

Passcode: Bx9ZQU

Or call in (audio only)

Dial +1 971-277-1965

Phone Conference ID: 903 893 425#

ATTENDANCE: Members of the public are invited to attend the Board Meeting.

Due to room seating limitations, please RSVP in-person attendance to info@towboard.oregon.gov by October 20, 2023 to ensure room capacity and seating.

CONTACT: Torey McCullough, Administrator - State Board of Towing
torey.mccullough@towboard.oregon.gov

TIMES AND ORDER: The Rules Hearing will commence at 10:00 a.m. on October 25, 2023 and end at 11:00 a.m., unless extended to accommodate public comment and testimony.

The Special Board Meeting will commence at 11:00 a.m. on October 25, 2023 and end at 12:00 p.m., or upon completion of agenda items.

Refer to the Board Meeting Agenda for topics.

ACCESSIBILITY: Board meeting will be accessible to persons with disabilities. *PLEASE CONTACT OREGON RELAY AT 1-800-735-2900 FOR TTY SERVICES.*

COPIES: Please submit a written request to info@towboard.oregon.gov to request copies of agenda items or materials discussed in the Board meeting.

EXECUTIVE SESSION: The Board may enter Executive Session to discuss certain matters on the agenda pursuant to ORS 192.660 during the Board Meeting. The nature of and authority for holding the Executive Session will be announced by the Board Chair prior to entering Executive Session.

PUBLIC COMMENT The purpose of the Proposed Administrative Rules Hearing is to allow the public comments and testimony on the attached Board's Proposed Administrative Rules.

Written testimony and comments submitted to the Board by email by 11:00 a.m. on October 25, 2023, will be considered a part of the Public Hearing.

Submit written comments and testimony to the Board by email to: info@towboard.oregon.gov

Public Comments may be made to the Board regarding Board Business matters at the Special Meeting as time allows.

Comments and correspondence submitted to the Board become part of public record.

SUBSCRIBE TO THE BOARD'S MAILING LIST: https://omls.oregon.gov/mailman/listinfo/sbot_mailing_list



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OREGON STATE BOARD OF TOWING PROPOSED ADMINISTRATIVE RULES HEARING

The State Board of Towing was created during the 2021 legislative session under SB300. The Board is adopting Administrative Rules in compliance with ORS 822.265 (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 \(Exceptions to requirements of ORS 98.856\)](#).

| PROCEDURE | PRESENTER | TIME |
|---|------------|-------|
| 1. Call Hearing to Order | McCullough | 10:00 |
| 2. Welcome & Introductions | McCullough | |
| 3. Testimony and Public Comments - In-Person/Remote Attendance | All | 10:05 |
| Please: <ul style="list-style-type: none"> State your name, your company name (as appropriate), and spell your last name for the public record. Provide the Rule Number on which you are commenting on. Limit your statements to 2 minutes. Comments and testimony during the hearing is limited to the attached Proposed Administrative Rules. | | |
| <i>An open public comment period to discuss general Board business may follow after Completion of Public Comments and Testimony.</i> | | |

Special Meeting Agenda

Special Meeting of the Board to discuss the comments and testimony presented at the Proposed Administrative Rules Hearing.

| AGENDA ITEM | PRESENTER | TIME |
|--|-----------|-------|
| 1. Call Meeting to Order | Chair | 11:00 |
| 2. Welcome & Introductions (Board Member, Staff, Guests and the Public) | All | 11:05 |
| 3. Approve Agenda | Board | |
| Board Vote: Anderson ___ Baker ___ Coughlin ___ Lindland ___ Shaner ___ McClellan ___ Hanson ___ Riley | | |
| 4. Review Public Comments and Testimony | All | |
| Board Vote: Proposed Rules | | |
| <input type="checkbox"/> Approve Administrative Rules as Written OR <input type="checkbox"/> Approve Administrative Rules as Amended OR | | |

| | | |
|--|-------|-------|
| <input type="checkbox"/> Approve the Administrative Rules as Amended, excepting rules held by the Board for further review and discussion. | | |
| Board Vote: ___ Anderson ___ Baker ___ Coughlin ___ Lindland ___ McClellan ___ Shaner ___ Hanson ___ Riley | | |
| 5. Next Steps | Board | 11:50 |
| a. Review of Proposed Rule Process | | |
| b. Next Board Meeting | | |
| 6. Public Comments (Time Dependent) | | |
| 7. Adjourn Board Meeting | Chair | 12:00 |
| Board Vote: ___ Anderson ___ Baker ___ Coughlin ___ Lindland ___ Shaner ___ McClellan ___ Hanson ___ Riley | | |

OFFICE OF THE SECRETARY OF STATE

LAVONNE GRIFFIN-VALADE
SECRETARY OF STATE

CHERYL MYERS
DEPUTY SECRETARY OF STATE
AND TRIBAL LIAISON



ARCHIVES DIVISION

STEPHANIE CLARK
DIRECTOR

800 SUMMER STREET NE
SALEM, OR 97310
503-373-0701

NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 750
STATE BOARD OF TOWING

FILED

09/19/2023 9:10 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Proposed Administrative Rules for

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 10/25/2023 11:00 AM

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

1905 Lana Avenue, NE
ATTN: Tow Board
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: 10/25/2023

TIME: 10:00 AM - 11:00 AM

OFFICER: Torey McCullough

HEARING LOCATION

ADDRESS: DMV - HQ, 1905 Lana Avenue, NE, Rm 382, Salem, OR 97314

SPECIAL INSTRUCTIONS:

Please Check in with Lobby Receptionist by 9:50 if attending in person.

REMOTE MEETING DETAILS

PHONE NUMBER: 1-971-277-1965

CONFERENCE ID: 903893425

SPECIAL INSTRUCTIONS:

Contact info@towboard.oregon.gov for remote access options.

NEED FOR THE RULE(S)

The State Board of Towing was created during the 2021 legislative session under SB300. The Board is adopting the Model Rules for Civil Penalties so that it may implement ORS 98.853 to ORS 98.862 and other laws assigned by to the Board as required in ORS 822.265.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

ORS 822.265, ORS 183, and other statutes available through the Secretary of State.

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

The adoption of the rules will not affect racial equity in Oregon.

FISCAL AND ECONOMIC IMPACT:

The proposed rules include a \$100 fee imposed on Oregon tow business certificates; only tow business certificate holders will be fiscally or economically impacted by the proposed rules.

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).

(1) None. (2) (a) approximately 2000 tow business certificate holders, representing approximately 800 small businesses will be subject to the rules (b) the fee will be paid in addition to an established certification fee, requiring minimal record or administrative activities; (c) none.

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

There are four members of the tow industry serving as Board members actively involved in the rule making process. The Board invited almost 1000 small business owners and others with interest in the towing industry were invited to offer input and opinions. A public meeting was held on 09/19/2023 at which approximately 30 small business owners attended during the development of the rules.

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

The Board hired a Board Administrator in July 2023. Due to time limitations and constraints, the Board was unable to host a Rule Advisory Committee prior to implementation of the fee requirement and rules.

RULES PROPOSED:

750-001-0001, 750-001-0010, 750-001-0030, 750-001-0040, 750-001-0050, 750-010-0001, 750-010-0010, 750-010-0030, 750-010-0040, 750-010-0050, 750-010-0060, 750-010-0080, 750-010-0090, 750-010-0100, 750-010-0110, 750-010-0120, 750-040-0001, 750-040-0020, 750-040-0040, 750-060-0001, 750-060-0010, 750-060-0020, 750-070-0001, 750-070-0010, 750-070-0020, 750-070-0030, 750-070-0040, 750-070-0050, 750-080-0001, 750-080-0020, 750-080-0030, 750-080-0040, 750-080-0050, 750-080-0060

ADOPT: 750-001-0001

RULE SUMMARY: The State Board of Towing was created during the 2021 legislative session under SB300. The Board is adopting Administrative Rules necessary for the administration of the laws that the board is charged with administering and to implement ORS 98.853 to ORS 98.862 as required in ORS 822.265.

CHANGES TO RULE:

750-001-0001

Uniform and Model Rules of Procedure.

Pursuant to the provisions of ORS 183.341, the State Board of Towing adopts the Attorney General's Uniform and Model Rules of Procedure under the Administrative Procedures Act. These rules shall be controlling except as otherwise required by statute or rule.

Statutory/Other Authority: ORS 183.341, ORS 822.265

Statutes/Other Implemented: ORS 183.341, ORS 822.265

ADOPT: 750-001-0010

RULE SUMMARY: The State Board of Towing was created during the 2021 legislative session under SB300. The Board is adopting Administrative Rules for Public Notice so that the Board may comply with Notice requirements so that it may implement ORS 98.853 to ORS 98.862 and other laws assigned by to the Board as required in ORS 822.265.

CHANGES TO RULE:

750-001-0010

Notice of Proposed Rules.

(1) Prior to the adoption, amendment, or repeal of an administrative rule under OAR Chapter 750, the State Board of Towing shall give notice of its intended action:¶

(a) By publishing in the Secretary of State's bulletin referred to in ORS 183.360 at least 21 calendar days prior to the effective date of the Proposed Rule; and¶

(b) By publishing on the Board's website at least 21 calendar days prior to the effective date of the Proposed Rule; and ¶

(c) By distributing a copy of the Notice by electronic mail to persons on the Board's mailing list established pursuant to ORS 183.335 at least 28 calendar days prior to the effective date; and¶

(d) By furnishing a copy of the Notice by regular mail to all persons requesting written notice from the Board, postmarked at least 28 calendar days prior to the effective date of the Proposed Rule; and¶

(e) Delivered only by electronic mail, at least 49 days before the effective date, to the persons specified in subsection (15) of ORS 183.335; and¶

(f) By distributing an electronic copy of the Notice to the following agencies, organizations, or publications:¶

(A) Oregon Dept. of Transportation.¶

(B) ODOT Driver and Motor Vehicles, Program Services.¶

(C) ODOT Driver and Motor Vehicles, Vehicle Services.¶

(D) Oregon Tow Truck Association.¶

(E) Individually to each of the 36 County Sheriff Departments in Oregon.¶

(F) Individually to the City and Community Police Depts. in Oregon.¶

(G) Other organizations, agencies or publications in the towing industry known to the Board that may have a direct interest in the administrative rule.¶

(2) The Board may update the mailing list described in subsection (1)(c) of this rule annually by requesting persons to confirm they wish to remain on the mailing list. ¶

(a) If a person does not respond to a request for confirmation within 30 days of the date that the Board sends the request, the Board will remove the person from the mailing list. ¶

(b) Any person removed from the mailing list will be immediately returned to the mailing list upon request, provided that the person provides a mailing address or email address to which the notice may be sent.

Statutory/Other Authority: ORS 822.265, ORS 183.335

Statutes/Other Implemented: ORS 822.265, ORS 183.335

ADOPT: 750-001-0030

RULE SUMMARY: The State Board of Towing was created during the 2021 legislative session under SB300. The Board is adopting Administrative Rules for Contest Case Hearings so that the Board is able to implement ORS 98.853 to ORS 98.862 and other laws assigned by to the Board as required in ORS 822.265.

CHANGES TO RULE:

750-001-0030

Contested Case Hearings.

The State Board of Towing adopts the Attorney General's Model Rules of Procedure for contested cases under ORS 183.413 through 183.502 as applicable and relevant to the Board, except to the extent the Model Rules conflict with or are modified by the Board's administrative rules under OAR Chapter 750.

Statutory/Other Authority: ORS 822.265

Statutes/Other Implemented: ORS 822.265

ADOPT: 750-001-0040

RULE SUMMARY: The State Board of Towing was created during the 2021 legislative session under SB300. The Board is adopting Administrative Rules for Authorization for Agency Representative so that the Board may, at its discretion, allow for Agency Representation at contested case hearings so that it may implement ORS 98.853 to ORS 98.862 and other laws assigned by to the Board as required in ORS 822.265.

CHANGES TO RULE:

750-001-0040

Authorization for Agency Representative.

The State Board of Towing adopts the Attorney General's Model Rules of Procedure to authorize the appearance of its staff as the Board's representative at contested hearings pursuant to ORS 183.452:¶

(1) Subject to the approval of the Attorney General, an officer or employee of the Board is authorized to appear on behalf of the Board in Administrative Hearings, as designated by the Board.¶

(2) The Board representative may not make legal argument on behalf of the Board.¶

(a) "Legal Argument" includes arguments on:¶

(A) The jurisdiction of the agency to hear contested cases.¶

(B) The constitutionality of a statute or rule or the application of a constitutional requirement to an agency; and¶

(C) The application of court precedent to the facts of a particular contested case proceeding.¶

(b) "Legal Argument" does not include presentation of motions, evidence, examination and cross-examination of witnesses or presentation of factual argument or arguments on:¶

(A) The application of the statutes or rules to the facts in the contested case;¶

(B) Comparison of prior actions of the agency in handling similar situations;¶

(C) The literal meaning if the statutes or rules directly applicable to the issues in the contested case;¶

(D) The admissibility of evidence; and¶

(E) The correctness of procedures being followed in the contested case hearing.

Statutory/Other Authority: ORS 183.452, ORS 822.265

Statutes/Other Implemented: ORS 183.452, ORS 822.265

ADOPT: 750-001-0050

RULE SUMMARY: The State Board of Towing was created during the 2021 legislative session under SB300. The Board is adopting the Model Rules for Civil Penalties so that it may implement ORS 98.853 to ORS 98.862 and other laws assigned by to the Board as required in ORS 822.265.

CHANGES TO RULE:

750-001-0050

Civil Penalty Procedures.

The State Board of Towing adopts the Attorney General's Model Rules of Procedure for Civil Penalty and related procedures and processes under ORS 183.745, except to the extent the Model Rules conflict with or are modified by the Board's administrative rules under OAR Chapter 750.

Statutory/Other Authority: ORS 183.745, ORS 183.745

Statutes/Other Implemented: ORS 183.745, ORS 183.745

ADOPT: 750-010-0001

RULE SUMMARY: The State Board of Towing was created during the 2021 legislative session under SB300. The Board is adopting Administrative Rules so that the Board may implement ORS 98.853 to ORS 98.862 and other laws assigned by to the Board as required in ORS 822.265.

CHANGES TO RULE:

750-010-0001

Definitions.

As used in OAR Chapter 750:

(1) "Administrator" means the Board Administrative Officer.

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

(3) "Compensation" means something given or received as payment including, but not limited to bartering, tips, monies, donations, or services.

(4) "Conflict of interest" means a situation in which a person is in a position to derive personal benefit from actions or decisions made in their official capacity.

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

(6) "Initial tow" means services provided by a tow operator including, but not limited to, collisions, incidents, disableds, and impound requests, resulting from an original call, on a particular vehicle, received by the Towing Business or Tow Operator.

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

(8) "ODOT" means Oregon Dept. of Transportation.

(9) "OSP" means Oregon State Police.

(10) "Predatory Towing" means illegal or unethical towing practices including, but not limited to, charging exorbitant fees, refusing the owner access to personal items in the vehicle during business hours, removing vehicles without a contract or a direct dispatch, and falsification of documents or records.

(11) "Professional relationship" means the relationship established when a towing business or tow operator contracts with a client, verbally or in writing, to provide any service associated with the towing industry.

(12) "Professional role" means assuming the demands and responsibilities of professional authority by taking charge of the conditions which create and maintain client safety and trust in the professional-client relationship.

(13) "Respondent" means the person to whom a formal enforcement action is issued.

(14) "Secondary tow" means towing services from a tow business or tow operator's storage facility or place of business to another location designated by the owner/agent of a vehicle.

(15) "Special Committee" means a standing, special, ad hoc, or sub-committee created to carry on the work of the Board.

(16) "Tower" or "Tow Operator" means an individual who operates a tow truck for compensation, which may include the impounding, transporting, or storage of unauthorized vehicles, or the disposal of abandoned vehicles.

(17) "Towing Business" means an individual, partnership, corporation, or other business entity that owns or operates a tow truck for commercial purposes.

(18) "Towing Certificate" means a towing business certificate issued under ORS 822.205.

(19) "Tow Truck" means a motor vehicle operating for compensation that is 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 truck owner or operator's business profits or benefits in any way from towing a vehicle, the tow truck must be considered a tow truck under OAR Chapter 750.

(20) "Unprofessional or dishonorable conduct" means a behavior, practice or condition that is contrary to the ethical and professional standards adopted by the Board.

Statutory/Other Authority: ORS 822.265

Statutes/Other Implemented: ORS 822.265

ADOPT: 750-010-0010

RULE SUMMARY: The State Board of Towing was created during the 2021 legislative session under SB300. The Board is adopting Administrative Rules so that the Board may impose fees required to implement ORS 98.853 to ORS 98.862 and other laws assigned by to the Board as required in ORS 822.265.

CHANGES TO RULE:

750-010-0010

Fees.

(1) The State Board of Towing shall impose a fee of \$100 on any person holding or applying for a towing business certificate in the State of Oregon, pursuant to ORS 822.285 (3). The fee:¶

(a) Shall be collected during the application process for issuance or renewal of a Tow Business Certificate as described in ORS 822.200 to 822.215 and OAR 735-154-0010.¶

(b) Fees paid to the Board under this section does not preclude the certification requirements under ORS 822.205.¶

(2) Fees collected under OAR 750-010-0010 shall be deposited into the State Board of Towing Account established under ORS 822.270.¶

(3) Whenever a bank check, credit, or debit transaction in payment of an obligation to, or service provided by, the Board is dishonored by the bank upon which the check is drawn, the authorization holder must pay a \$35 administrative processing "NSF" fee to the Board. The Board may take other disciplinary action against an authorization holder or payer and may seek other legal remedies to collect the returned items.¶

(4) Fees paid to the State Board of Towing are nonrefundable.

Statutory/Other Authority: ORS 822.265, ORS 822.285 (3)

Statutes/Other Implemented: ORS 822.265, ORS 822.285 (3)

ADOPT: 750-010-0030

RULE SUMMARY: The State Board of Towing was created during the 2021 legislative session under SB300. The Board is adopting Administrative Rules so that the Board may implement ORS 98.853 to ORS 98.862 and other laws assigned by to the Board as required in ORS 822.265.

CHANGES TO RULE:

750-010-0030

Fiscal.

The State Board of Towing fiscal year shall be a twelve-month period beginning July 1 of one year and ending June 30 of the following year.

Statutory/Other Authority: ORS 822.265

Statutes/Other Implemented: ORS 822.265

ADOPT: 750-010-0040

RULE SUMMARY: The State Board of Towing was created during the 2021 legislative session under SB300. The Board is adopting Administrative Rules defining contracts for personal services which may be requires to implement ORS 98.853 to ORS 98.862 and other laws assigned by to the Board as required in ORS 822.265.

CHANGES TO RULE:

750-010-0040

Contracts and Procurement.

The State Board of Towing may contract for consultant personal services when: ¶

(1) The specialized skills, knowledge, and resources are not available within the Board or its staff; ¶

(2) The work cannot be done in a reasonable time with the Board's own work force; ¶

(3) An independent and impartial evaluation of a situation is required by a consultant with recognized professional expertise and stature in a field; or ¶

(4) It will be less expensive to contract for the work.

Statutory/Other Authority: ORS 822.265

Statutes/Other Implemented: ORS 822.265

ADOPT: 750-010-0050

RULE SUMMARY: The State Board of Towing was created during the 2021 legislative session under SB300. The Board is adopting Administrative Rules to inform the public of its public meeting policies and to comply with public meeting requirements so that it may implement ORS 98.853 to ORS 98.862 and other laws assigned by to the Board as required in ORS 822.265.

CHANGES TO RULE:

750-010-0050

Board Meetings.

(1) The State Board of Towing shall hold regular public Board Meetings at least once every fiscal quarter.¶

(2) Regularly scheduled Public Board Meetings shall be noticed to the public a minimum of ten (10) calendar days before the scheduled date of the meeting by:¶

(a) Posting on the Board website; and¶

(b) Posting on the Public Calendar of the Oregon Transparency website; and¶

(c) By distributing a copy of the Notice by electronic mail to persons on the Board's mailing list.¶

(3) The Board shall hold emergency or special meetings at the request of the Chair, Vice Chair, any Board member, or the Board Administrator to address emergency or time-sensitive board matters or business, noticed to the public a minimum of three (3) calendar days before the scheduled date of the meeting by the same means described in OAR 750-010-0040 (2).¶

(4) In case of an emergency, a meeting may be held pursuant to ORS 192.640.

Statutory/Other Authority: ORS 192.620, ORS 822.255 (5), ORS 822.265

Statutes/Other Implemented: ORS 192.620, ORS 822.255 (5), ORS 822.265

ADOPT: 750-010-0060

RULE SUMMARY: The State Board of Towing was created by SB300 in 2021. The Board is creating its operational rules pursuant to ORS 822.265.

CHANGES TO RULE:

750-010-0060

Annual Business Work Session.

The State Board of Towing will hold an annual business meeting and work session every fiscal year.

Statutory/Other Authority: ORS 822.265

Statutes/Other Implemented: ORS 822.265

ADOPT: 750-010-0080

RULE SUMMARY: The State Board of Towing was created during the 2021 legislative session under SB300. The Board is adopting Administrative Rules defining Board Member Assignments which may be required so that the Board may implement ORS 98.853 to ORS 98.862 and other laws assigned by to the Board as required in ORS 822.265.

CHANGES TO RULE:

750-010-0080

Board Member Assignments.

(1) State Board of Towing members may be assigned, individually or as a committee, to a task or project by volunteering or by Board vote during a public meeting.¶

(2) No more than three (3) active Board Members shall be assigned to any one committee.¶

(3) The scope of the Board Member Assignments is limited to research, evaluation, or information gathering for presentation and recommendation to the Board unless otherwise approved by the Board.

Statutory/Other Authority: ORS 822.265

Statutes/Other Implemented: ORS 822.265

ADOPT: 750-010-0090

RULE SUMMARY: The State Board of Towing was created during the 2021 legislative session under SB300. The Board is adopting Administrative Rules to inform the public of the Board's use of Committees and Sub-Committees as required to implement ORS 98.853 to ORS 98.862 and other laws assigned by to the Board as required in ORS 822.265.

CHANGES TO RULE:

750-010-0090

Board Committees and Subcommittees

(1) Special Committees may be created by the State Board of Towing to research, study, or evaluate various aspects of policy, programs, or projects for the purpose of recommendation of courses of action to the Board. ¶

(2) A Special Committee may exist as long as there remains concern by the Board for the assigned area of interest, conclusion of the Special Committee Assignment, or until disbanded by vote of the Board during public session of a regularly scheduled board meeting. ¶

(3) Special Committees shall consist of three (3) or more members, including one (1) Board member assigned as the Board's representative and liaison, except as provided under ORS 183.333 (8).

Statutory/Other Authority: ORS 822.265

Statutes/Other Implemented: ORS 822.265

ADOPT: 750-010-0100

RULE SUMMARY: The State Board of Towing was created during the 2021 legislative session under SB300. The Board is adopting Administrative Rules related to Board Staff so that the Board may implement ORS 98.853 to ORS 98.862 and other laws assigned by to the Board as required in ORS 822.265.

CHANGES TO RULE:

750-010-0100

Board Staff.

(1) The State Board of Towing shall appoint an Administrative Officer, approved by the Governor of the State of Oregon, to serve as the Administrator of the Board.¶

(2) The Administrator shall be responsible for the general administration and implementation of the Board's affairs in accordance with the general policies established by the Oregon Statutes, Oregon Administrative Rules, and the Board's policies and direction.¶

(3) A formal review of performance of the Administrator shall be conducted at the Board's annual meeting and work session.¶

(4) The Administrator shall have signature authority for correspondence, notices of proposed actions, final orders, other disciplinary actions, subpoenas, and other signature authority as defined and delegated by the Board.

Statutory/Other Authority: ORS 822.260, ORS 822.265

Statutes/Other Implemented: ORS 822.260, ORS 822.265

ADOPT: 750-010-0110

RULE SUMMARY: The State Board of Towing was created during the 2021 legislative session under SB300. The Board is adopting Administrative Rules to inform the public of its public records policies to comply with public records laws.

CHANGES TO RULE:

750-010-0110

Public Records Requests.

(1) Anyone may request disclosure of a public record for which the State Board of Towing is the custodian by submitting a written request in person, via mail, email, or fax. ¶

(2) A request for public records must include:¶

(a) The name, mailing address, email address, and telephone number, if any, of the requestor;¶

(b) A sufficiently detailed description of the record(s) requested, including the identification, description, type, and format of the public record, if known to the requestor; and¶

(c) The signature of the requestor and date of request.¶

(3) The Board may charge a reasonable fee for public record requests under ORS 192.324(4), calculated to reimburse the Board for actual costs of locating, producing, and providing copies of public records. ¶

(a) A cost estimate will be provided to the requestor before the production of any records, other than those records that will be provided at no cost.¶

(b) All fees must be paid in advance of releasing the requested public records for inspection or before photocopies are provided. Payments must be made by check or money order and made payable to the State Board of Towing.

Statutory/Other Authority: ORS 192.324, ORS 822.265

Statutes/Other Implemented: ORS 192.324, ORS 822.265

ADOPT: 750-010-0120

RULE SUMMARY: The State Board of Towing was created during the 2021 legislative session under SB300. The Board is adopting Administrative Rules so that it may implement ORS 98.853 to ORS 98.862 and other laws assigned by to the Board as required in ORS 822.265.

CHANGES TO RULE:

750-010-0120

Severability.

These rules are severable. If any rule under OAR Chapter 750, or part thereof or the application of such rule to any person or circumstance is declared invalid, that invalidity shall not affect the validity of any remaining portion of the rules of the Board under OAR Chapter 750.

Statutory/Other Authority: ORS 822.265

Statutes/Other Implemented: ORS 822.265

ADOPT: 750-040-0001

RULE SUMMARY: The State Board of Towing was created during the 2021 legislative session under SB300. The Board is adopting Administrative Rules necessary for the administration of the laws that the board is charged with administering and to implement ORS 98.853 to ORS 98.862 as required in ORS 822.265.

CHANGES TO RULE:

750-040-0001

Violations.

The State Board of Towing may impose a civil penalty or take other disciplinary action for violation of ORS 822.265: ORS 98.853, 98.854, 98.856, 98.858, 181A.350, 822.200, 822.215, 822.225, 822.230, 822.235 or 822.605, hereinafter collectively referred to as "statutes."

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

Statutes/Other Implemented: ORS 822.265, ORS 822.280, ORS 822.290, ORS 822.995

ADOPT: 750-040-0020

RULE SUMMARY: The State Board of Towing was created during the 2021 legislative session under SB300. The Board is adopting Administrative Rules necessary for the administration of the laws that the board is charged with administering and to implement ORS 98.853 to ORS 98.862 as required in ORS 822.265.

CHANGES TO RULE:

750-040-0020

Separate Violations.

Each violation of a State Board of Towing statute, an administrative rule adopted by the Board, or an Order issued by the Board, is a separate violation subject to separate Board disciplinary actions, including civil penalties assessed by the Board.

Statutory/Other Authority: ORS 822.265, ORS 822.995

Statutes/Other Implemented: ORS 822.265, ORS 822.995

ADOPT: 750-040-0040

RULE SUMMARY: The State Board of Towing was created during the 2021 legislative session under SB300. The Board is adopting Administrative Rules necessary for the administration of the laws that the board is charged with administering and to implement ORS 98.853 to ORS 98.862 as required in ORS 822.265.

CHANGES TO RULE:

750-040-0040

Enforcement.

(1) The State Board of Towing may issue a Notice of Proposed Disciplinary Action for violation(s) of the Board's statutes or administrative rules adopted by the Board.

(2) The Board Administrator or the Administrator's designee shall have the authority to negotiate and approve a stipulated settlement at any time prior to the effective date of a Final Order by the Board.

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

Statutes/Other Implemented: ORS 822.265, ORS 822.280, ORS 822.290, ORS 822.995

ADOPT: 750-060-0001

RULE SUMMARY: The State Board of Towing was created during the 2021 legislative session under SB300. The Board is adopting Administrative Rules necessary for the administration of the laws that the board is charged with administering and to implement ORS 98.853 to ORS 98.862 as required in ORS 822.265.

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 industry;

(b) Establishing professional industry standards;

(c) Investigating complaints and concerns of the public regarding the towing industry; and

(d) Enforcing the laws and 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 towing and recovery for compensation is essential.

(b) Encouragement of a competitive and qualified 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.

Statutory/Other Authority: ORS 822.265

Statutes/Other Implemented: ORS 822.265

ADOPT: 750-060-0010

RULE SUMMARY: The State Board of Towing was created during the 2021 legislative session under SB300. The Board is adopting Administrative Rules necessary for the administration of the laws that the board is charged with administering and to implement ORS 98.853 to ORS 98.862 as required in ORS 822.265.

CHANGES TO RULE:

750-060-0010

Consumer Protection Committee.

(1) The State Board of Towing may appoint a Consumer Protection Committee comprised of three Board Members, but no more than two industry members to:

(a) Provide direction and consultation to Board Staff; and

(b) Make recommendations for action to the Board when necessary.

(2) Any Board member or Board staff member who has a conflict of interest with respect to any complaint shall declare the conflict and shall not participate in any Committee activity concerning the complaint.

Statutory/Other Authority: ORS 822.265

Statutes/Other Implemented: ORS 822.265

ADOPT: 750-060-0020

RULE SUMMARY: The State Board of Towing was created during the 2021 legislative session under SB300. The Board is adopting Administrative Rules necessary for the administration of the laws that the board is charged with administering and to implement ORS 98.853 to ORS 98.862 as required in ORS 822.265.

CHANGES TO RULE:

750-060-0020

Complaints.

(1) Any person, business, agency, or other entity may file a complaint with the State Board of Towing regarding the conduct of a tow business certificate holder, its employer or representative, an individual tow operator, or any person or business representing themselves as a tow business, a tow operator, or engaging in the practice of towing in the State of Oregon.

(2) Complaints made to the Board shall be in writing, and include a detailed explanation of:

(a) The approximate date, time, and location of the adverse event or subject of the complaint.

(b) A description of the conduct or events that occurred.

(c) A description of damage or loss suffered by Complainant.

(d) Copies, if available, of any pictures, receipts, correspondence, or other documentation supporting the allegations of the Complaint.

(3) Complainants shall not be considered a party to a Board compliance case or disciplinary action.

(4) Complaints will be initially reviewed by the Board Administrator to:

(a) Assess Board jurisdiction and authority to address the issue(s) raised; and

(b) To assure there is sufficient evidence to justify proceeding to investigate and to determine if the allegations against the Respondent are such that, if proven, could result in disciplinary action being imposed by the Board.

(5) Written acknowledgement of a complaint and the result of the initial review will be sent to the Complainant within thirty (30) calendar days from the receipt of the complaint.

(6) Complaints and initial response will be presented during Executive Session of the next regularly scheduled meeting of the Board.

(7) Any Board member or Board staff member who has a conflict of interest with respect to any complaint shall declare the conflict and shall not participate in the investigation, disposition, or any other activity concerning the complaint.

Statutory/Other Authority: ORS 822.265

Statutes/Other Implemented: ORS 822.265

ADOPT: 750-070-0001

RULE SUMMARY: The State Board of Towing was created during the 2021 legislative session under SB300. The Board is adopting Administrative Rules necessary for the administration of the laws that the board is charged with administering and to implement ORS 98.853 to ORS 98.862 as required in ORS 822.265.

CHANGES TO RULE:

750-070-0001

Purpose of Investigations.

The purpose of an investigation conducted by the State Board of Towing is to:

(1) Investigate the allegations of a complaint; or

(2) Investigate information indicating potential violations of Oregon's laws and rules regulating the towing industry; or

(3) Verify compliance with Oregon's laws and rules regulating the towing industry or with any Order issued by this Board or another Oregon jurisdiction; and

(4) Obtain sufficient, credible, and verifiable evidence of violation of the laws or rules administered by the State Board of Towing to justify issuance sanctions or such other action as the circumstances may warrant.

Statutory/Other Authority: ORS 822.265

Statutes/Other Implemented: ORS 822.265

ADOPT: 750-070-0010

RULE SUMMARY: The State Board of Towing was created during the 2021 legislative session under SB300. The Board is adopting Administrative Rules necessary for the administration of the laws that the board is charged with administering and to implement ORS 98.853 to ORS 98.862 as required in ORS 822.265.

CHANGES TO RULE:

750-070-0010

State Board of Towing Investigations

(1) The State Board of Towing may investigate a submitted Complaint when:¶

(a) The complaint subject appears to be within the Board's jurisdiction and authority, and ¶

(b) There is sufficient evidence to justify proceeding to investigate to determine if the allegations against the Respondent are such that, if proven, could result in disciplinary action being imposed by the Board.¶

(2) The Board Administrator oversees the investigation process on behalf of the State Board of Towing and serves as the primary point of contact.¶

(3) To the extent permitted by law, the Board will cooperate with other regulatory boards and other agencies when conducting an investigation.¶

(4) Nothing in this section is intended to limit the Board's authority to initiate and conduct investigations on the Board's own motion, supported by any basis deemed adequate by the Board.

Statutory/Other Authority: ORS 822.265

Statutes/Other Implemented: ORS 822.265

ADOPT: 750-070-0020

RULE SUMMARY: The State Board of Towing was created during the 2021 legislative session under SB300. The Board is adopting Administrative Rules necessary for the administration of the laws that the board is charged with administering and to implement ORS 98.853 to ORS 98.862 as required in ORS 822.265.

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 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 any person fails to comply with a subpoena issued under this section or refuses to testify on matters on which the person lawfully may be interrogated, the procedure set out in ORS 183.440 shall be followed to compel compliance.

Statutory/Other Authority: ORS 822.265, ORS 822.275

Statutes/Other Implemented: ORS 822.265, ORS 822.275

ADOPT: 750-070-0030

RULE SUMMARY: The State Board of Towing was created during the 2021 legislative session under SB300. The Board is adopting Administrative Rules necessary for the administration of the laws that the board is charged with administering and to implement ORS 98.853 to ORS 98.862 as required in ORS 822.265.

CHANGES TO RULE:

750-070-0030

Cooperation in Board Investigations.

(1) Every Tow Business Certificate holder, its representatives and employees having information regarding a possible violation of the rules or statutes 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 Business Certificate holder or its representative or employee to cooperate with a Board investigation is grounds for disciplinary action. ¶

(3) Cooperation in a Board investigation may include:¶

(a) Submitting client or business records, with or without a signed release by the client, during a Board investigation of the allegations presented in the Complaint; and¶

(b) Providing a complete case file at the request of the Board, excepting personal information protected by law; and¶

(c) Being available for a personal interview during a Board investigation during reasonable hours; and¶

(d) Responding to questions presented by the Board or the Board's investigator related to the investigation; and¶

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

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

(5) Written responses, records, or 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 mailed by USPS regular or by electronic mail, unless an extension is authorized by the Board Administrator.¶

(6) 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.

Statutory/Other Authority: ORS 822.265, ORS 822.275

Statutes/Other Implemented: ORS 822.265, ORS 822.275

ADOPT: 750-070-0040

RULE SUMMARY: The State Board of Towing was created during the 2021 legislative session under SB300. The Board is adopting Administrative Rules necessary for the administration of the laws that the board is charged with administering and to implement ORS 98.853 to ORS 98.862 as required in ORS 822.265.

CHANGES TO RULE:

750-070-0040

Investigation Reports.

(1) The purpose of an investigation report is to provide the Board with enough information to determine whether one or more violations of statutes and rules occurred and to take action when appropriate.¶

(2) An investigation report will be completed and submitted to the Board within 120 days after the Board receives the complaint. ¶

(a) The Board may extend the time for submitting the report by up to 30 days for just cause after case review and Board vote. ¶

(b) The Board may grant more than one extension of time.¶

(3) The Investigation Report, exhibits, and other information related to the case will be reviewed by the Board during Executive Session at a scheduled board meeting. ¶

(a) The Board shall evaluate all evidence obtained during the investigation, including the original complaint, and any documents or comments received from the Complainant, Respondent, law enforcement, or other parties.¶

(b) If the evidence is insufficient to justify further proceedings, the Complainant and Respondent shall be so notified in writing.¶

(c) If the evidence is sufficient to justify further proceedings, the Board will consider and take appropriate action during public session of a regular or special meeting.¶

(4) Investigatory information obtained during a Board investigation or contained in a written report to the Board is confidential and shall be exempt from public disclosure unless otherwise required by law.¶

(5) Investigation Reports, Incident Reports or official documents submitted by a law enforcement agency, a Municipal, Justice, or County Court, state regulatory agencies, or another official commission, board, or agency may be accepted by the Board as a Board Investigation Report.

Statutory/Other Authority: ORS 822.265

Statutes/Other Implemented: ORS 822.265

ADOPT: 750-070-0050

RULE SUMMARY: The State Board of Towing was created during the 2021 legislative session under SB300. The Board is adopting Administrative Rules necessary for the administration of the laws that the board is charged with administering and to implement ORS 98.853 to ORS 98.862 as required in ORS 822.265.

CHANGES TO RULE:

750-070-0050

Board Actions After Investigations.

Upon completion of an investigation the Board may do any of the following:¶

(1) Close the investigation and take no action.¶

(2) Issue a letter of concern, reprimand, or instruction.¶

(3) Issue a Notice of Proposed Action proposing disciplinary action.¶

(4) Enter into a stipulated agreement with the Respondent to impose discipline.¶

(5) Take such other disciplinary action as the Board, in its discretion, finds proper and reasonable, including assessment of a civil penalty under the Board's Civil Penalty Fee Schedule, OAR 750-080-0040.

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

Statutes/Other Implemented: ORS 822.265, ORS 822.280, ORS 822.290, ORS 822.995

ADOPT: 750-080-0001

RULE SUMMARY: The State Board of Towing was created during the 2021 legislative session under SB300. The Board is adopting Administrative Rules necessary for the administration of the laws that the board is charged with administering and to implement ORS 98.853 to ORS 98.862 as required in ORS 822.265.

CHANGES TO RULE:

750-080-0001

Progressive Discipline.

(1) The goal of progressive discipline is to correct unprofessional behavior and conduct, deter a person or entity from repeating the conduct, and educate the person or entity to improve compliance with applicable statutes and rules. ¶

(2) Progressive discipline includes increasingly severe steps or measures against a person, persons, or entity when there is a failure to correct inappropriate behavior, conduct, or when subsequent instances of inappropriate behavior and conduct occur. ¶

(3) The Board will evaluate relevant and mitigating factors to determine whether to issue a non-disciplinary educational letter of advice or letter of concern, or to issue discipline through reprimand, suspension, revocation, or civil penalties. ¶

(4) Any disciplinary action taken by the Board will be in accordance with ORS chapter 183.

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

Statutes/Other Implemented: ORS 822.265, ORS 822.280, ORS 822.290, ORS 822.995

ADOPT: 750-080-0020

RULE SUMMARY: The State Board of Towing was created during the 2021 legislative session under SB300. The Board is adopting Administrative Rules necessary for the administration of the laws that the board is charged with administering and to implement ORS 98.853 to ORS 98.862 as required in ORS 822.265.

CHANGES TO RULE:

750-080-0020

Mitigating Circumstances.

The State Board of Towing may consider the following mitigating circumstances prior to issuing or imposing a non-disciplinary or disciplinary action under this section:¶

(1) The person or entity's history in observing the provisions 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 and the rules of the Board under OAR Chapter 750.¶

(2) The nature of the violation.¶

(3) The effect of the violation on public safety and welfare.¶

(4) Whether the conduct was inadvertent or intentional.¶

(5) The person's experience and education.¶

(6) The degree to which the action subject to sanction violates professional ethics and standards of the profession.¶

(7) The level of cooperation and engagement in the Board's investigation.¶

(8) The economic and financial condition of the person subject to sanction. ¶

(9) Any mitigating or aggravating factors that the Board may choose to consider.

Statutory/Other Authority: ORS 822.265, ORS 822.995

Statutes/Other Implemented: ORS 822.265, ORS 822.995

ADOPT: 750-080-0030

RULE SUMMARY: The State Board of Towing was created during the 2021 legislative session under SB300. The Board is adopting Administrative Rules necessary for the administration of the laws that the board is charged with administering and to implement ORS 98.853 to ORS 98.862 as required in ORS 822.265.

CHANGES TO RULE:

750-080-0030

Disciplinary Actions and Sanctions.

(1) The 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 or ORS 822.280.¶

(2) The Board may order the Department of State Police to deny, suspend, condition or revoke a letter of appointment to participate on the rotational list of towing businesses established pursuant to ORS 822.290.¶

(3) The Board may assess against a person or entity a civil penalty under ORS 822.995 according to the Civil Penalty Schedule under OAR 750-080-0040.¶

(4) The Board may assess reasonable costs of a disciplinary proceeding against the Responsible Party. Costs may include, but are not limited to:¶

(a) Costs and fees incurred by the Board in conducting the investigation.¶

(b) Attorney fees.¶

(c) Costs assessed by the Office of Administrative Hearings if the Board prevails at a contested case hearing requested by Respondent.

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

Statutes/Other Implemented: ORS 822.265, ORS 822.280, ORS 822.290, ORS 822.995

ADOPT: 750-080-0040

RULE SUMMARY: The State Board of Towing was created during the 2021 legislative session under SB300. The Board is adopting Administrative Rules necessary for the administration of the laws that the board is charged with administering and to implement ORS 98.853 to ORS 98.862 as required in ORS 822.265.

CHANGES TO RULE:

750-080-0040

Civil Penalty Schedule.

(1) 1st offense: \$0 - \$500¶

(2) 2nd offense: \$500 - \$1000¶

(3) 3rd offense: \$1000 - \$2500¶

(4) Additional offenses: Additional civil penalties, in an amount up to \$25,000 per violation, as determined by the Board.¶

(5) The State Board of Towing may assess a civil penalty in an amount greater than the Civil Penalty Schedule when it is determined by the Board that a particular violation or conduct is especially egregious or severe causing unnecessary risk or harm to the public and others.¶

(6) In determining an appropriate penalty amount, the Board and may consider the following:¶

(a) The severity of the violation or its impact on the public;¶

(b) The number of similar or related violations;¶

(c) Whether a violation was willful or intentional;¶

(d) The prior history of all civil penalties and sanctions imposed by against the dismantler or principals of the dismantler business;¶

(e) Other circumstances determined by the Board to be applicable to the particular violation.

Statutory/Other Authority: ORS 822.265, ORS 822.995

Statutes/Other Implemented: ORS 822.265, ORS 822.995

ADOPT: 750-080-0050

RULE SUMMARY: The State Board of Towing was created during the 2021 legislative session under SB300. The Board is adopting Administrative Rules necessary for the administration of the laws that the board is charged with administering and to implement ORS 98.853 to ORS 98.862 as required in ORS 822.265.

CHANGES TO RULE:

750-080-0050

Effective Dates of Disciplinary Actions.

(1) The State Board of Towing will forward a Final Order to deny, suspend, revoke or refuse to renew a towing business certificate to the Department of Transportation 60 days after the date of a Final Order pursuant to ORS 822.280.¶

(2) The Board will forward a Final Order to deny, suspend, revoke or refuse to renew a to the Oregon State Police 60 days after the date of a Final Order pursuant to ORS 822.290.¶

(3) A Civil Penalty and reasonable cost imposed by the Board under a Final Order becomes due and payable 10 days after the Notice imposing the civil penalty becomes a Final Order.¶

(4) Civil Penalties and reasonable costs not paid within 60 days of the date of a Final Order will be referred to the Oregon Dept. of Revenue for collection pursuant to ORS 293.231.¶

(5) Terms of Conditions under a Stipulated Agreement and Final Order or Voluntary Surrender of Certification are effective on the date of the Respondent's signature unless otherwise specifically defined in the written agreement.¶

(6) A Stipulated Agreement and Final Order, Voluntary Surrender, or other agreement between the Board and a Respondent settling a disciplinary case under terms and conditions requires Board ratification and approval.

Statutory/Other Authority: ORS 293.231, ORS 822.265, ORS 822.280, ORS 822.290, ORS 822.995

Statutes/Other Implemented: ORS 293.231, ORS 822.265, ORS 822.280, ORS 822.290, ORS 822.995

ADOPT: 750-080-0060

RULE SUMMARY: The State Board of Towing was created during the 2021 legislative session under SB300. The Board is adopting Administrative Rules necessary for the administration of the laws that the board is charged with administering and to implement ORS 98.853 to ORS 98.862 as required in ORS 822.265.

CHANGES TO RULE:

750-080-0060

Severability.

If any provision of a proposed or final Board disciplinary action is found to be invalid or unenforceable as such, such invalidity or unenforceability shall not affect any other provision the Board's disciplinary action and such other provisions under the disciplinary action shall continue in full force and effect.

Statutory/Other Authority: ORS 822.265

Statutes/Other Implemented: ORS 822.265

Oregon State Board of Towing Timeline for Board Administrative Rules Effective January 1, 2024

- *July 12, 2023*: Need for operational and other administrative rules identified during a public Board meeting.
- *July – September, 2023*: Research conducted and rule language drafted by Board staff.
- *August 14, 2023*: Special Public Meeting held for Board consideration of the certification fee under ORS
- *September 11 – 19*: Announcements for the September 19th meeting mailed, emailed, and posted on the State Public Meetings Calendar.
- *September 19th Board Meeting*: Public review of language for proposed OARs; public input solicited. Board vote to forward proposed rules to hearing.
- *September 19, 2023*: Notice of Proposed Rules Hearing and proposed rules filed with the Secretary of State's Office.
- *October 2, 2023*:
 - Notices of Proposed Rules and Rules Hearing published in the Secretary of State's Bulletin;
 - Notice of Proposed Administrative Rules Hearing posted on Oregon's public meeting calendar,
 - Notice of Proposed Administrative Rules Hearing sent to the Board's email subscription list, to DMV divisions, the 36 Oregon County Sheriff Depts.,
- *October 25, 2023*: 10:00 a.m. Proposed Rules Hearing
- *October 25, 2023*: 11:00 a.m. Special Board meeting to consider public comments received from the general public/stakeholders/interested parties, etc.
- TBD: Board votes to adopt Administrative Rules.
- *2-3 days after the Board vote*: Final rules are "finalized" with the Secretary of State's office.
- *October 30, 2023* – Deadline for "Go – No Go" to DMV groups for \$100 certificate fee.
- *January 1, 2024*: Effective date of proposed rules.
The \$100 additional fee will be collected together with the \$17 DMV certificate fee at the time tow business certificate applications/renewals are submitted.