

HOUSE AMENDMENTS TO HOUSE BILL 3186

By JOINT COMMITTEE ON TRANSPORTATION

May 27

1 On page 1 of the printed bill, line 2, after “Towing;” delete the rest of the line and insert “cre-
2 ating new provisions; and amending ORS 822.215, 822.250, 822.255, 822.260, 822.265, 822.270, 822.275,
3 822.280, 822.285, 822.290 and 822.995.”.

4 Delete lines 4 through 30 and delete page 2 and insert:

5 “**SECTION 1.** ORS 822.215 is amended to read:

6 “822.215. (1) The Department of Transportation may deny or refuse to issue any towing business
7 certificate under ORS 822.205 or may suspend, revoke or refuse to renew any towing business cer-
8 tificate issued upon proof that the applicant for or holder of the certificate has done any of the
9 following:

10 “(a) Used fraud or deception in securing the certificate.

11 “(b) Received in any manner or by any device any rebate or other additional fee for towing or
12 recovery from a person who performs repairs on a vehicle who does not also own the vehicle. This
13 paragraph does not prohibit the payment of the towing fee by a person who performs repairs on a
14 vehicle if the fee is included in the charges by that person for repairs on the vehicle.

15 “(c) Used vehicles for the purposes of towing or recovering services that did not meet the min-
16 imum safety standards established by the department.

17 “(d) Failed to display special towing business registration plates, stickers or indicia or identifi-
18 cation devices for proportionally registered tow vehicles authorized under ORS 805.200 on each ve-
19 hicle used to tow or recover vehicles.

20 “(e) Failed to maintain the amounts and types of insurance required to qualify for issuance of
21 a towing business certificate under ORS 822.205.

22 “(f) Failed to obtain any permits or authority required under any provision of ORS chapter 825
23 or rules adopted thereunder.

24 “(g) Violated any provision of ORS 98.853, 98.854, 98.856 or 98.858 or a rule adopted under ORS
25 822.265.

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

28 “**SECTION 2.** ORS 822.250 is amended to read:

29 “822.250. *[(1) The State Board of Towing is established within the Department of*
30 *Transportation.]*

31 “[~~(2)~~] (1) The **Oregon** State Board of Towing [*consists*] **is established, consisting** of nine
32 members appointed by the Governor as follows:

33 “(a) One tower who holds a towing business certificate issued under ORS 822.205 and who re-
34 presents a city in Oregon with a population of 100,000 or more;

35 “(b) One tower who holds a towing business certificate issued under ORS 822.205 and who re-

1 presents a city in Oregon with a population of less than 100,000;

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

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

7 “(e) One member who represents the insurance industry **with specialized knowledge of prop-**
8 **erty and casualty insurance as it affects the towing industry;**

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

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

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

14 “(i) One member who is a consumer advocate.

15 “[~~(3)~~] **(2)** All members of the board must be residents of Oregon.

16 “[~~(4)~~] **(3)** The term of office of each member of the board is four years, but a member serves at
17 the pleasure of the Governor. Before the expiration of the term of a member, the Governor shall
18 appoint a successor whose term begins on July 1 next following. A member is eligible for reap-
19 pointment. If there is a vacancy for any cause, the Governor shall make an appointment to become
20 immediately effective for the unexpired term.

21 “[~~(5)~~] **(4)** A member of the board is entitled to compensation and expenses as provided in ORS
22 292.495.

23 “**SECTION 3.** ORS 822.255 is amended to read:

24 “822.255. (1) The **Oregon** State Board of Towing shall select one of its members as chairperson
25 and another as vice chairperson, for terms and with duties and powers necessary for the perform-
26 ance of the functions of the offices as the board determines.

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

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

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

36 “(5) The board shall meet at least once a quarter at a time and place determined by the board.
37 The board shall also meet at such other times and places as are specified by the call of the chair-
38 person, vice chairperson or administrative officer.

39 “**SECTION 4.** ORS 822.260 is amended to read:

40 “822.260. (1) The **Oregon** State Board of Towing shall appoint an administrative officer to serve
41 at the pleasure of the Governor. The determination of qualifications of the administrative officer and
42 appointment of the administrative officer shall be made by the board after consulting with the
43 Governor.

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

45 “(3) The designation of the administrative officer must be by written order, filed with the Sec-

1 retary of State.

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

5 “(5) Subject to any applicable provisions of ORS chapter 240, the administrative officer shall
6 appoint all subordinate officers and employees of the board, prescribe their duties and fix their
7 compensation.

8 “**SECTION 5.** ORS 822.265 is amended to read:

9 “822.265. (1) In accordance with applicable provisions of ORS chapter 183, the **Oregon State**
10 Board of Towing may adopt rules:

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

12 “(b) To implement ORS 98.853 to 98.862.

13 “(2) The board may adopt a seal.

14 “**SECTION 6.** ORS 822.270 is amended to read:

15 “822.270. (1) The **Oregon State Board of Towing Account** is established in the State Treasury,
16 separate and distinct from the General Fund.

17 “(2) The account consists of the following:

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

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

20 “(c) Moneys from any other source.

21 “(3) Moneys in the account are continuously appropriated to the [*Department of*
22 *Transportation*] **Oregon State Board of Towing** to carry out the provisions of ORS 822.250 to
23 822.290 and 822.995.

24 “**SECTION 7.** ORS 822.275 is amended to read:

25 “822.275. The **Oregon State Board of Towing**, acting through its chairperson or vice chair-
26 person, may administer oaths, take depositions and issue subpoenas to compel the attendance of
27 witnesses and the production of documents or other written information necessary to carry out the
28 provisions of ORS 822.250 to 822.290 and 822.995. If any person fails to comply with a subpoena is-
29 sued under this section or refuses to testify on matters on which the person lawfully may be inter-
30 rogated, the procedure set out in ORS 183.440 shall be followed to compel obedience.

31 “**SECTION 8.** ORS 822.280 is amended to read:

32 “822.280. (1) As used in this section:

33 “(a) ‘Person’ includes individuals, public bodies as defined in ORS 174.109, corporations, firms,
34 associations, partnerships, limited liability companies, joint stock companies or any other business
35 entity created under law.

36 “(b) ‘Relative’ means an individual related within the third degree as determined by the common
37 law, a spouse, an individual related to a spouse within the third degree as determined by the com-
38 mon law or an individual in an adoptive relationship within the third degree as determined by the
39 common law.

40 “(2) In addition to any other penalty provided under ORS 822.215 and subject to ORS chapter
41 183, the **Oregon State Board of Towing** may order the Department of Transportation to deny, sus-
42 pend, revoke or refuse to renew a towing business certificate issued under ORS 822.205, if the per-
43 son holding or applying for the certificate:

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

45 “(b) Violates any provision of, or rules or ordinances adopted under, ORS 98.853, 98.854, 98.856,

1 98.858, 181A.350, 822.200, 822.215, 822.225, 822.230, 822.235 or 822.605;

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

4 “(d) Has performed work as a tower without the appropriate certification or letter of appoint-
5 ment to participate on the rotational list of towing businesses established under ORS 181A.350, or
6 has employed individuals to perform work as towers without appropriate certification or letter of
7 appointment;

8 “(e) Has advertised or otherwise held themselves out as being a certified towing business with-
9 out holding the appropriate certification;

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

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

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

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

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

20 “(3) A violation described in subsection (2) of this section for which the board orders that the
21 department deny, suspend, revoke or refuse to renew a certificate to perform work or conduct
22 business may be treated as a failure to be in conformance with ORS 822.250 to 822.290 and 822.995.

23 “(4) A person subject to discipline under this section is entitled to a contested case hearing in
24 accordance with ORS chapter 183.

25 “(5) The board is the agency responsible for providing notice and contested case hearing rights
26 under ORS chapter 183 to a person subject to discipline under this section.

27 “**SECTION 9.** ORS 822.285 is amended to read:

28 “822.285. (1) In carrying out its investigative and enforcement duties, functions and powers, and
29 notwithstanding any other provision of law, the **Oregon** State Board of Towing may procure ser-
30 vices and award a contract for the personal services of a subject matter expert, on a case-by-case
31 basis, in any manner deemed practical or convenient. The price of such contracts, including any
32 amendments, may not exceed \$25,000.

33 “(2) If the board has reason to believe that any person has been engaged or is engaging in any
34 violation of ORS 98.853, 98.854, 98.856, 98.858, 181A.350, 822.200, 822.215, 822.225, 822.230, 822.235,
35 822.250 to 822.290, 822.605 or 822.995 or any rule adopted under those statutes, or any order issued
36 by the board, the board may, without bond, bring suit in the name and on behalf of the State of
37 Oregon in the circuit court of any county of this state to enjoin the acts or practices and to enforce
38 compliance with ORS 98.853, 98.854, 98.856, 98.858, 181A.350, 822.200, 822.215, 822.225, 822.230,
39 822.235, 822.250 to 822.290, 822.605 or 822.995 or any rule adopted under those statutes, or any order
40 issued by the board. Upon a proper showing, a permanent or temporary injunction, restraining order
41 or writ of mandamus shall be granted.

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

1 “**SECTION 10.** ORS 822.290 is amended to read:

2 “822.290. (1) As used in this section:

3 “(a) ‘Person’ includes individuals, public bodies as defined in ORS 174.109, corporations, firms,
4 associations, partnerships, limited liability companies, joint stock companies or any other business
5 entity created under law.

6 “(b) ‘Relative’ means an individual related within the third degree as determined by the common
7 law, a spouse, an individual related to a spouse within the third degree as determined by the com-
8 mon law or an individual in an adoptive relationship within the third degree as determined by the
9 common law.

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

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

15 “(b) Violates any provision of, or rules or ordinances adopted under, ORS 98.853, 98.854, 98.856,
16 98.858, 181A.350, 822.200, 822.215, 822.225, 822.230, 822.235 or 822.605;

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

19 “(d) Has performed work as a tower without the appropriate certification or letter of appoint-
20 ment or has employed individuals to perform work as towers without appropriate certification or
21 letter of appointment;

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

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

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

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

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

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

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

38 “(4) A person subject to discipline under this section is entitled to a contested case hearing in
39 accordance with ORS chapter 183.

40 “(5) The board is the agency responsible for providing notice and contested case hearing rights
41 under ORS chapter 183 to a person subject to discipline under this section.

42 “**SECTION 11.** ORS 822.995 is amended to read:

43 “822.995. (1) In addition to any other penalty provided by law, any person who violates any
44 provision of ORS 98.853, 98.854, 98.856, 98.858, 181A.350, 822.200, 822.215, 822.225, 822.230, 822.235
45 or 822.605 or any rule adopted by the **Oregon** State Board of Towing is subject to payment of a civil

1 penalty to the board.

2 “(2) The board may adopt rules establishing a schedule of civil penalties that may be imposed
3 under this section. Civil penalties imposed under this section may not exceed \$25,000 for each vio-
4 lation.

5 “(3) Civil penalties under this section shall be imposed as provided in ORS 183.745.

6 “(4) In imposing a penalty pursuant to the schedule adopted under subsection (2) of this section,
7 the board shall consider the following factors:

8 “(a) The past history of the person incurring a penalty in taking all feasible steps or procedures
9 necessary or appropriate to correct any violation.

10 “(b) Any prior violations by the person incurring the penalty of statutes, rules or orders per-
11 taining to facilities.

12 “(c) The economic and financial conditions of the person incurring the penalty.

13 “(d) The immediacy and extent to which a violation threatens the public health or safety.

14 **“SECTION 12. Section 13 of this 2025 Act is added to and made a part of ORS 822.250 to**
15 **822.290.**

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

20 **“(a) Budget preparation services;**

21 **“(b) Daily processing for accounts payable, accounts receivable, payroll, receipts and**
22 **disbursements;**

23 **“(c) Records and inventory maintenance accounting services;**

24 **“(d) Financial management reports and revenue and expenditure projections;**

25 **“(e) Purchasing, leasing and contracting services;**

26 **“(f) Internal audit services;**

27 **“(g) Computer and information system services;**

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

29 **“(i) Human resource services; and**

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

31 **“(2) The board shall comply with applicable administrative rules adopted by the depart-**
32 **ment related to the services provided by the department under subsection (1) of this section.**

33 **“(3) The department may charge the board a fee for the services the department provides**
34 **under this section. The department shall calculate the rate of the fee using the same meth-**
35 **odology the department uses to calculate the central services assessment imposed within the**
36 **department for similar services.**

37 **“(4) At the request of the board, the department shall collect fees authorized under ORS**
38 **822.285 (3) and distribute the funds to the Oregon State Board of Towing Account established**
39 **under ORS 822.270. The department may deduct direct merchant fee costs and an adminis-**
40 **trative fee for the collection service prior to fund distribution.**

41 **“SECTION 14. The Oregon State Board of Towing Account is a continuation of the State**
42 **Board of Towing Account established by ORS 822.270. Moneys contained in the State Board**
43 **of Towing Account on the effective date of this 2025 Act are considered to be moneys in the**
44 **Oregon State Board of Towing Account.”.**