

# House Bill 3186

Sponsored by Representative SOSA (at the request of State Board of Towing) (Pre-session filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act says that the State Board of Towing is an independent agency. (Flesch Readability Score: 69.9).

Establishes the State Board of Towing as an independent board.

## A BILL FOR AN ACT

1  
2 Relating to the State Board of Towing; amending ORS 822.250, 822.270 and 822.285.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 822.250 is amended to read:

5 822.250. (1) The State Board of Towing is established [*within the Department of Transportation*].

6 (2) The State Board of Towing consists of nine members appointed by the Governor as follows:

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

9 (b) One tower who holds a towing business certificate issued under ORS 822.205 and who re-  
10 presents a city in Oregon with a population of less than 100,000;

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

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

16 (e) One member who represents the insurance industry;

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

18 (g) One member who is a chief of police or a county sheriff;

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

20 (i) One member who is a consumer advocate.

21 (3) All members of the board must be residents of Oregon.

22 (4) The term of office of each member of the board is four years, but a member serves at the  
23 pleasure of the Governor. Before the expiration of the term of a member, the Governor shall appoint  
24 a successor whose term begins on July 1 next following. A member is eligible for reappointment. If  
25 there is a vacancy for any cause, the Governor shall make an appointment to become immediately  
26 effective for the unexpired term.

27 (5) A member of the board is entitled to compensation and expenses as provided in ORS 292.495.

28 **SECTION 2.** ORS 822.270 is amended to read:

29 822.270. (1) The State Board of Towing Account is established in the State Treasury, separate  
30 and distinct from the General Fund.

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (2) The account consists of the following:

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

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

4 (c) Moneys from any other source.

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

7 **SECTION 3.** ORS 822.285 is amended to read:

8 822.285. (1) In carrying out its investigative and enforcement duties, functions and powers, and  
9 notwithstanding any other provision of law, the State Board of Towing may procure services and  
10 award a contract for the personal services of a subject matter expert, on a case-by-case basis, in any  
11 manner deemed practical or convenient. The price of such contracts, including any amendments, may  
12 not exceed \$25,000.

13 (2) If the board has reason to believe that any person has been engaged or is engaging in any  
14 violation of ORS 98.853, 98.854, 98.856, 98.858, 181A.350, 822.200, 822.215, 822.225, 822.230, 822.235,  
15 822.250 to 822.290, 822.605 or 822.995 or any rule adopted under those statutes, or any order issued  
16 by the board, the board may, without bond, bring suit in the name and on behalf of the State of  
17 Oregon in the circuit court of any county of this state to enjoin the acts or practices and to enforce  
18 compliance with ORS 98.853, 98.854, 98.856, 98.858, 181A.350, 822.200, 822.215, 822.225, 822.230,  
19 822.235, 822.250 to 822.290, 822.605 or 822.995 or any rule adopted under those statutes, or any order  
20 issued by the board. Upon a proper showing, a permanent or temporary injunction, restraining order  
21 or writ of mandamus shall be granted.

22 (3) The board, by rule, may impose a fee on any person holding or applying for a towing business  
23 certificate. The amount of the fee shall be established to recover expenses incurred by the board in  
24 carrying out ORS 822.250 to 822.290 and 822.995. Any fees collected under this subsection shall be  
25 deposited into the State Board of Towing Account established under ORS 822.270.

26 (4) **The Department of Transportation shall provide office facilities, administrative sup-**  
27 **port and technical assistance to the board.**

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