

Requested by Representative SOSA

**PROPOSED AMENDMENTS TO
HOUSE BILL 3186**

1 On page 1 of the printed bill, line 2, after “Towing;” delete the rest of the
2 line and insert “creating new provisions; and amending ORS 822.215, 822.250,
3 822.255, 822.260, 822.265, 822.270, 822.275, 822.280, 822.285, 822.290 and
4 822.995.”.

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

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

7 “822.215. (1) The Department of Transportation may deny or refuse to is-
8 sue any towing business certificate under ORS 822.205 or may suspend, re-
9 voke or refuse to renew any towing business certificate issued upon proof
10 that the applicant for or holder of the certificate has done any of the fol-
11 lowing:

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

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

18 “(c) Used vehicles for the purposes of towing or recovering services that
19 did not meet the minimum safety standards established by the department.

20 “(d) Failed to display special towing business registration plates, stickers
21 or indicia or identification devices for proportionally registered tow vehicles

1 authorized under ORS 805.200 on each vehicle used to tow or recover vehi-
2 cles.

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

5 “(f) Failed to obtain any permits or authority required under any pro-
6 vision of ORS chapter 825 or rules adopted thereunder.

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

9 “(2) After receiving an order from the **Oregon** State Board of Towing
10 under ORS 822.280, the department shall impose the disciplinary action re-
11 quested by the board.

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

13 “822.250. [(1) *The State Board of Towing is established within the Depart-*
14 *ment of Transportation.*]

15 “[2)] (1) The **Oregon** State Board of Towing [*consists*] **is established,**
16 **consisting** of nine members appointed by the Governor as follows:

17 “(a) One tower who holds a towing business certificate issued under ORS
18 822.205 and who represents a city in Oregon with a population of 100,000 or
19 more;

20 “(b) One tower who holds a towing business certificate issued under ORS
21 822.205 and who represents a city in Oregon with a population of less than
22 100,000;

23 “(c) One tower who holds a towing business certificate issued under ORS
24 822.205 and who has specialized knowledge in towing equipment and vehicles
25 with a gross vehicle weight rating of more than 44,000 pounds;

26 “(d) One tower who holds a towing business certificate issued under ORS
27 822.205 and who has specialized knowledge in towing vehicles with a gross
28 vehicle weight rating of 26,000 pounds or less;

29 “(e) One member who represents the insurance industry **with specialized**
30 **knowledge of property and casualty insurance as it affects the towing**

1 **industry;**

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

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

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

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

10 “[3] (2) All members of the board must be residents of Oregon.

11 “[4] (3) The term of office of each member of the board is four years,
12 but a member serves at the pleasure of the Governor. Before the expiration
13 of the term of a member, the Governor shall appoint a successor whose term
14 begins on July 1 next following. A member is eligible for reappointment. If
15 there is a vacancy for any cause, the Governor shall make an appointment
16 to become immediately effective for the unexpired term.

17 “[5] (4) A member of the board is entitled to compensation and expenses
18 as provided in ORS 292.495.

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

20 “822.255. (1) The **Oregon** State Board of Towing shall select one of its
21 members as chairperson and another as vice chairperson, for terms and with
22 duties and powers necessary for the performance of the functions of the of-
23 fices as the board determines.

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

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

28 “(4) No more than two members who are towers may vote on any matter.
29 The chairperson shall assign a rotation of voting members who are towers.
30 If an assigned member who is a tower has an actual or potential conflict of

1 interest in a matter before the board, the chairperson shall designate a dif-
2 ferent member who is a tower and who does not have an actual or potential
3 conflict of interest in the matter before the board to deliberate and vote on
4 that matter.

5 “(5) The board shall meet at least once a quarter at a time and place de-
6 termined by the board. The board shall also meet at such other times and
7 places as are specified by the call of the chairperson, vice chairperson or
8 administrative officer.

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

10 “822.260. (1) The **Oregon** State Board of Towing shall appoint an admin-
11 istrative officer to serve at the pleasure of the Governor. The determination
12 of qualifications of the administrative officer and appointment of the ad-
13 ministrative officer shall be made by the board after consulting with the
14 Governor.

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

16 “(3) The designation of the administrative officer must be by written or-
17 der, filed with the Secretary of State.

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

21 “(5) Subject to any applicable provisions of ORS chapter 240, the admin-
22 istrative officer shall appoint all subordinate officers and employees of the
23 board, prescribe their duties and fix their compensation.

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

25 “822.265. (1) In accordance with applicable provisions of ORS chapter 183,
26 the **Oregon** State Board of Towing may adopt rules:

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

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

30 “(2) The board may adopt a seal.

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

2 “822.270. (1) The **Oregon** State Board of Towing Account is established
3 in the State Treasury, separate and distinct from the General Fund.

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

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

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

7 “(c) Moneys from any other source.

8 “(3) Moneys in the account are continuously appropriated to the [*De-*
9 *partment of Transportation*] **Oregon State Board of Towing** to carry out the
10 provisions of ORS 822.250 to 822.290 and 822.995.

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

12 “822.275. The **Oregon** State Board of Towing, acting through its chair-
13 person or vice chairperson, may administer oaths, take depositions and issue
14 subpoenas to compel the attendance of witnesses and the production of doc-
15 uments or other written information necessary to carry out the provisions
16 of ORS 822.250 to 822.290 and 822.995. If any person fails to comply with a
17 subpoena issued under this section or refuses to testify on matters on which
18 the person lawfully may be interrogated, the procedure set out in ORS
19 183.440 shall be followed to compel obedience.

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

21 “822.280. (1) As used in this section:

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

25 “(b) ‘Relative’ means an individual related within the third degree as de-
26 termined by the common law, a spouse, an individual related to a spouse
27 within the third degree as determined by the common law or an individual
28 in an adoptive relationship within the third degree as determined by the
29 common law.

30 “(2) In addition to any other penalty provided under ORS 822.215 and

1 subject to ORS chapter 183, the **Oregon** State Board of Towing may order
2 the Department of Transportation to deny, suspend, revoke or refuse to re-
3 new a towing business certificate issued under ORS 822.205, if the person
4 holding or applying for the certificate:

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

6 “(b) Violates any provision of, or rules or ordinances adopted under, ORS
7 98.853, 98.854, 98.856, 98.858, 181A.350, 822.200, 822.215, 822.225, 822.230,
8 822.235 or 822.605;

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

11 “(d) Has performed work as a tower without the appropriate certification
12 or letter of appointment to participate on the rotational list of towing busi-
13 nesses established under ORS 181A.350, or has employed individuals to per-
14 form work as towers without appropriate certification or letter of
15 appointment;

16 “(e) Has advertised or otherwise held themselves out as being a certified
17 towing business without holding the appropriate certification;

18 “(f) As a, or as a relative of a, partner, officer, member or employee of a
19 towing business, advertises or holds themselves out as a towing business that
20 is certified if the towing business does not possess the appropriate certifica-
21 tion;

22 “(g) Has engaged in towing or recovering by any means, as part of any
23 business operation of the person, vehicles that are wrecked, damaged, disa-
24 bled or abandoned or replacement vehicles;

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

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

29 “(j) Has been subject to a revocation, cancellation or suspension order
30 or to other disciplinary action related to towing or the towing industry by

1 any other public body, as defined in ORS 174.109, or has failed to pay a civil
2 penalty imposed by the public body.

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

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

9 “(5) The board is the agency responsible for providing notice and con-
10 tested case hearing rights under ORS chapter 183 to a person subject to
11 discipline under this section.

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

13 “822.285. (1) In carrying out its investigative and enforcement duties,
14 functions and powers, and notwithstanding any other provision of law, the
15 **Oregon** State Board of Towing may procure services and award a contract
16 for the personal services of a subject matter expert, on a case-by-case basis,
17 in any manner deemed practical or convenient. The price of such contracts,
18 including any amendments, may not exceed \$25,000.

19 “(2) If the board has reason to believe that any person has been engaged
20 or is engaging in any violation of ORS 98.853, 98.854, 98.856, 98.858, 181A.350,
21 822.200, 822.215, 822.225, 822.230, 822.235, 822.250 to 822.290, 822.605 or 822.995
22 or any rule adopted under those statutes, or any order issued by the board,
23 the board may, without bond, bring suit in the name and on behalf of the
24 State of Oregon in the circuit court of any county of this state to enjoin the
25 acts or practices and to enforce compliance with ORS 98.853, 98.854, 98.856,
26 98.858, 181A.350, 822.200, 822.215, 822.225, 822.230, 822.235, 822.250 to 822.290,
27 822.605 or 822.995 or any rule adopted under those statutes, or any order is-
28 sued by the board. Upon a proper showing, a permanent or temporary in-
29 junction, restraining order or writ of mandamus shall be granted.

30 “(3) The board, by rule, may impose a fee on any person holding or ap-

1 plying for a towing business certificate. The amount of the fee shall be es-
2 tablished to recover expenses incurred by the board in carrying out ORS
3 822.250 to 822.290 and 822.995. Any fees collected under this subsection shall
4 be deposited into the **Oregon** State Board of Towing Account established
5 under ORS 822.270.

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

7 “822.290. (1) As used in this section:

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

11 “(b) ‘Relative’ means an individual related within the third degree as de-
12 termined by the common law, a spouse, an individual related to a spouse
13 within the third degree as determined by the common law or an individual
14 in an adoptive relationship within the third degree as determined by the
15 common law.

16 “(2) Subject to ORS chapter 183, the **Oregon** State Board of Towing may
17 order the Department of State Police to deny, suspend, condition or revoke
18 a letter of appointment to participate on the rotational list of towing busi-
19 nesses established under ORS 181A.350, if the person holding or applying for
20 the letter of appointment:

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

22 “(b) Violates any provision of, or rules or ordinances adopted under, ORS
23 98.853, 98.854, 98.856, 98.858, 181A.350, 822.200, 822.215, 822.225, 822.230,
24 822.235 or 822.605;

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

27 “(d) Has performed work as a tower without the appropriate certification
28 or letter of appointment or has employed individuals to perform work as
29 towers without appropriate certification or letter of appointment;

30 “(e) Has advertised or otherwise held themselves out as being a certified

1 tower without holding the appropriate certification;

2 “(f) As a, or as a relative of a, partner, officer, member or employee of a
3 towing business, advertises or holds themselves out as a towing business that
4 is certified if the towing business does not possess the appropriate certifica-
5 tion;

6 “(g) Has engaged in towing or recovering by any means, as part of any
7 business operation of the person, vehicles that are wrecked, damaged, disa-
8 bled or abandoned or replacement vehicles;

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

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

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

17 “(3) A violation described in subsection (2) of this section for which the
18 board orders the department to deny, suspend, condition or revoke a letter
19 of appointment to participate on the rotational list of towing business es-
20 tablished under ORS 181A.350 may be treated as a failure to be in conform-
21 ance with ORS 822.250 to 822.290 and 822.995.

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

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

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

28 “822.995. (1) In addition to any other penalty provided by law, any person
29 who violates any provision of ORS 98.853, 98.854, 98.856, 98.858, 181A.350,
30 822.200, 822.215, 822.225, 822.230, 822.235 or 822.605 or any rule adopted by the

1 **Oregon** State Board of Towing is subject to payment of a civil penalty to
2 the board.

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

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

8 “(4) In imposing a penalty pursuant to the schedule adopted under sub-
9 section (2) of this section, the board shall consider the following factors:

10 “(a) The past history of the person incurring a penalty in taking all fea-
11 sible steps or procedures necessary or appropriate to correct any violation.

12 “(b) Any prior violations by the person incurring the penalty of statutes,
13 rules or orders pertaining to facilities.

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

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

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

20 **“SECTION 13. (1) At the request of the Oregon State Board of
21 Towing, the Department of Transportation and the board shall enter
22 into an interagency agreement under which the department may pro-
23 vide central business operating services for the board including, but
24 not limited to:**

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

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

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

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

1 “(e) Purchasing, leasing and contracting services;

2 “(f) Internal audit services;

3 “(g) Computer and information system services;

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

5 “(i) Human resource services; and

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

8 “(2) The board shall comply with applicable administrative rules
9 adopted by the department related to the services provided by the de-
10 partment under subsection (1) of this section.

11 “(3) The department may charge the board a fee for the services the
12 department provides under this section. The department shall calcu-
13 late the rate of the fee using the same methodology the department
14 uses to calculate the central services assessment imposed within the
15 department for similar services.

16 “(4) At the request of the board, the department shall collect fees
17 authorized under ORS 822.285 (3) and distribute the funds to the
18 Oregon State Board of Towing Account established under ORS 822.270.
19 The department may deduct direct merchant fee costs and an admin-
20 istrative fee for the collection service prior to fund distribution.

21 “SECTION 14. The Oregon State Board of Towing Account is a
22 continuation of the State Board of Towing Account established by ORS
23 822.270. Moneys contained in the State Board of Towing Account on
24 the effective date of this 2025 Act are considered to be moneys in the
25 Oregon State Board of Towing Account.”.

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