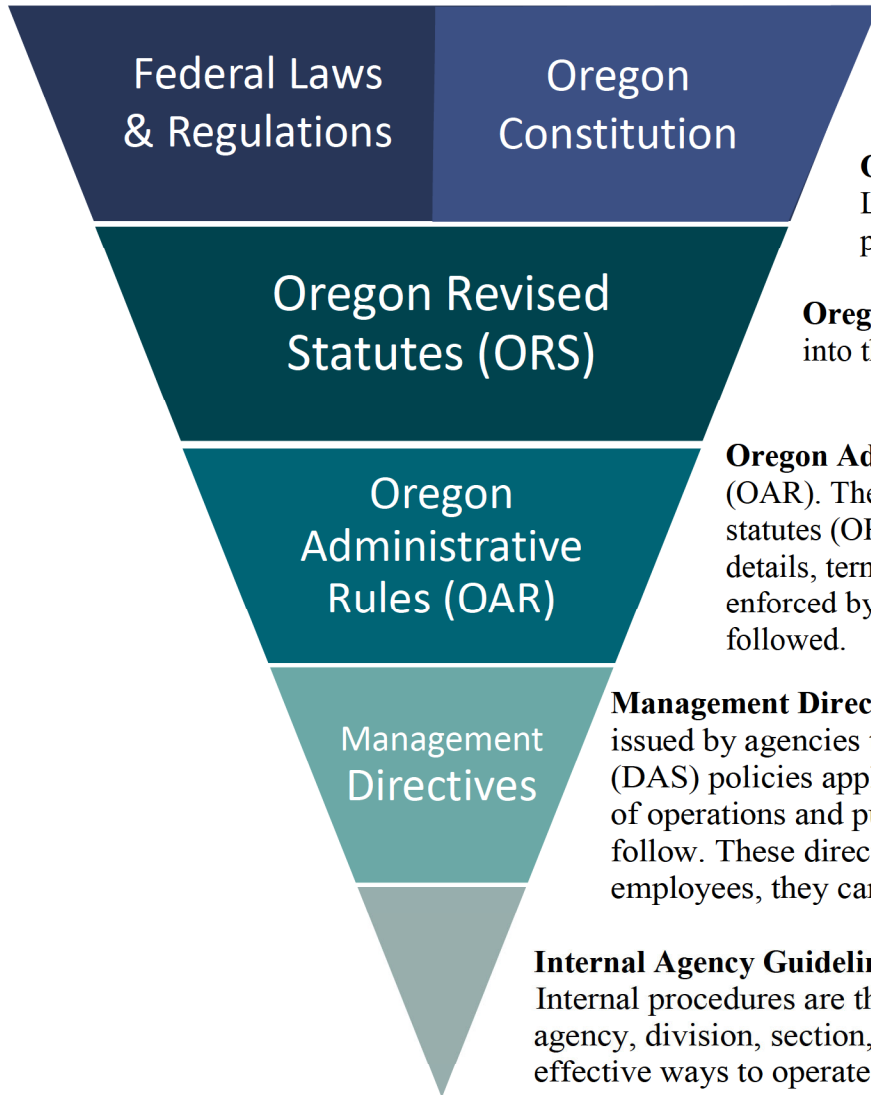




State Board of Oregon
2024 Annual Meeting
Strategic Planning Session
Oregon Revised Statutes

Oregon Law Structure

Oregon law must conform to Federal laws and regulations and the Oregon Constitution. Oregon laws (or statutes) are named the Oregon Revised Statutes (ORS). Rules support and clarify law. Oregon rules are named the Oregon Administrative Rules (OAR).



Federal Laws and Regulations: Federal laws and regulations often supersede state laws. The state laws usually add to federal requirements, but may not conflict with or waive them.

Oregon Constitution: The Oregon Constitution is the highest form of Oregon Law. All laws of the Legislative Assembly and all decisions of the courts and public agencies must conform to the constitutional laws.

Oregon Revised Statutes: The Legislative Assembly passes laws. Laws are organized into the Oregon Revised Statutes (ORS). These statutes must be strictly followed.

Oregon Administrative Rules: Statutes authorize agencies to adopt administrative rules (OAR). The Secretary of State publishes these rules. The rules expand and further clarify the statutes (ORS) and apply to the public as well as the government. Rules provide specific details, terms, conditions, and requirements to carry out a government operation. Rules are enforced by administrative hearings and by the courts. Like statutes, rules must be strictly followed.

Management Directives (Policies, Guidelines) Management directives are guidelines or rules issued by agencies to direct its agency employees. The Department of Administrative Services (DAS) policies apply to agencies under DAS authority. Policies help apply consistent standards of operations and public policy within state government. Some include specific procedures to follow. These directives support the goals and responsibilities of the issuing agency. For employees, they carry the weight of law.

Internal Agency Guidelines

Internal procedures are those written guidelines that aid in the in-house operation of a particular agency, division, section, or other work group. These procedures describe the approved or most effective ways to operate. They affect only the employees in the work group.

Requirements are in place to open an investigation by the Board

Collaborative investigation with DMV

The Board will use the report or findings of the Appropriate Authority (LEA, local government) to take appropriate action.

Tabled for further discussion.

Board discussion, definition/interpretation and determination of Board role needed.

Rule Making & Disciplinary Action Authority

ORS 98.853 (2) Pre-tow photograph; failure to provide photograph

ORS 98.853 (3) Failure to release vehicle

ORS 98.853 (4) Violation of the storage location requirement.

ORS 98.854 (1) Signage not posted.

ORS 98.854 (2) No signed authorization; failure to provide signed authorization

ORS 98.854 (3) Tower authorized tow as agent of the parking facility owner.

ORS 98.854 (4) Tower's employee acted as authorized tow as an agent of the parking facility owner

ORS 98.854 (5) Charged more than allowed - ORS 98.856

ORS 98.854 (6) Charged more than allowed - ORS 98.859

ORS 98.854 (7) Solicited towing business within 1000 of a crash.

ORS 98.854 (8) Monitoring a parking facility for towing business.

ORS 98.854 (9) Provide consideration to obtain towing business.

ORS 98.854 (10) Unlawful condition to release vehicle.

ORS 98.854 (11) Hold a vehicle without taking inventory or failing to hold in secure manner.

ORS 98.854 (12) Failure to provide exact change

ORS 98.854 (13) Operating without a city or county license

ORS 98.854 (14) Charge for hook up and release of vehicle.

ORS 98.856 (1) Tower responsibility of disclosure to owner or operator of vehicle

ORS 98.856 (2) Failure to provide written disclosure at time of tow.

ORS 98.856 (3) Failure to provide written disclosure prior to release of the vehicle to owner.

ORS 98.856 (4) Failure to request owner information from DMV

ORS 98.857 Recovery of stolen vehicle

ORS 98.858 Right of owner or person in lawful possession of vehicle to redeem or inspect vehicle, obtain property of emergency nature

ORS 98.859 Charging more than posted maximum rates.

ORS 98.860 Conditions for release of vehicle to insurance company undertaking to adjust claim

ORS 98.861 Failure to obtain city tow license.

ORS 98.862 Exceptions to requirements of ORS 98.856

Authority to Issue Civil Penalties

ORS 181A.350 Violation of OSP non-preference tow list.

ORS 822.200 (1) Operating without a DMV tow business certificate

ORS 822.200 (2) (a) Using a transporter certificate in lieu of a towing permit

ORS 822.200 (2) (b) Towing a vehicle without perfecting the security interest

ORS 822.200 (2) (e) Using a dismantler certificate in lieu of a towing permit

ORS 822.215 Grounds for denial, suspension, revocation or refusal of certificate

ORS 822.225 Failure to remove injurious substance.

ORS 822.230 Violation of City or County regulations

ORS 822.235 Recovery after theft

ORS 822.605 Making a false statement