

House Bill 2064

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Governor Theodore R. Kulongoski for State Parks and Recreation Department)

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**.

Directs Department of Transportation to issue titles to owners of Class I and Class III all-terrain vehicles. Creates offense of failure to title. Punishes violation with \$90 fine.

A BILL FOR AN ACT

1
2 Relating to all-terrain vehicle titles; creating new provisions; and amending ORS 801.526, 802.110
3 and 803.030.

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

5 **SECTION 1. Sections 2 and 3 of this 2007 Act are added to and made a part of the Oregon**
6 **Vehicle Code.**

7 **SECTION 2. (1) The Department of Transportation shall provide for the issuance of titles**
8 **for Class I and Class III all-terrain vehicles required to be titled under section 3 of this 2007**
9 **Act. The following provisions relating to titling shall be the same for Class I and Class III**
10 **all-terrain vehicles as for other vehicles:**

11 (a) **Fee for issuance.**

12 (b) **Provisions relating to transfer, including security interests and other types of trans-**
13 **fer, fees for transfer, time limits for transfer and responsibility for making transfer and**
14 **submitting documents.**

15 (c) **Information required to be placed on a title, except where the department determines**
16 **such information would be inappropriate.**

17 (d) **Party to whom title is issued upon original issuance or transfer.**

18 (e) **Validity times and requirements.**

19 (f) **ORS 819.010 to 819.040.**

20 (g) **Any provisions relating to title that are applicable to other vehicles under the vehicle**
21 **code and that the department determines, by rule, to be necessary to ensure that the titling**
22 **of Class I and Class III all-terrain vehicles is administered in the same manner and has the**
23 **same effect as the titling of other vehicles.**

24 (h) **Provisions relating to salvage titles.**

25 (2) **Application for issuance of title for Class I and Class III all-terrain vehicles shall be**
26 **made in the manner and in a form prescribed by the department. The department may re-**
27 **quire any information in the application that the department determines is reasonably nec-**
28 **essary to determine ownership or right to title for a Class I or Class III all-terrain vehicle.**

29 (3) **Dealers issued certificates under ORS 822.020 who sell Class I or Class III all-terrain**
30 **vehicles shall accept application and fees for title of a Class I or Class III all-terrain vehicle**
31 **from each purchaser of a new or used Class I or Class III all-terrain vehicle in a manner**

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 required by the department.

2 **SECTION 3.** (1) A person commits the offense of failure to title a Class I or Class III
 3 all-terrain vehicle if the person is the owner of a Class I or Class III all-terrain vehicle pur-
 4 chased on or after January 1, 2008, that is in this state or is operating a Class I or Class III
 5 all-terrain vehicle at any place in this state and the Class I or Class III all-terrain vehicle
 6 has not been issued a title as provided under section 2 of this 2007 Act.

7 (2) The requirement to title a Class I or Class III all-terrain vehicle under this section
 8 does not apply if the Class I or Class III all-terrain vehicle is any of the following:

9 (a) Owned and operated by the United States, another state or a political subdivision
 10 thereof.

11 (b) Owned and operated by this state or by any city, district or political subdivision
 12 thereof.

13 (c) Used exclusively for farming, agricultural or forestry operations.

14 (d) Used by Christmas tree growers licensed under ORS 571.530 for growing operations.

15 (e) Used on land owned or leased by the owner of the vehicle.

16 (f) A new vehicle that is in possession of a dealer for the purposes of sale or display.

17 (g) Owned and operated by a resident of another state. The exemption granted under this
 18 paragraph:

19 (A) Is granted only to the extent that a similar exemption or privilege is granted under
 20 the laws of the other state for Class I or Class III all-terrain vehicles from this state.

21 (B) Is granted only for a period of up to 60 days in a calendar year.

22 (3) The offense described in this section, failure to title a Class I or Class III all-terrain
 23 vehicle, is a Class D traffic violation.

24 **SECTION 4.** ORS 801.526 is amended to read:

25 801.526. "Title" means an ownership interest in a vehicle that is evidenced by a record of the
 26 Department of Transportation or of some other jurisdiction. The record may be in the form of a
 27 certificate of title or it may be in another form, including but not necessarily limited to electronic
 28 or machine-readable form. Oregon issues titles under ORS 803.045. Titles for snowmobiles are issued
 29 as provided under ORS 821.060. **Titles for Class I and Class III all-terrain vehicles are issued**
 30 **as provided under section 2 of this 2007 Act.** Salvage titles are issued as provided in ORS 803.140.

31 **SECTION 5.** ORS 803.030 is amended to read:

32 803.030. This section establishes exemptions from the requirements under ORS 803.025 to obtain
 33 title issued by this state. The exemptions are subject to ORS 803.040. The exemptions are in addition
 34 to any exemptions under ORS 801.026. Vehicles exempted by this section from the requirements to
 35 be titled by this state are not prohibited from being titled by this state if titling is permitted under
 36 ORS 803.035. The exemptions are partial or complete as provided in the following:

37 (1) Title from this state is not required for a vehicle unless the vehicle is operated on a highway
 38 in this state.

39 (2) Title from this state is not required unless a vehicle is operated under a registration number
 40 of this state.

41 (3) Snowmobiles, Class I all-terrain vehicles and Class III all-terrain vehicles are not subject to
 42 the requirements under ORS 803.025. The requirements and procedures for titling snowmobiles are
 43 as provided under ORS 821.060 and 821.070. **The requirements and procedures for titling Class**
 44 **I and Class III all-terrain vehicles are as provided under sections 2 and 3 of this 2007 Act.**

45 (4) Road rollers, farm tractors and traction engines are exempt from the requirements for title.

1 (5) Trolleys are exempt from the requirements for title.

2 (6) Bicycles are exempt from the requirements for title.

3 (7) United States Government owned and operated motor vehicles and trailers are exempt from
4 the requirements for title.

5 (8) Implements of husbandry, well drilling machinery, emergency fire apparatus providing public
6 fire protection and invalid chairs are exempt from the requirements for title.

7 (9) Fixed load vehicles are exempt from the requirements for title while operated within the
8 immediate construction project, as described in the governmental agency contract, in the con-
9 struction or reconstruction of state or county roads, highways or city streets.

10 (10) Motor vehicles designed to operate at a loaded weight over 8,000 pounds, trailers and
11 equipment are exempt from requirements for title while:

12 (a) Owned, leased, contracted or requisitioned by the State Forester, State Board of Forestry,
13 their contractors under ORS chapter 477, or the federal government; and

14 (b) Being used for the purposes of forest protection and fire suppression under ORS chapter 477
15 or a similar federal statute, including movement of the vehicles to and from the work area.

16 (11) Farm trailers are exempt from requirements for title when the operation or movement of
17 the vehicle upon the highways is incidental to its use in an agricultural operation.

18 (12) Golf carts operated under an ordinance adopted under ORS 810.070 are exempt from re-
19 quirements for title.

20 (13) Golf carts or similar vehicles are exempt from requirements for title when:

21 (a) They have not less than three wheels in contact with the ground;

22 (b) They have an unloaded weight of less than 1,300 pounds;

23 (c) They are designed to be and are operated at not more than 15 miles per hour; and

24 (d) They are operated by disabled persons.

25 (14) The nonresident owners of vehicles currently registered and titled in any other country,
26 state or territory may operate such vehicles over the highways of this state without complying with
27 the titling requirements under ORS 803.025. All of the following apply to this subsection:

28 (a) This subsection only provides an exemption so long as the owner satisfactorily shows that
29 the owner is not a resident of this state as described under ORS 803.200.

30 (b) The exemption under this subsection applies to vehicles granted exemptions under ORS
31 802.500, 802.520 or 826.005, unless otherwise provided under paragraph (c) of this subsection.

32 (c) Except as otherwise provided in this paragraph, a vehicle operated over the highways of this
33 state for compensation or profit must comply with the titling requirements under ORS 803.025 in the
34 same manner as required of nontitled vehicles. The following vehicles are not subject to this para-
35 graph:

36 (A) Vehicles operated under reciprocal registration exemptions established under ORS 802.500
37 or 826.005.

38 (B) Vehicles operated under an exemption established under ORS 802.520.

39 (C) Vehicles that are proportionally registered under an agreement established under ORS
40 826.007, and according to the procedures established under ORS 826.009 or 826.011.

41 (D) Any vehicle if duly registered and titled under the laws of the state or country of which the
42 owner is a bona fide resident to the extent that in the foreign country, state, territory or federal
43 district where the owner resides like exemptions and privileges are granted vehicles duly registered
44 and titled under the laws of this state and owned by residents of this state.

45 (d) If no exemptions from titling requirements are in effect under ORS 802.500, 802.520, 826.005

1 or 826.007 with respect to another jurisdiction, any vehicle properly registered and titled in such
 2 other jurisdiction and for which evidence of compliance is supplied shall receive, when operated in
 3 this state, the same exemptions, benefits and privileges granted by such other jurisdictions to vehi-
 4 cles properly registered and titled in this state. Reciprocity extended under this paragraph shall
 5 apply to commercial vehicles only when engaged exclusively in interstate commerce.

6 (e) Any vehicle operated under dealer registration plates issued by another state, country,
 7 province, territory or the District of Columbia is subject to this subsection.

8 (15) Vehicle dealers issued certificates under ORS 822.020 may use and operate untitled vehicles
 9 as provided under ORS 822.040.

10 (16) Towing businesses issued certificates under ORS 822.205 may tow untitled vehicles as pro-
 11 vided under ORS 822.210.

12 (17) Vehicle transporters issued certificates under ORS 822.310 may transport untitled vehicles
 13 as provided in ORS 822.310.

14 (18) Untitled vehicles may be operated under trip permits described under ORS 803.600 or under
 15 permits described under ORS 803.610 to 803.625.

16 (19) Vehicles that are registered by the United States Department of State and that are owned
 17 or operated by foreign nationals with diplomatic immunity are exempt from the requirements for
 18 title.

19 (20)(a) Vehicles that are registered under the proportional registration provisions of ORS chap-
 20 ter 826 and are titled in a jurisdiction other than Oregon are exempt from the requirements for title.

21 (b) A trailer that is registered under the proportional registration provisions of ORS chapter 826
 22 and titled in a jurisdiction other than Oregon shall remain exempt from the requirements for title
 23 in Oregon if the trailer is registered when the other jurisdiction removes its exception to propor-
 24 tional registration requirements for the trailer.

25 (21) Converter dollies and tow dollies are exempt from the requirements for title.

26 (22) Electric personal assistive mobility devices are exempt from the requirements for title.

27 **SECTION 6.** ORS 802.110 is amended to read:

28 802.110. Any procedures the Department of Transportation establishes for financial adminis-
 29 tration of those functions of the department dealing with driver and motor vehicle services and for
 30 the disposition and payment of moneys it receives from the provision of driver and motor vehicle
 31 services shall comply with all of the following:

32 (1) The department shall deposit all moneys it receives related to driver and motor vehicle ser-
 33 vices in the Department of Transportation Driver and Motor Vehicle Suspense Account for approved
 34 expenses and disbursements before payment of general administrative expenses of the department related
 35 to the provision of driver and motor vehicle services. Notwithstanding this subsection, the depart-
 36 ment may return a bank check or money order when received in incorrect or incomplete form or
 37 when not accompanied by the proper application.

38 (2) The department shall pay the following approved expenses and disbursements from the Depart-
 39 ment of Transportation Driver and Motor Vehicle Suspense Account before payment of the general
 40 administrative expenses of the department related to driver and motor vehicle services:

41 (a) Refunds authorized by any statute administered by the department when such refunds are
 42 approved by the department.

43 (b) Amounts transferred to the State Treasurer under ORS 319.410 (2) for the purpose of carry-
 44 ing out the state aviation laws, amounts transferred to the Boating Safety, Law Enforcement and
 45 Facility Account by ORS 319.415, amounts transferred to the State Aviation Account by ORS 319.417

1 and amounts transferred to the Department of Transportation Operating Fund by ORS 184.643.

2 (c) After deduction of expenses of collection, transfer and administration, the department shall
3 pay moneys collected from the Student Driver Training Fund eligibility fee under ORS 807.040,
4 807.150 and 807.370 to the State Treasurer for deposit in the Student Driver Training Fund. The
5 moneys deposited in the Student Driver Training Fund under this paragraph are continuously ap-
6 propriated to the department for the following purposes:

7 (A) To the extent of not more than 10 percent of the amount transferred into the Student Driver
8 Training Fund in any biennium, to pay the expenses of administering ORS 336.795, 336.800, 336.805,
9 336.810 (2) and 336.815.

10 (B) The remaining moneys, for reimbursing school districts as provided under ORS 336.805.

11 (d) After deduction of expenses of collection, transfer and administration, the department shall
12 pay moneys collected for the Motorcycle Safety Subaccount under ORS 807.170 to the State Treas-
13 urer for deposit in the Motorcycle Safety Subaccount of the Transportation Safety Account. Moneys
14 paid to the State Treasurer under this paragraph shall be used for the purpose of ORS 802.320.

15 (e) After deduction of expenses for the administration of the issuance of customized registration
16 plates under ORS 805.240, the department shall place moneys received from the sale of customized
17 registration plates in the Environmental Quality Information Account. The moneys placed in the
18 account are continuously appropriated to the department and shall be used for the payment of ex-
19 penses heretofore and hereafter incurred in administering programs established under ORS 366.157.

20 (f) After deduction of expenses of collection, transfer and administration, the department shall
21 pay moneys from any registration fees established by the governing bodies of counties or a district,
22 as defined in ORS 801.237, under ORS 801.041 or 801.042 to the appropriate counties or districts.
23 The department shall make the payments on at least a monthly basis unless another basis is estab-
24 lished by the intergovernmental agreements required by ORS 801.041 and 801.042 between the de-
25 partment and the governing bodies of a county or a district.

26 (g) After deducting the expenses of the department in collecting and transferring the moneys,
27 the department shall make disbursements and payments of moneys collected for or dedicated to any
28 other purpose or fund except the State Highway Fund, including but not limited to, payments to the
29 Department of Transportation Operating Fund established by ORS 184.642 (1) and (2).

30 (3) The department shall refund from the Department of Transportation Driver and Motor Ve-
31 hicle Suspense Account any excess or erroneous payment to a person who made the payment or to
32 the person's legal representative when the department determines that money has been received by
33 it in excess of the amount legally due and payable or that it has received money in which it has
34 no legal interest. Refunds payable under this subsection are continuously appropriated for such
35 purposes in the manner for payment of refunds under this section. If the department determines that
36 a refund is due, the department may refund the amount of excess or erroneous payment without a
37 claim being filed. Except as provided in ORS 319.290, 319.375, 319.820 and 319.831, any claim for a
38 refund from the department must be filed within 12 months after the date payment is received by
39 the department.

40 (4) After payment of those expenses and disbursements approved for payment before general admin-
41 istrative expenses related to the provision of driver and motor vehicle services, the department shall
42 pay from the Department of Transportation Driver and Motor Vehicle Services Administrative Ac-
43 count its general administrative expenses incurred in the administration of any law related to driver
44 and motor vehicle services that the department is charged with administering and any other ex-
45 penses the department is permitted by law to pay from moneys held by the department before

1 transfer of the moneys to the State Highway Fund. The following limitations apply to payments of
2 administrative expenses under this subsection:

3 (a) The department shall make payment of the expenses of administering the issuance of winter
4 recreation parking permits under ORS 811.595 from those moneys received from issuing the permits
5 or from moneys received under ORS 153.630 from violation of the requirement to have the permit.

6 (b) The department shall pay its expenses for administering the registration and titling of
7 snowmobiles under ORS 821.060 and 821.100 from the fees collected from administering those
8 sections. The department shall also pay its expenses for the administration of the snowmobile driver
9 permit program under ORS 821.160 from the moneys otherwise described in this paragraph.

10 **(c) The department shall pay its expenses for administering the titling of Class I and**
11 **Class III all-terrain vehicles under section 2 of this 2007 Act from the fees collected from**
12 **administering section 2 of this 2007 Act.**

13 [(c)] (d) The department shall pay its expenses for determining the amount of money to be
14 withheld under ORS 802.120 from the fees collected for administering the registration and titling of
15 snowmobiles. The amount used to pay expenses under this paragraph shall be such sum as necessary
16 but shall not exceed \$10,000 during each biennium.

17 [(d)] (e) The department shall retain not more than \$15,000 in any biennium for the expenses
18 of collecting and transferring moneys to the Student Driver Training Fund under this section and
19 for the administration of ORS 336.810 (3).

20 (5) Except as otherwise provided in this subsection, the department shall transfer to the State
21 Highway Fund the moneys not used for payment of the general administrative expenses or for ap-
22 proved expenses and disbursements before payment of general administrative expenses. The following
23 apply to this subsection:

24 (a) If the Director of Transportation certifies the amount of principal or interest of highway
25 bonds due on any particular date, the department may make available for the payment of such in-
26 terest or principal any sums that may be necessary to the extent of moneys on hand available for
27 the State Highway Fund regardless of the dates otherwise specified under this section.

28 (b) Notwithstanding paragraph (a) of this subsection the department shall not make available for
29 purposes described in paragraph (a) of this subsection any moneys described in ORS 367.605 when
30 there are not sufficient amounts of such moneys in the State Highway Fund for purposes of bonds
31 issued under ORS 367.615.

32 (6) Notwithstanding any other provision of this section, the following moneys shall be trans-
33 ferred to the State Highway Fund at the times described:

34 (a) Moneys received under ORS 802.120 and not used for the payment of administrative expenses
35 of the department shall be transferred before July 31 of each year.

36 (b) Moneys received from the registration of snowmobiles that is not to be used for payment of
37 administrative expenses of the department shall be transferred within 30 days after the end of the
38 quarter.

39 (c) Moneys received from the issuance of winter recreation parking permits or under ORS
40 153.630 from violation of the requirement to have a winter recreation parking permit and that is not
41 used for payment of administrative expenses of the department shall be transferred within 30 days
42 after the end of the quarter.

43 (7) The following moneys transferred to the State Highway Fund under this section may be used
44 only for the purposes described as follows:

45 (a) Moneys collected from the issuance of winter recreation parking permits or under ORS

1 153.630 for violation of the requirement to have a winter recreation parking permit, and the interest
2 on such moneys, shall be used to enforce the requirement for winter recreation parking permits and
3 to remove snow from winter recreation parking locations designated under ORS 810.170. Any re-
4 maining moneys shall, upon approval by the Winter Recreation Advisory Committee:

5 (A) Be used to maintain parking locations developed with moneys obtained under ORS 810.170
6 and snowmobile facilities that are parking lots developed with moneys as provided under this sec-
7 tion;

8 (B) Be used to develop additional winter recreation parking locations under ORS 810.170; or

9 (C) Be carried over to be used in subsequent years for the purposes and in the manner described
10 in this paragraph.

11 (b) Moneys received from the registration of snowmobiles or under ORS 802.120 shall be used
12 for the development and maintenance of snowmobile facilities, including the acquisition of land
13 therefor by any means other than the exercise of eminent domain. Moneys received under ORS
14 802.120 may also be used for the enforcement of ORS 811.590, 821.100 to 821.120, 821.140, 821.150,
15 821.190, 821.210 and 821.240 to 821.290.

16 (8) The department shall maintain the Revolving Account for Emergency Cash Advances sepa-
17 rate from other moneys described in this section. From the account, the department may pay for the
18 taking up of dishonored remittances returned by banks or the State Treasurer and for emergency
19 cash advances to be subsequently reimbursed. The account shall be used only as a revolving fund.
20 The department shall at all times be accountable for the amount of the account, either in cash or
21 unreimbursed items and advances. The moneys in the account are continuously appropriated for the
22 purposes of this subsection. The amount of the account under this subsection shall not exceed
23 \$40,000 from moneys received by the department in the performance of its driver and motor vehicle
24 services functions and moneys otherwise appropriated for purposes of this subsection. The account
25 under this subsection shall be kept on deposit with the State Treasurer. The State Treasurer is au-
26 thorized to honor and pay all properly signed and indorsed checks or warrants drawn against the
27 account.

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