

House Bill 2898

Sponsored by Representative BARKER (at the request of Regional Economic Crime Information Center)

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**.

Creates Motor Vehicle Theft Prevention Board and Motor Vehicle Theft Prevention Advisory Committee. Establishes Motor Vehicle Theft Prevention Fund. Continuously appropriates fund to board.

Sunsets January 2, 2014.

A BILL FOR AN ACT

1
2 Relating to motor vehicle theft prevention; and appropriating money.

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

4 **SECTION 1. (1) There is established a Motor Vehicle Theft Prevention Board consisting**
5 **of 11 members. One member is the Director of the Department of Public Safety Standards**
6 **and Training or the director's designee. The Governor shall appoint 10 members as follows:**

7 (a) **Two members recommended to the Governor by the Oregon Association Chiefs of**
8 **Police;**

9 (b) **Two members recommended to the Governor by the Oregon State Sheriffs' Associ-**
10 **ation;**

11 (c) **One member who is a district attorney recommended to the Governor by the Oregon**
12 **District Attorneys Association;**

13 (d) **Two members who are employees of insurers who are licensed to issue motor vehicle**
14 **insurance in this state;**

15 (e) **Two members of the general public; and**

16 (f) **One member who is a member of the Oregon State Police.**

17 (2) **The term of office of each member is four years, but the members serve at the**
18 **pleasure of the Governor. Before the expiration of the term of a member, the Governor shall**
19 **appoint a successor in accordance with subsection (1) of this section whose term begins on**
20 **January 1 next following. A member is eligible for reappointment. If there is a vacancy for**
21 **any cause, the Governor shall make an appointment in accordance with subsection (1) of this**
22 **section to become immediately effective for the unexpired term.**

23 (3) **A member of the board is not entitled to compensation, but at the discretion of the**
24 **board may be reimbursed from funds available to the board for actual and necessary travel**
25 **and other expenses incurred by the member in the performance of the member's official**
26 **duties, in the manner and amount provided in ORS 292.495.**

27 **SECTION 2. (1) The Motor Vehicle Theft Prevention Board shall select one of its mem-**
28 **bers as chairperson and another as vice chairperson, for such terms and with duties and**
29 **powers necessary for the performance of the functions of such offices as the board deter-**
30 **mines.**

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) A majority of the members of the board constitutes a quorum for the transaction of
2 business.

3 (3) The board shall meet at least once every six months at a place, day and hour deter-
4 mined by the board. The board also shall meet at other times and places specified by the call
5 of the chairperson or of a majority of the members of the board.

6 **SECTION 3.** (1) The Motor Vehicle Theft Prevention Board may appoint an executive di-
7 rector to serve at the pleasure of the board. A person appointed under this subsection must
8 have experience in law enforcement and criminal policy.

9 (2) Subject to any applicable provisions of ORS chapter 240, the executive director may
10 appoint employees of the board, prescribe their duties and fix their compensation.

11 **SECTION 4.** In accordance with applicable provisions of ORS chapter 183, the Motor Ve-
12 hicle Theft Prevention Board may adopt rules necessary for the administration of the laws
13 that the board is charged with administering.

14 **SECTION 5.** (1) The Motor Vehicle Theft Prevention Board shall:

15 (a) Determine the scope of the problem of motor vehicle theft in each geographical area
16 of the state;

17 (b) Analyze methods of combating the problem of motor vehicle theft;

18 (c) Develop and implement a plan to combat the problem of motor vehicle theft;

19 (d) Develop and implement a financial plan for carrying out the plan developed under
20 paragraph (c) of this subsection; and

21 (e) By December 31 of each year submit:

22 (A) To the Governor, President of the Senate, Speaker of the House of Representatives,
23 Secretary of State and State Treasurer, a written report summarizing the activities of the
24 board during the preceding year; and

25 (B) To the Motor Vehicle Theft Prevention Advisory Committee established in section 8
26 of this 2007 Act, a written report containing a description of the board's programs, an anal-
27 ysis of the success of the programs including the impact the programs have had on motor
28 vehicle insurance costs, and a summary of the sources of funds obtained by the board.

29 (2) The board may seek and accept gifts, grants and donations, including property and
30 services, from any source to carry out the duties imposed upon the board. Moneys received
31 under this subsection shall be paid into the Motor Vehicle Theft Prevention Fund.

32 **SECTION 6.** (1) The Motor Vehicle Theft Prevention Board shall make grants from the
33 Motor Vehicle Theft Prevention Fund to public agencies for the purposes of establishing,
34 maintaining and supporting programs that are designed to prevent motor vehicle theft. A
35 public agency that receives moneys under this subsection may not use the moneys to replace
36 other moneys that are available to the agency for motor vehicle theft prevention programs.

37 (2) The total cost in any one year for the administration of the board may not exceed 10
38 percent of the total funds available to the board during that year for its activities.

39 **SECTION 7.** (1) The Motor Vehicle Theft Prevention Fund is established separate and
40 distinct from the General Fund. The Motor Vehicle Theft Prevention Fund consists of mon-
41 eys deposited into the fund under section 5 of this 2007 Act. Interest earned by the fund shall
42 be credited to the fund. Moneys in the fund are continuously appropriated to the Motor Ve-
43 hicle Theft Prevention Board for the purposes of sections 1 to 8 of this 2007 Act.

44 (2) The board shall provide for a biennial audit of the fund. The board shall submit a
45 report of the audit to the Department of Justice. The report must contain financial state-

1 ments prepared in accordance with generally accepted accounting principles. The financial
 2 statements must include the report of any independent auditor.

3 **SECTION 8.** (1) The Motor Vehicle Theft Prevention Advisory Committee is established
 4 consisting of:

5 (a) The Governor or the Governor's designee.

6 (b) Three members of the Senate appointed by the President of the Senate. To be eligible
 7 for appointment under this paragraph, a member must serve on a legislative committee
 8 dealing with the judiciary, transportation, banking or insurance. No more than two members
 9 appointed under this paragraph may belong to the same political party.

10 (c) Three members of the House of Representatives appointed by the Speaker of the
 11 House of Representatives. To be eligible for appointment under this paragraph, a member
 12 must serve on a legislative committee dealing with the judiciary, transportation, banking or
 13 insurance. No more than two members appointed under this paragraph may belong to the
 14 same political party.

15 (d) The Director of the Department of Consumer and Business Services or the director's
 16 designee.

17 (2) The Motor Vehicle Theft Prevention Advisory Committee shall review, and advise the
 18 Motor Vehicle Theft Prevention Board concerning:

19 (a) The effectiveness of programs developed, implemented or funded by the board in-
 20 cluding, but not limited to, the effect of the programs on motor vehicle theft rates and the
 21 cost of motor vehicle insurance; and

22 (b) The board's funding sources and the need for additional funding.

23 **SECTION 9.** (1) Every insurer that issues a vehicle comprehensive insurance policy in
 24 this state shall pay a semiannual fee of 50 cents per vehicle insured under the vehicle com-
 25 prehensive insurance policy. The fee is fully earned and nonrefundable at the time the
 26 insurer collects the premium for the vehicle comprehensive insurance policy. Each insurer
 27 shall transmit the fee on or before January 31 and on or before July 31 of each year to the
 28 State Treasurer. The payment due on or before January 31 covers vehicles insured under
 29 policies issued during the period of July 1 through December 31 of the previous year. The
 30 payment due on or before July 31 covers vehicles insured under policies issued during the
 31 period of January 1 through June 30 of the same year.

32 (2) All moneys received by the State Treasurer pursuant to subsection (1) of this section
 33 shall be paid into the State Treasury and credited to the Motor Vehicle Theft Prevention
 34 Fund.

35 **SECTION 10.** Notwithstanding the term of office specified by section 1 of this 2007 Act,
 36 of the members first appointed to the Motor Vehicle Theft Prevention Board:

37 (1) Two shall serve for terms ending January 1, 2009.

38 (2) Two shall serve for terms ending January 1, 2010.

39 (3) Three shall serve for terms ending January 1, 2011.

40 (4) Three shall serve for terms ending January 1, 2012.

41 **SECTION 11.** Sections 1 to 9 of this 2007 Act are repealed on January 2, 2014.