

House Bill 2936

Sponsored by Representative JENSON (at the request of Umatilla County Solid Waste Commission, Mike Monroe)

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**.

Requires transferor of vehicle to provide Department of Transportation with name and address of transferee.

Modifies offense of abandoning vehicle. Requires suspension of driving privileges of person who abandons vehicle. Stipulates that suspension remains in effect for minimum of 90 days and until person pays costs of removal, storage and disposition of abandoned vehicle. Punishes by minimum fine of \$250 or, if costs for removal, storage and disposition of abandoned vehicle are paid, by minimum fine of \$50.

A BILL FOR AN ACT

1
2 Relating to motor vehicles; creating new provisions; and amending ORS 803.112, 803.113, 803.117 and
3 819.100.

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

5 **SECTION 1.** ORS 803.112 is amended to read:

6 803.112. (1) Except as otherwise provided in this section, the transferor of an interest in a ve-
7 hicle covered by an Oregon title shall notify the Department of Transportation of the transfer within
8 10 days of the date of transfer. The notice shall **include the name and address of the transferee**
9 **and** be in a form determined by the department by rule.

10 (2) For purposes of giving notice under this section, if the transfer occurs by operation of law,
11 the personal representative, receiver, trustee, sheriff or other representative or successor in interest
12 of the person whose interest is transferred shall be considered the transferor.

13 (3) The requirements of this section do not apply upon creation, termination or change in a se-
14 curity interest or a leasehold interest or upon award of ownership of a motor vehicle made by court
15 order.

16 (4) A vehicle dealer is exempt from the notice requirement of this section if the dealer:

17 (a) Transfers the vehicle to another dealer; or

18 (b) Submits an application for title to the vehicle on behalf of the buyer of the vehicle.

19 (5) Notification provided under this section is for informational purposes only and does not
20 constitute an assignment or release of any interest in the vehicle.

21 **SECTION 2.** ORS 803.113 is amended to read:

22 803.113. (1) Except as otherwise provided by rule of the Department of Transportation under
23 subsection (3) of this section, upon receipt of a notification of transfer described in ORS 803.112, the
24 department shall make a notation on its records indicating that it has received notification that an
25 interest in the vehicle has been transferred. The notation shall be made whether or not the form
26 submitted to the department contains all the information required by the department under ORS
27 803.112, so long as **the name and address of the transferee are provided and** there is sufficient
28 information to identify the vehicle. Thereafter, until a new title is issued, when the department is

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 asked to provide the name of the owner of a vehicle as shown on its records, the department shall
 2 provide the name **and address** of the transferor **and transferee** and indicate that department re-
 3 cords show a notification of transfer but do not show a title transfer. *[The department shall also*
 4 *provide the name of the transferee if it is shown on the form submitted by the transferor under ORS*
 5 *803.112.]*

6 (2) Whenever the Oregon Vehicle Code or other statute requires notice to the owner of a motor
 7 vehicle, the person required to provide notice shall provide the notice to the current owner as
 8 shown on the records of the department and to any transferee shown as a result of notification to
 9 the department under ORS 803.112.

10 (3) The department may adopt rules for the implementation of ORS 803.112 and this section.
 11 Rules shall be designed to allow the department to implement ORS 803.112 and this section in a way
 12 that is efficient and convenient for the public and the department. Rules under this section may
 13 include, but need not be limited to, rules authorizing the department to remove information recorded
 14 under this section and specifying circumstances under which information submitted need not be re-
 15 corded.

16 **SECTION 3.** ORS 803.117 is amended to read:

17 803.117. A transferor who has made a bona fide transfer of a vehicle and has delivered pos-
 18 session of it to a transferee shall not, by reason of any of the provisions of the Oregon Vehicle Code,
 19 be subject to civil liability or criminal liability for the parking, abandoning or operation of the ve-
 20 hicle by another person when the transferor has:

21 (1) Notified the Department of Transportation of the transfer; *[and]*

22 (2) **Provided the department with the name and address of the transferee; and**

23 *[(2)]* (3) Assigned the title to the transferee.

24 **SECTION 4. The amendments to ORS 803.112, 803.113 and 803.117 by sections 1 to 3 of this**
 25 **2007 Act apply to vehicles transferred on or after the effective date of this 2007 Act.**

26 **SECTION 5.** ORS 819.100 is amended to read:

27 819.100. (1) A person commits the offense of abandoning a vehicle if the person abandons a ve-
 28 hicle upon a highway or upon any public or private property **and fails to remove the vehicle**
 29 **within 24 hours.**

30 (2) **Except when notification of transfer of interest has been provided in accordance with**
 31 **ORS 803.112**, the owner of the vehicle as shown by the records of the Department of Transportation
 32 *[shall be]* **is** considered responsible for the abandonment of a vehicle in the manner prohibited by
 33 this section and *[shall be]* **is** liable for the *[cost]* **costs** of removal, **storage** and disposition of the
 34 abandoned vehicle. **If notification of transfer of interest has been provided in accordance with**
 35 **ORS 803.112, the transferee is considered responsible for the abandonment and is liable for**
 36 **the costs of removal, storage and disposition of the abandoned vehicle.**

37 (3) A vehicle abandoned in violation of this section is subject to the provisions for removal of
 38 abandoned vehicles under ORS **98.830, 98.835, 98.840**, 819.110 and 819.120 and to being sold **or dis-**
 39 **posed of** as provided under ORS 819.210, **819.215** or 819.220.

40 (4) The offense described in this section, abandoning a vehicle, is a Class B traffic violation[.],
 41 **except that a person in violation of this section shall pay a minimum fine of \$250 unless the**
 42 **person produces evidence satisfactory to the court that all costs of removal, storage and**
 43 **disposition of the abandoned vehicle have been paid. If a person in violation of this section**
 44 **produces evidence satisfactory to the court that all costs of removal, storage and disposition**
 45 **of the abandoned vehicle have been paid, the person shall pay a minimum fine of \$50. In ad-**

1 **dition to any other penalty, a person convicted of abandoning a vehicle is subject to suspen-**
2 **sion of driving privileges as provided in section 7 of this 2007 Act.**

3 **SECTION 6. Section 7 of this 2007 Act is added to and made a part of the Oregon Vehicle**
4 **Code.**

5 **SECTION 7. (1) The Department of Transportation shall suspend the driving privileges**
6 **of a person who abandons a vehicle in violation of ORS 819.100. The suspension shall remain**
7 **in effect for a minimum of 90 days and shall continue until the person:**

8 **(a) Pays all costs of removal, storage and disposition of the abandoned vehicle and pro-**
9 **vides evidence of payment to the department;**

10 **(b) Pays a fee of \$50 to the department; and**

11 **(c) Pays the fee for reinstatement of suspended driving privileges under ORS 807.370.**

12 **(2) A person is entitled to an administrative review of a suspension under this section.**

13 **SECTION 8. Section 7 of this 2007 Act and the amendments to ORS 819.100 by section 5**
14 **of this 2007 Act apply to vehicles abandoned on or after the effective date of this 2007 Act.**

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