

# House Bill 2991

Sponsored by Representative JENSON

## 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**.

Waives title transfer fee if transferee jointly owned vehicle with transferee's spouse and spouse is deceased.

## A BILL FOR AN ACT

1  
2 Relating to title transfer fees; amending ORS 803.092.

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

4 **SECTION 1.** ORS 803.092 is amended to read:

5 803.092. (1) Except as otherwise provided in this section, upon the transfer of any interest in a  
6 vehicle covered by an Oregon title the transferee shall submit an application for title to the De-  
7 partment of Transportation. Such application shall be submitted to the department within 30 days  
8 of the date of transfer of interest.

9 (2) Notwithstanding subsection (1) of this section, application is not required under this section  
10 when:

11 (a) The change involves only a change in the security interest where the security interest holder  
12 or lessor is a financial institution, a financial holding company or a bank holding company, as those  
13 terms are defined in ORS 706.008, a licensee under ORS chapter 725, or any subsidiary or affiliate  
14 of any of the foregoing and the transfer of the interest of the security interest holder or lessor:

15 (A) Results from the merger, conversion, reorganization, consolidation or acquisition of the se-  
16 curity interest holder or lessor;

17 (B) Is to an entity that is a member of the same affiliated group as the security holder or lessor;  
18 or

19 (C) Is made in connection with a transfer in bulk.

20 (b) The vehicle is transferred to a vehicle dealer and the vehicle will become part of the dealer's  
21 inventory for resale. Upon the transfer of a vehicle to a dealer, however, the dealer shall imme-  
22 diately notify the department of such transfer. This exemption from the requirement to apply for  
23 title does not apply if the department determines that application for title is necessary in order to  
24 comply with odometer disclosure requirements. If the department determines that application for  
25 title is not required, it may require filing of documents under ORS 803.126.

26 (c) The vehicle is to be titled in another jurisdiction.

27 (d) The vehicle has been totaled, wrecked, dismantled, disassembled, substantially altered or  
28 destroyed, in which case the provisions of ORS 819.010, 819.012, 819.014 or 822.135 relating to notice  
29 and surrender of title documents shall be complied with.

30 (e) The transfer involves the creation or termination of a leasehold interest in a vehicle that is  
31 proportionally registered under ORS 826.009 or 826.011, if the department is furnished with satis-

**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 factory proof of the lease.

2 (3) Except as provided in subsection (2) of this section, the transferee shall:

3 (a) Submit an application that meets requirements for title under ORS 803.045 and 803.050 and  
4 any applicable rules of the department.

5 (b) Submit the title transfer fees as required under ORS 803.090. **However, the department**  
6 **shall waive the transfer fee under ORS 803.090 if all of the following are true:**

7 **(A) The transferee's spouse is deceased;**

8 **(B) The transferee jointly owned the vehicle with the transferee's spouse at the time of**  
9 **the death of the transferee's spouse; and**

10 **(C) The transferee's right of survivorship is listed on the title.**

11 (c) Comply with the provisions of ORS 803.065 and any applicable rules of the department under  
12 that statute and submit the duplicate or replacement title fee as provided under ORS 803.090, if the  
13 transfer includes an application for duplicate or replacement title and transfer of title.

14 (d) Submit an odometer disclosure containing information required by the department for the  
15 kind of transaction involved.

16 (e) Submit any late presentation of certificate of title fee as provided under ORS 803.090 if such  
17 fee is required under ORS 803.105.

18 (4) For purposes of this section:

19 (a) "Affiliated group" has the meaning given to the term in section 1504(a) of the Internal Re-  
20 venue Code of 1986, as amended (26 U.S.C. 1504(a)).

21 (b) A "transfer in bulk" is:

22 (A) The sale or assignment of, the grant of a security interest in, or any other transfer of either  
23 a group of loans secured by vehicles, leases of vehicles or both or a participation or other interest  
24 in the group of loans;

25 (B) The creation of asset-backed securities or other securing of assets involving the loans or  
26 leases; or

27 (C) Any similar transaction involving the loans or leases.

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