

Enrolled
House Bill 3377

Sponsored by COMMITTEE ON TRANSPORTATION

CHAPTER

AN ACT

Relating to dismantlers; amending ORS 819.010, 822.135, 822.137 and 822.145.

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

SECTION 1. ORS 819.010 is amended to read:

819.010. (1) A person commits the offense of failure to comply with requirements for destruction of a vehicle if the person wrecks, dismantles, disassembles or substantially alters the form of any vehicle that is or is required to be registered or titled under the vehicle code or under ORS chapter 826 and the person does not comply with all of the following:

(a) The person must give notice to the Department of Transportation, in a form specified by the department, of the person’s intention to dismantle, disassemble, wreck or substantially alter the form of the vehicle at least seven days prior to commencement thereof.

(b) If the vehicle is visible from a public right of way, the person must complete the wrecking, dismantling, disassembling or substantial alteration of form within 30 days from the commencement thereof.

(c) If the vehicle is registered by this state, the person must deliver or mail to the department the registration card, certificate of title, if one has been issued, and registration plates of the vehicle within 30 days after the person wrecks, dismantles, disassembles or substantially alters the form of the vehicle.

(d) If no certificate of title has been issued for the vehicle, the person must notify the department in a manner determined by the department by rule within 30 days after the person wrecks, dismantles, disassembles or substantially alters the form of the vehicle.

(e) If required to do so under ORS 819.016, the person shall apply for a salvage title for the vehicle.

(2) *[Subsection (1)(a) and (b) of this section do not apply]* **This section does not apply** to persons who are acting within the scope of a dismantler certificate issued under ORS 822.110.

(3) The offense described in this section, failure to comply with requirements for destruction of vehicle, is a Class A misdemeanor.

SECTION 2. ORS 822.145 is amended to read:

822.145. (1) The Department of Transportation may *[revoke]* **impose sanctions on any person holding a** dismantler certificate issued under ORS 822.110 or identification card issued under ORS 822.125 if the department determines at any time for due cause that any of the following have occurred:

(a) The person holding the certificate has failed to comply with any requirements for registration of vehicles under the vehicle code.

(b) The person holding the certificate has violated ORS 803.140, [819.010,] 819.012, 819.016, 819.040 or 822.135.

(c) The person holding the certificate has caused or suffered or is permitting the unlawful use of the dismantler certificate.

(d) The person holding the certificate has violated any regulation adopted under ORS 822.135.

(e) The person holding the certificate has failed to allow the department to conduct inspections as provided under ORS 822.130.

(f) The person holding an identification card has unlawfully used or permitted unlawful use of the card.

(2) The department shall cancel or suspend any dismantler certificate immediately:

(a) Upon receipt of legal notice that the bond described under ORS 822.120 is canceled; or

(b) For failure to pay any penalty imposed under ORS **822.135** or 822.137.

(3) Upon revocation, cancellation or suspension of a dismantler certificate or identification card under this section, the department shall recall and demand the return of the certificate or identification card.

(4) If the department has reason to believe that a person has engaged in or is engaging in any activity prohibited under ORS 822.100, the department may issue an order directed at the person to cease the activity.

(5) The department shall adopt rules establishing sanctions authorized by subsection (1) of this section.

SECTION 3. ORS 822.135 is amended to read:

822.135. (1) A person commits the offense of improperly conducting a motor vehicle dismantling business if the person holds a dismantler certificate issued under ORS 822.110 and the person does any of the following:

(a) Fails to permanently exhibit a dismantler certificate at a place of business of the person at all times while the certificate is in force.

(b) Expands the dimensions of or moves any of the person's places of business or opens any additional places of business without obtaining a supplemental dismantler certificate by the procedure under ORS 822.125.

(c) Fails to maintain records at the person's established place of business that record and describe the following:

(A) Every motor vehicle purchased, transferred, wrecked, dismantled, disassembled or substantially altered by the person;

(B) The name and address of the person to and from whom the vehicle was transferred;

(C) The vehicle identification number and other identification marks or numbers on the vehicle; and

(D) A statement indicating any such numbers or marks that have been obliterated, defaced or changed.

(d) Except as otherwise provided, fails to [*have in the person's possession a duly assigned certificate of title or other primary ownership document or notification of award or purchase for a motor vehicle from the time the vehicle is delivered to the person until the person disposes of the vehicle. If no certificate of title or primary ownership record in the form of a document has been issued for the vehicle, the person shall comply with rules adopted by the Department of Transportation for documents the person is required to keep. If the certificate of title has been surrendered, the person must have a notification of award or purchase in order to comply with the provisions of this paragraph*] **surrender to the Department of Transportation, within 30 days after the date the person acquires the title, a certificate of title or other primary ownership document or ownership record for a motor vehicle.** If the vehicle is delivered to the person under the provisions of ORS 819.215 or 819.280, a copy of the notification to the department under ORS 819.215 or 819.280 is sufficient to comply with the provisions of this paragraph.

(e) Refuses, at any time, to allow a police officer or an employee of the department to inspect the books, records, inventory or premises of the person's motor vehicle dismantling business.

(f) Fails to maintain, for the purposes of the person's motor vehicle dismantling business, a building or an enclosure or other barrier at least six feet in height that is constructed, established or formed in compliance with rules adopted by the department.

(g) Fails to keep the premises on the outside of the establishment clear and clean at all times.

(h) Conducts any wrecking, dismantling or altering of vehicles outside the building, enclosure or barrier on the premises of the business.

(i) Stores or displays any motor vehicles or major component parts or conducts the motor vehicle dismantling business outside of the building, enclosure or barrier of the place of business.

(j) Fails to immediately file with the department, upon transfer of a wrecked or dismantled motor vehicle, the form furnished by the department to report the date of transfer, a description of the vehicle, the name and address of the purchaser and other information respecting the vehicle required by the department.

(k) Except as otherwise provided in this paragraph, fails to keep the business hidden or adequately screened by the terrain or other natural objects or by plantings, fences or other appropriate means so as not to be visible from the main traveled way of the highway in accordance with the rules of the Director of Transportation. This paragraph does not apply to a business that is:

(A) Located in an area zoned for industrial use under authority of the laws of this state; or

(B) A business established before June 30, 1967.

(L) Expands or moves any place of business approved under a dismantler certificate or opens any additional locations for the business without obtaining a supplemental certificate under ORS 822.125 or obtaining an additional dismantler certificate.

(m) Fails to allow the department to conduct inspections as provided under ORS 822.130.

(n) Fails to deploy or remove any air bag containing sodium azide from a vehicle before the vehicle is wrecked or dismantled.

(o) Fails to ensure that an air bag containing sodium azide that has been removed from a vehicle is deployed within seven days of removal unless the air bag is properly stored by a motor vehicle dealer, automobile repair facility or dismantler certified under ORS 822.110.

(2) The offense described in this section, improperly conducting a motor vehicle dismantling business, is a:

(a) Class A misdemeanor if the person violates subsection (1)(a) to (m) of this section.

(b) Class D violation if the person violates subsection (1)(n) or (o) of this section.

(c) Class C misdemeanor, notwithstanding paragraph (b) of this subsection, if the person violates subsection (1)(n) or (o) of this section and the person has two or more previous convictions for violating subsection (1)(n) or (o) of this section.

SECTION 4. ORS 822.137 is amended to read:

822.137. (1) As used in this section, "major component part" includes significant parts of a motor vehicle such as engines, short blocks, frames, transmissions, transfer cases, cabs, doors, differentials, front or rear clips, quarter panels, truck beds or boxes, hoods, bumpers, fenders and airbags. The Department of Transportation may by rule designate other motor vehicle parts not specified in this subsection as major component parts. "Major component part" does not include cores or parts of cores that require remanufacturing or that are limited in value to that of scrap metal.

(2) In addition to any other penalty provided by law, the department may impose on a dismantler, in the manner provided by ORS 183.745, a civil penalty not to exceed \$1,000 per violation if the dismantler:

(a) Acquires a motor vehicle or major component part without [*first*] obtaining a certificate of sale and, if applicable, a certificate of title.

(b) Possesses, sells or otherwise disposes of a motor vehicle or any part of a motor vehicle knowing that the vehicle or part has been stolen.

(c) Sells, buys, receives, conceals, possesses or disposes of a motor vehicle or any part of a motor vehicle having a missing, defaced, intentionally altered or covered vehicle identification number, unless directed to do so by a law enforcement official.

(d) Commits forgery in the second degree, as defined in ORS 165.007, or misstates a material fact relating to a certificate of title, registration or other document related to a motor vehicle that has been reassembled from parts of other motor vehicles.

(e) Fraudulently obtains, creates or modifies a dismantler certificate.

(f) Fails to maintain records at the certified place of business for three years from the date of acquisition of a motor vehicle that describe and identify the vehicle, including:

- (A) The certificate of title number;
- (B) The state where the vehicle was last registered, if applicable;
- (C) The number of the last registration plate issued and the state of issuance, if applicable;
- (D) The year, make and model of the vehicle;
- (E) The vehicle identification number;
- (F) The date acquired;
- (G) The vehicle, stock or yard number assigned to the vehicle by the dismantler; and
- (H) Any other information required by the department.

(g) Fails to maintain records at the certified place of business for three years from the date of acquisition of a major component part that describe and identify the part, including:

- (A) The physical characteristics of the part;
- (B) The stock or yard number assigned to the part by the dismantler;
- (C) The vehicle identification number of the motor vehicle from which the part came; and
- (D) Any other information required by the department.

(h) Commits a dishonest act or omission during the sale of a motor vehicle or major component part that, as determined by the department, causes a loss to the purchaser.

(i) Is convicted of a crime involving false statements or dishonesty that directly relates to the business of the dismantler or suffers any civil judgment imposed for conduct involving fraud, misrepresentation or conversion.

(j) Fails to comply with any provision of ORS 822.133.

Passed by House May 3, 2007

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Chief Clerk of House

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Speaker of House

Passed by Senate May 24, 2007

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President of Senate

Received by Governor:

.....M.,....., 2007

Approved:

.....M.,....., 2007

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Governor

Filed in Office of Secretary of State:

.....M.,....., 2007

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Secretary of State