

A-Engrossed
House Bill 3377

Ordered by the House April 30
Including House Amendments dated April 30

Sponsored by COMMITTEE ON TRANSPORTATION

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.

Allows Department of Transportation to [*discipline*] **impose sanctions on** vehicle dismantler for violation [*using probation*]. **Requires vehicle dismantler to surrender vehicle title, other primary ownership document or ownership record to department within 30 days after acquiring title, document or record.**

A BILL FOR AN ACT

1
2 Relating to dismantlers; amending ORS 819.010, 822.135, 822.137 and 822.145.

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

4 **SECTION 1.** ORS 819.010 is amended to read:

5 819.010. (1) A person commits the offense of failure to comply with requirements for destruction
6 of a vehicle if the person wrecks, dismantles, disassembles or substantially alters the form of any
7 vehicle that is or is required to be registered or titled under the vehicle code or under ORS chapter
8 826 and the person does not comply with all of the following:

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

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

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

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

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

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

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

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 **SECTION 2.** ORS 822.145 is amended to read:

2 822.145. (1) The Department of Transportation may *[revoke]* **impose sanctions on any person**
3 **holding a** dismantler certificate issued under ORS 822.110 or identification card issued under ORS
4 822.125 if the department determines at any time for due cause that any of the following have oc-
5 curred:

6 (a) The person holding the certificate has failed to comply with any requirements for registra-
7 tion of vehicles under the vehicle code.

8 (b) The person holding the certificate has violated ORS 803.140, *[819.010,]* 819.012, 819.016,
9 819.040 or 822.135.

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

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

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

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

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

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

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

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

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

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

28 **SECTION 3.** ORS 822.135 is amended to read:

29 822.135. (1) A person commits the offense of improperly conducting a motor vehicle dismantling
30 business if the person holds a dismantler certificate issued under ORS 822.110 and the person does
31 any of the following:

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

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

37 (c) Fails to maintain records at the person's established place of business that record and de-
38 scribe the following:

39 (A) Every motor vehicle purchased, transferred, wrecked, dismantled, disassembled or substan-
40 tially altered by the person;

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

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

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

1 (d) Except as otherwise provided, fails to *[have in the person's possession a duly assigned certifi-*
2 *cate of title or other primary ownership document or notification of award or purchase for a motor*
3 *vehicle from the time the vehicle is delivered to the person until the person disposes of the vehicle. If*
4 *no certificate of title or primary ownership record in the form of a document has been issued for the*
5 *vehicle, the person shall comply with rules adopted by the Department of Transportation for documents*
6 *the person is required to keep. If the certificate of title has been surrendered, the person must have a*
7 *notification of award or purchase in order to comply with the provisions of this paragraph]* **surrender**
8 **to the Department of Transportation, within 30 days after the date the person acquires the**
9 **title, a certificate of title or other primary ownership document or ownership record for a**
10 **motor vehicle.** If the vehicle is delivered to the person under the provisions of ORS 819.215 or
11 819.280, a copy of the notification to the department under ORS 819.215 or 819.280 is sufficient to
12 comply with the provisions of this paragraph.

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

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

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

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

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

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

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

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

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

33 (L) Expands or moves any place of business approved under a dismantler certificate or opens
34 any additional locations for the business without obtaining a supplemental certificate under ORS
35 822.125 or obtaining an additional dismantler certificate.

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

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

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

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

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

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

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

4 **SECTION 4.** ORS 822.137 is amended to read:

5 822.137. (1) As used in this section, “major component part” includes significant parts of a motor
6 vehicle such as engines, short blocks, frames, transmissions, transfer cases, cabs, doors, differentials,
7 front or rear clips, quarter panels, truck beds or boxes, hoods, bumpers, fenders and airbags. The
8 Department of Transportation may by rule designate other motor vehicle parts not specified in this
9 subsection as major component parts. “Major component part” does not include cores or parts of
10 cores that require remanufacturing or that are limited in value to that of scrap metal.

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

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

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

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

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

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

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

27 (A) The certificate of title number;

28 (B) The state where the vehicle was last registered, if applicable;

29 (C) The number of the last registration plate issued and the state of issuance, if applicable;

30 (D) The year, make and model of the vehicle;

31 (E) The vehicle identification number;

32 (F) The date acquired;

33 (G) The vehicle, stock or yard number assigned to the vehicle by the dismantler; and

34 (H) Any other information required by the department.

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

37 (A) The physical characteristics of the part;

38 (B) The stock or yard number assigned to the part by the dismantler;

39 (C) The vehicle identification number of the motor vehicle from which the part came; and

40 (D) Any other information required by the department.

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

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

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

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