

## HOUSE AMENDMENTS TO HOUSE BILL 3377

By COMMITTEE ON TRANSPORTATION

April 30

- 1 On page 1 of the printed bill, line 2, after “819.010” insert “, 822.135, 822.137”.
- 2 In line 29, delete “discipline” and insert “impose sanctions on”.
- 3 On page 2, line 3, delete “819.010,”.
- 4 In line 14, after “ORS” insert “822.135 or”.
- 5 Delete lines 21 through 26 and insert:
- 6 “(5) The department shall adopt rules establishing sanctions authorized by subsection (1) of this
- 7 section.
- 8 “**SECTION 3.** ORS 822.135 is amended to read:
- 9 “822.135. (1) A person commits the offense of improperly conducting a motor vehicle dismantling
- 10 business if the person holds a dismantler certificate issued under ORS 822.110 and the person does
- 11 any of the following:
- 12 “(a) Fails to permanently exhibit a dismantler certificate at a place of business of the person
- 13 at all times while the certificate is in force.
- 14 “(b) Expands the dimensions of or moves any of the person’s places of business or opens any
- 15 additional places of business without obtaining a supplemental dismantler certificate by the proce-
- 16 dure under ORS 822.125.
- 17 “(c) Fails to maintain records at the person’s established place of business that record and de-
- 18 scribe the following:
- 19 “(A) Every motor vehicle purchased, transferred, wrecked, dismantled, disassembled or substan-
- 20 tially altered by the person;
- 21 “(B) The name and address of the person to and from whom the vehicle was transferred;
- 22 “(C) The vehicle identification number and other identification marks or numbers on the vehicle;
- 23 and
- 24 “(D) A statement indicating any such numbers or marks that have been obliterated, defaced or
- 25 changed.
- 26 “(d) Except as otherwise provided, fails to [*have in the person’s possession a duly assigned cer-*
- 27 *tificate of title or other primary ownership document or notification of award or purchase for a motor*
- 28 *vehicle from the time the vehicle is delivered to the person until the person disposes of the vehicle. If*
- 29 *no certificate of title or primary ownership record in the form of a document has been issued for the*
- 30 *vehicle, the person shall comply with rules adopted by the Department of Transportation for documents*
- 31 *the person is required to keep. If the certificate of title has been surrendered, the person must have a*
- 32 *notification of award or purchase in order to comply with the provisions of this paragraph]* **surrender**
- 33 **to the Department of Transportation, within 30 days after the date the person acquires the**
- 34 **title, a certificate of title or other primary ownership document or ownership record for a**
- 35 **motor vehicle.** If the vehicle is delivered to the person under the provisions of ORS 819.215 or

1 819.280, a copy of the notification to the department under ORS 819.215 or 819.280 is sufficient to  
2 comply with the provisions of this paragraph.

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

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

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

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

11 “(i) Stores or displays any motor vehicles or major component parts or conducts the motor ve-  
12 hicle dismantling business outside of the building, enclosure or barrier of the place of business.

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

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

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

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

23 “(L) Expands or moves any place of business approved under a dismantler certificate or opens  
24 any additional locations for the business without obtaining a supplemental certificate under ORS  
25 822.125 or obtaining an additional dismantler certificate.

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

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

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

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

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

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

36 “(c) Class C misdemeanor, notwithstanding paragraph (b) of this subsection, if the person vio-  
37 lates subsection (1)(n) or (o) of this section and the person has two or more previous convictions for  
38 violating subsection (1)(n) or (o) of this section.

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

40 “822.137. (1) As used in this section, ‘major component part’ includes significant parts of a motor  
41 vehicle such as engines, short blocks, frames, transmissions, transfer cases, cabs, doors, differentials,  
42 front or rear clips, quarter panels, truck beds or boxes, hoods, bumpers, fenders and airbags. The  
43 Department of Transportation may by rule designate other motor vehicle parts not specified in this  
44 subsection as major component parts. ‘Major component part’ does not include cores or parts of  
45 cores that require remanufacturing or that are limited in value to that of scrap metal.

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

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

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

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

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

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

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

17           “(A) The certificate of title number;

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

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

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

21           “(E) The vehicle identification number;

22           “(F) The date acquired;

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

24           “(H) Any other information required by the department.

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

27           “(A) The physical characteristics of the part;

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

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

30           “(D) Any other information required by the department.

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

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

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

37