

House Bill 3377

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 **as introduced**.

Allows Department of Transportation to discipline vehicle dismantler for violation using probation.

A BILL FOR AN ACT

1
2 Relating to dismantlers; amending ORS 819.010 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.

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

29 822.145. (1) The Department of Transportation may [*revoke*] **discipline** any **person holding a**
30 dismantler certificate issued under ORS 822.110 or identification card issued under ORS 822.125 if
31 the department determines at any time for due cause that any of the following have occurred:

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

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

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

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

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

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

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

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

14 (b) For failure to pay any penalty imposed under ORS 822.137.

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

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

21 **(5) In disciplining a person as authorized by subsection (1) of this section, the department**
22 **may do any or all of the following:**

23 **(a) Revoke a dismantler's certificate.**

24 **(b) Suspend a dismantler's certificate.**

25 **(c) Place a dismantler on probation.**

26 **(6) The department may adopt rules to carry out the provisions of this section.**

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