

House Bill 3527

Sponsored by Representative BUCKLEY; Senator BATES

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**.

Defines "racing activity vehicle" for purposes of Oregon Vehicle Code.
Provides certain exemptions for racing activity vehicles from code requirements.

A BILL FOR AN ACT

1
2 Relating to racing activity vehicles; creating new provisions; and amending ORS 468A.350, 803.045,
3 803.210, 803.212, 815.075, 815.105 and 815.300.

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

5 **SECTION 1. Sections 2 and 3 of this 2007 Act are added to and made a part of the Oregon**
6 **Vehicle Code.**

7 **SECTION 2. "Racing activity vehicle" means a motor vehicle that:**

8 **(1) Is primarily used for racing on a race track and that has:**

9 **(a) A bodiless tubular steel chassis that forms the main structural component of the**
10 **vehicle;**

11 **(b) High side rails;**

12 **(c) Integral front and rear rollover tubes;**

13 **(d) A suspension with both front and rear double unequal length wishbones and inboard,**
14 **pushrod operated dampers; and**

15 **(e) A product identification number instead of a vehicle identification number; and**

16 **(2) Is not a replica or an assembled vehicle.**

17 **SECTION 3. A racing activity vehicle is exempt from vehicle equipment requirements**
18 **under ORS 815.040, 815.075, 815.250, 815.295 and 815.310 if all of the following apply:**

19 **(1) The vehicle is equipped with original manufacturer's equipment and accessories or**
20 **their equivalent; and**

21 **(2) The vehicle is maintained in safe operating condition.**

22 **SECTION 4. ORS 803.045 is amended to read:**

23 803.045. (1) The Department of Transportation shall issue title for a vehicle if the applicant and
24 the vehicle meet the following qualifications:

25 (a) The applicant must satisfy the department that the applicant is the owner of the vehicle and
26 is otherwise entitled to have title issued in the applicant's name.

27 (b) Except as otherwise provided in ORS 803.050 (2), the applicant must submit a completed and
28 signed application for title described in ORS 803.050.

29 (c) The applicant must pay the fee for issuance of a certificate of title under ORS 803.090 or the
30 fee for issuance of title in another form, as established by the department by rule in accordance with
31 ORS 803.012.

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 (d) If the vehicle is a reconstructed vehicle or an assembled vehicle, the applicant must provide
 2 the following information in addition to any other information required under this section:

3 (A) The certificate of title last issued for the frame of the vehicle, a salvage title certificate is-
 4 sued for the vehicle or other evidence of ownership satisfactory to the department.

5 (B) Bills of sale for major components used to build the vehicle.

6 (e) If the vehicle is covered by an Oregon title or salvage title certificate, the applicant shall
 7 surrender the Oregon title or salvage title certificate, submit an application as provided under ORS
 8 803.065 or submit other evidence of ownership satisfactory to the department.

9 (f) Unless the department adopts rules to the contrary, if the vehicle is from another jurisdic-
 10 tion, the applicant shall surrender to the department with the application the certificate of title is-
 11 sued by the other jurisdiction, if such jurisdiction requires certificates of title. If such jurisdiction
 12 does not require certificates of title, then the applicant shall surrender the registration cards.

13 (g) If required by the department, the applicant must submit proof of ownership as described
 14 under ORS 803.205.

15 (h) **Other than a racing activity vehicle as defined in section 2 of this 2007 Act**, if the de-
 16 partment has reason to believe a vehicle was not certified by the original manufacturer as con-
 17 forming to federal vehicle standards, the department may require the applicant to provide proof
 18 satisfactory to the department that the vehicle conforms to federal vehicle standards.

19 (i) Unless the vehicle is exempted from odometer disclosure requirements, the applicant shall
 20 submit an appropriate odometer disclosure form. The department shall determine what constitutes
 21 an appropriate form in any particular situation. The department may make exceptions by rule to the
 22 requirement for submission of an odometer disclosure form.

23 (2)(a) The department may not issue title for a vehicle:

24 (A) Required by ORS 803.210 to be inspected unless the vehicle has been inspected as described
 25 in ORS 803.212 and the inspection fee paid under ORS 803.215.

26 (B) If the current vehicle title, certificate or ownership document is a junk title, junk certificate
 27 or similar ownership document issued by another jurisdiction, or has a junk or similar brand or
 28 notation.

29 (b) The department may adopt any rules it considers necessary for the administration of this
 30 subsection.

31 **SECTION 5.** ORS 803.210 is amended to read:

32 803.210. (1) The Department of Transportation shall not issue title for a vehicle described in
 33 subsection (2) of this section unless:

34 (a) An inspection of the vehicle identification number or numbers of the vehicle is performed in
 35 accordance with ORS 803.212; and

36 (b) The fee established under ORS 803.215 is paid to the department for the inspection.

37 (2) Except as provided in subsection (3) of this section, the requirements of this section apply
 38 to all of the following:

39 (a) A vehicle from another jurisdiction.

40 (b) Any assembled or reconstructed vehicle.

41 (c) Any vehicle if the certificate of title has been or is required to be submitted to the depart-
 42 ment, or a person is required to report to the department, under ORS 819.010, 819.012, 819.014 or
 43 819.030.

44 (d) Any vehicle if the department has received notice that the vehicle has been or will be
 45 wrecked, dismantled, disassembled or substantially altered under ORS 819.010 or 822.135.

1 (e) Replicas.

2 (f) **Other than a racing activity vehicle as defined in section 2 of this 2007 Act**, any vehicle
 3 the department has reason to believe was not certified by the original manufacturer as conforming
 4 to federal vehicle standards.

5 (3) The requirements of this section do not apply to the following vehicles if the person shown
 6 as the owner on an out-of-state title for the vehicle applies for an Oregon title in that person's name:

7 (a) A rental truck, rental truck tractor or rental trailer that is registered in Oregon under an
 8 interstate agreement that provides that a portion of the owner's fleet is to be registered in each
 9 state in which the fleet operates.

10 (b) A trailer or semitrailer that has permanent registration.

11 **SECTION 6.** ORS 803.212 is amended to read:

12 803.212. (1) The Department of Transportation, or persons or agencies authorized to do so by the
 13 department, shall conduct a physical inspection of the vehicle identification number **or numbers**
 14 of each vehicle located in this state and required by ORS 803.210 to be inspected. The department
 15 may designate certified dealers to perform the inspection and may enter into agreements with the
 16 Oregon State Police or other law enforcement agencies of this state to perform inspections. The
 17 inspection shall determine whether the vehicle identification number or numbers match those on the
 18 records of the department, on the title or primary ownership record or contained in other informa-
 19 tion received by the department.

20 (2) If a vehicle that is required by ORS 803.210 to be inspected is located in another jurisdiction,
 21 the department may designate a person or agency in such jurisdiction to perform the physical in-
 22 spection and may waive the inspection fee.

23 (3) Except as provided in subsection (4) of this section, the department shall check the vehicle
 24 identification number or numbers of all vehicles required by ORS 803.210 to be inspected against
 25 those listed as stolen at the National Crime Information Center. If the check indicates the vehicle
 26 is stolen, the department:

27 (a) Shall immediately notify the Oregon State Police or, if the department determines it would
 28 be appropriate to do so, notify another law enforcement agency; and

29 (b) Shall not issue title within 30 days of giving the notice required by paragraph (a) of this
 30 subsection unless the department is notified before the end of the 30 days that the vehicle is not
 31 stolen. After the passage of the 30-day period, the department may issue the title.

32 (4) The department may refer a vehicle to the Oregon State Police or other appropriate law
 33 enforcement agency for a vehicle identification number **or product identification number** in-
 34 spection if:

35 (a) Inspection of the vehicle under this section reveals that the vehicle identification number
 36 **or product identification number** on the vehicle is different from the number provided to the de-
 37 partment or appears to have been tampered with, altered or defaced; or

38 (b) The vehicle is a reconstructed or assembled vehicle or has been reported destroyed or to-
 39 taled under ORS 819.012, 819.014 or 819.030 or is any other salvaged vehicle from another jurisdic-
 40 tion. This subsection does not apply to a vehicle that has been reported totaled to the department
 41 because of theft and has subsequently been recovered.

42 (5) If the department refers a vehicle to a law enforcement agency under subsection (4) of this
 43 section, the law enforcement agency shall inspect the vehicle. If the law enforcement agency deter-
 44 mines that there is reason to believe that the identification number of the vehicle has been tampered
 45 with, altered or forged or that the vehicle is stolen, the law enforcement agency may seize the ve-

1 hicle and may hold the vehicle until completing an investigation to establish the origin and owner-
 2 ship of the vehicle. The department shall reimburse the Department of State Police, and may
 3 reimburse any other law enforcement agency, for any inspections conducted under this subsection
 4 in an amount agreed upon by the department and the Department of State Police or other law
 5 enforcement agency.

6 **SECTION 7.** ORS 815.300 is amended to read:

7 815.300. This section establishes exemptions from the requirements under ORS 815.295 to be
 8 equipped with a certified pollution control system. Exemptions established by this section are in
 9 addition to any exemptions established by ORS 801.026. The exemptions established in this section
 10 are also applicable to requirements for certification of pollution control equipment before registra-
 11 tion under ORS 803.350 and 803.465. All of the following vehicles are exempt from the requirements
 12 under ORS 815.295:

13 (1) Any vehicle that is not a motor vehicle.

14 (2) Any vehicle unless the vehicle is registered within:

15 (a) The boundaries of the metropolitan service district formed under ORS chapter 268 for the
 16 metropolitan area, as defined in ORS 268.020, which includes the City of Portland, Oregon.

17 (b) Boundaries designated by the Environmental Quality Commission under ORS 468A.390.

18 (3) Any new motor vehicle or new motor vehicle engine when the registration results from the
 19 initial retail sale thereof.

20 (4) Any motor vehicle:

21 (a) Not registered in areas designated under subsection (2)(a) of this section, including any ex-
 22 pansion of such boundary under subsection (2)(b) of this section, with a model year that predates
 23 by more than 20 years the year in which registration or renewal of registration is required; or

24 (b) Registered in areas designated under subsection (2)(a) of this section, including any expan-
 25 sion of such boundary under subsection (2)(b) of this section, with a model year of 1974 or earlier.

26 (5) Motor vehicles that are registered as farm vehicles under ORS 805.300 or apportioned farm
 27 vehicles under ORS 805.300.

28 (6) Special interest vehicles that are maintained as collectors' items and used for exhibitions,
 29 parades, club activities and similar uses but not used primarily for the transportation of persons or
 30 property.

31 (7) Fixed load vehicles.

32 (8) Vehicles that are proportionally registered under ORS 826.009 and 826.011 in accordance
 33 with agreements established under ORS 826.007.

34 (9) Electric motor vehicles. This subsection does not exempt hybrid motor vehicles that use
 35 electricity and another source of motive power.

36 (10) First response rescue units operated by political subdivisions of this state that are not used
 37 to transport persons suffering from illness, injury or disability.

38 (11) A vehicle that is currently registered in Oregon at the time application for new registration
 39 is received by the Department of Transportation if the new registration is a result of a change in
 40 the registration or plate type and the application is received at least four months prior to the ex-
 41 piration of the existing registration.

42 (12) Golf carts.

43 (13) Any Class I, Class II or Class III all-terrain vehicle.

44 (14) An original equipment manufacturer vehicle that is engineered, designed, produced and
 45 warranted to use natural gas as its only fuel source.

1 **(15) Racing activity vehicles.**

2 **SECTION 8.** ORS 468A.350 is amended to read:

3 468A.350. As used in ORS 468A.350 to 468A.400:

4 (1) "Certified system" means a motor vehicle pollution control system for which a certificate of
5 approval has been issued under ORS 468A.365 (3).

6 (2) "Factory-installed system" means a motor vehicle pollution control system installed by the
7 manufacturer which meets criteria for emission of pollutants in effect under federal laws and regu-
8 lations applicable on September 9, 1971, or which meets criteria adopted pursuant to ORS 468A.365
9 (1), whichever criteria are stricter.

10 (3) "Motor vehicle" includes any self-propelled vehicle used for transporting persons or com-
11 modities on public roads and highways[,] but does not include a vehicle of special interest as that
12 term is defined in ORS 801.605, if the vehicle is maintained as a collector's item and used for exhi-
13 bitions, parades, club activities and similar uses but not used primarily for the transportation of
14 persons or property, **or a racing activity vehicle as defined in section 2 of this 2007 Act.**

15 (4) "Motor vehicle pollution control system" means equipment designed for installation on a
16 motor vehicle for the purpose of reducing the pollutants emitted from the vehicle, or a system or
17 engine adjustment or modification which causes a reduction of pollutants emitted from the vehicle.

18 **SECTION 9.** ORS 815.075 is amended to read:

19 815.075. (1) A person commits the offense of selling vehicles or equipment that violates state
20 equipment administrative rules if the person sells or offers for sale any vehicle or sells or offers for
21 sale for use upon a vehicle or uses on any vehicle any equipment if the vehicle or equipment:

22 (a) Does not conform to standards established by the Department of Transportation by rule un-
23 der ORS 815.030; and

24 (b) Does not bear thereon proof of certification that it complies with the applicable standards.

25 (2) Proof of certification required under this section may be made in any manner provided under
26 ORS 815.030.

27 (3) This section is subject to the following exemptions in addition to any exemptions under ORS
28 801.026:

29 (a) Vehicles of special interest that are registered under ORS 805.020 are deemed to comply with
30 this section if:

31 (A) The vehicles are equipped with original manufacturer's equipment and accessories, or their
32 equivalent, and are maintained in safe operating order; or

33 (B) The vehicles are street rods that conform to ORS 815.107.

34 (b) Road machinery, road rollers, implements of husbandry, farm trailers and farm tractors are
35 not subject to this section.

36 (c) Antique vehicles are not subject to this section if the vehicles are maintained as collectors'
37 items and used for exhibitions, parades, club activities and similar uses, but not used primarily for
38 the transportation of persons or property.

39 **(d) Racing activity vehicles are not subject to this section.**

40 (4) The offense described under this section, selling vehicles or equipment that violates state
41 equipment administrative rules, is a Class D traffic violation.

42 **SECTION 10.** ORS 815.105 is amended to read:

43 815.105. This section establishes exemptions from ORS 815.030 and 815.100. Exemptions under
44 this section are in addition to any exemptions under ORS 801.026. Exemptions under this section are
45 partial or complete as described in the following:

1 (1) Vehicles of special interest that are registered under ORS 805.020 are deemed to comply with
2 ORS 815.030 and 815.100 if:

3 (a) The vehicles are equipped with original manufacturer's equipment and accessories, or their
4 equivalent, and are maintained in safe operating condition; or

5 (b) The vehicles are street rods that conform to ORS 815.107.

6 (2) Road machinery, road rollers, implements of husbandry, farm trailers and farm tractors are
7 exempt from ORS 815.030 and 815.100.

8 (3) Antique vehicles are exempt from ORS 815.030 and 815.100 if the vehicles are maintained as
9 collectors' items and used for exhibitions, parades, club activities and similar uses, but not used
10 primarily for the transportation of persons or property.

11 (4) Motorized wheelchairs are exempt from ORS 815.030 and 815.100 when used as permitted
12 under ORS 811.440.

13 **(5) Racing activity vehicles are exempt from ORS 815.030 and 815.100.**

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