

House Bill 2564

Sponsored by COMMITTEE ON TRANSPORTATION (at the request of Oregon Vehicle Dealer Association)

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**.

Permits person to provide Department of Transportation with odometer disclosure form for vehicle 10 years old or older.

Requires department to keep odometer records in electronic form.

Expands offense of abandoning vehicle to include leaving vehicle for sale on highway or public property for at least eight consecutive hours.

Requires person who has possessory lien on motor vehicle to register with department. Creates offense of failure to register possessory lien. Punishes by maximum fine of \$90.

A BILL FOR AN ACT

1
2 Relating to motor vehicles; creating new provisions; and amending ORS 802.200, 803.102, 819.100 and
3 819.110.

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

5 **SECTION 1.** ORS 803.102 is amended to read:

6 803.102. (1) As used in this section:

7 (a) "Transferee" means any person to whom ownership of a motor vehicle is transferred by
8 purchase, gift or any other means other than by creation of a security interest and any person who,
9 as an agent, signs an odometer disclosure statement for the transferee.

10 (b) "Transferor" means any person who transfers ownership of a motor vehicle by sale, gift or
11 any means other than by creation of a security interest and any person who, as an agent, signs an
12 odometer disclosure statement for the transferor.

13 (2) Except as otherwise provided in this section, upon transfer of any interest in a motor vehicle,
14 an odometer disclosure statement shall be made by the transferor to the transferee. The disclosure
15 shall be in a form that complies with the provisions of ORS 803.120 and shall contain the information
16 required under ORS 803.122.

17 (3) If a transfer requiring a disclosure statement involves a leased vehicle, the lessor shall notify
18 the lessee that the lessee is required to provide odometer disclosure. The lessee shall furnish the
19 lessor with a form that complies with the requirements of ORS 803.120 and shall provide the infor-
20 mation required by ORS 803.122 except that for purposes of the required information, the lessee
21 shall be considered the transferor, the lessor shall be considered the transferee and the date shall
22 be the date of the disclosure statement.

23 (4) Where an interest in a vehicle is transferred by operation of law, the Department of Trans-
24 portation shall determine by rule whether an odometer disclosure statement is required and if so,
25 who is required to provide it.

26 (5) The odometer disclosure requirements of this section do not apply upon transfer of an in-
27 terest where the transfer is due solely to the creation, release or assignment of a security interest,
28 or upon transfer of an interest in any of the following:

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) A vehicle with a gross vehicle weight rating of more than 16,000 pounds.

2 (b) A vehicle that is not self-propelled.

3 (c) A vehicle that is at least 10 years old.

4 (d) A vehicle that is sold directly by the manufacturer to any agency of the United States in
5 conformity with contractual specifications.

6 (e) A vehicle that is exempted from the requirement by rules of the department.

7 **(6) A person may provide an odometer disclosure statement for a vehicle that is 10 years**
8 **old or older.**

9 **SECTION 2.** ORS 802.200, as amended by section 8, chapter 1, Oregon Laws 2008, is amended
10 to read:

11 802.200. In addition to any other records the Department of Transportation may establish, the
12 department is subject to the following provisions concerning records:

13 (1) The department shall maintain records concerning the titling of vehicles in this state. The
14 records under this subsection shall include the following:

15 (a) For vehicles issued a title by this state, the records shall identify the vehicle and contain
16 the following:

17 (A) The name of the vehicle owner and any security interest holders in order of priority, except
18 that a security interest holder need not be identified if the debtor who granted the interest is in the
19 business of selling vehicles and the vehicles constitute inventory held for sale;

20 (B) The name of any lessor of the vehicle;

21 (C) The vehicle description; and

22 (D) Whether a certificate of title was issued for the vehicle.

23 (b) If the vehicle is an antique vehicle that is reconstructed, the records shall indicate that the
24 vehicle is reconstructed.

25 (c) If the vehicle is a replica, the records shall indicate that the vehicle is a replica.

26 (d) Any other information concerning the titling of vehicles that the department considers con-
27 venient or appropriate.

28 (e) All odometer readings for a vehicle that are reported to the department under provisions of
29 the vehicle code. **The department shall keep records required under this paragraph in elec-**
30 **tronic form.**

31 (f) If the vehicle has been reported to the department as a totaled vehicle under the provisions
32 of ORS 819.012 or 819.014, the records shall indicate that the vehicle is a totaled vehicle unless the
33 reason for the report was theft and the vehicle has been recovered.

34 (2) If a vehicle that has been registered or titled in another jurisdiction is registered or titled
35 in this state, the department shall retain a record of any odometer readings shown on the title or
36 registration documents submitted to the department at the time of registration or title.

37 (3) Except as otherwise provided in ORS 826.003, the department shall maintain records con-
38 cerning the registration of vehicles required to be registered by the department. The records con-
39 cerning the registration of vehicles may be stored along with records concerning the titling of
40 vehicles. The records under this subsection shall include the following:

41 (a) For vehicles registered by the department, the records shall identify the vehicle and contain
42 the following:

43 (A) The registration plate number assigned by the department to the vehicle;

44 (B) The name of the vehicle owner;

45 (C) The vehicle description and vehicle identification number; and

1 (D) An indication that the vehicle is a totaled vehicle if it has been reported to the department
 2 as a totaled vehicle under the provisions of ORS 819.012 or 819.014, unless the reason for the report
 3 was theft and the vehicle has been recovered.

4 (b) Any other information concerning the registration of vehicles that the department considers
 5 convenient or appropriate.

6 (4) The department shall maintain separate records for the regulation of vehicle dealers. The
 7 records required under this subsection shall include the following information about persons issued
 8 dealer certificates:

9 (a) The person's application for a vehicle dealer certificate.

10 (b) An alphabetical index of the name of each person applying for a vehicle dealer certificate.

11 (c) A numerical index according to the distinctive number assigned to each vehicle dealer.

12 (5) The department shall maintain a file on vehicles for which the title record is canceled under
 13 ORS 819.030. The records required under this subsection shall disclose the last registered owner of
 14 each vehicle, any security interest holder or holders and lessors of each vehicle as shown by the
 15 canceled title record for each vehicle and the make and year model for each vehicle.

16 (6) The department shall maintain a record of each agreement or declaration under ORS 802.500
 17 and 802.520.

18 (7) The department shall maintain separate and comprehensive records of all transactions af-
 19 fecting the Revolving Account for Emergency Cash Advances described under ORS 802.100.

20 (8) The department shall maintain suitable records of driver licenses, driver permits and iden-
 21 tification cards. The records required under this subsection shall include all of the following:

22 (a) An index by name and number.

23 (b) Supporting documentation of all driver licenses, driver permits or identification cards issued.

24 (c) Every application for a driver license, driver permit or identification card.

25 (d) All driver licenses or driver permits that have been suspended or revoked.

26 (e) For each driver license, driver permit or identification card, the Social Security number of
 27 the person to whom the driver license, driver permit or identification card is issued or proof that
 28 the person is not eligible for a Social Security number.

29 (f) For each commercial driver license, the Social Security number of the person to whom the
 30 license is issued, or any other number or identifying information that the Secretary of the United
 31 States Department of Transportation determines appropriate to identify the person.

32 (9) The Department of Transportation shall maintain a two-part driving record consisting of an
 33 employment driving record and a nonemployment driving record for each person as required under
 34 this subsection. All of the following apply to the records required under this subsection:

35 (a) The department shall maintain driving records on:

36 (A) Every person who is granted driving privileges under a driver license, driver permit or a
 37 statutory grant of driving privileges under ORS 807.020;

38 (B) Every person whose driving privileges have been suspended, revoked or canceled under this
 39 vehicle code;

40 (C) Every person who has filed an accident report under ORS 811.725 or 811.730; and

41 (D) Every person who is required to provide future responsibility filings under ORS 806.200,
 42 806.220, 806.230 or 806.240.

43 (b) In addition to other information required by this paragraph, the employment driving record
 44 shall include all reports of drug test results that are made to the department under ORS 825.410.
 45 Notwithstanding any other provision of law, release of the portion of the employment driving record

1 that shows drug test results reported under ORS 825.410 is permitted only in accordance with ORS
2 802.202. The employment driving record shall also include all motor vehicle accidents that the per-
3 son is required to report under ORS 811.720, all suspensions of driving privileges required to be
4 placed on the record under ORS 809.280, all suspensions of the person's commercial driver license
5 that result from operation or use of a commercial motor vehicle and all convictions of the person
6 for violation of motor vehicle laws except convictions for offenses requiring mandatory revocation
7 or suspension of driving privileges under ORS 809.409, 809.411, 809.413 and 813.400, but shall include
8 only such accidents, suspensions and convictions that occur while the person is driving a motor
9 vehicle:

10 (A) In the course of the person's employment when the person is employed by another for the
11 principal purpose of driving a motor vehicle;

12 (B) Carrying persons or property for compensation;

13 (C) In the course of the person's employment in the collection, transportation or delivery of mail
14 if the vehicle is government owned or marked for the collection, transportation or delivery of mail
15 in accordance with government rules;

16 (D) That is an authorized emergency vehicle;

17 (E) That is a commercial motor vehicle; or

18 (F) In the course of the person's employment with a federal, state or local government in a
19 public works project involving repair or maintenance of water, sewer or road systems.

20 (c) The nonemployment driving record shall include the person's:

21 (A) Motor vehicle accidents that the person is required to report under ORS 811.720, other than
22 the motor vehicle accidents that are included on the person's employment driving record;

23 (B) Suspensions, cancellations and revocations of licenses, permits and driving privileges;

24 (C) Convictions for violation of the motor vehicle laws other than those included in the em-
25 ployment driving record including, for each violation of ORS 811.100 or 811.111, the speed at which
26 the person was convicted of traveling and the posted speed, the speed limit or the speed that con-
27 stitutes prima facie evidence of violation of the basic speed rule, as appropriate; and

28 (D) Diversion agreements entered into under ORS 813.220 within the preceding 10 years.

29 (d) The department may record other entries to indicate correspondence, interviews, partic-
30 ipation in driver improvement programs or other matters concerning the status of the driving priv-
31 ileges of the person.

32 (e) When a person from another jurisdiction applies for a driver license or driver permit issued
33 by this state, the department shall request a copy of the person's driving record from the other ju-
34 risdiction. At the time the person is issued a license in Oregon, the record from the other jurisdic-
35 tion shall become part of the driver's record in this state with the same force and effect as though
36 entered on the driver's record in this state in the original instance. The department by rule may
37 specify methods for converting entries from out-of-state records for use in Oregon.

38 (f) When a suspension of a driver permit, driver license or other driving privilege is placed on
39 the driving record under ORS 809.280 for failure to appear in court on a traffic crime, the depart-
40 ment shall note on the record that the suspension was for failure to appear in court and shall also
41 note the offense charged against the person on which the person failed to appear.

42 (g) The Department of Transportation, in consultation with the Department of State Police, shall
43 devise and implement a method of noting suspensions and revocations of driving privileges on the
44 record in such a way that police agencies can determine directly from the record what class of of-
45 fense, as provided by law, is committed by a person who drives in violation of the suspension or

1 revocation. If the Department of Transportation and the Department of State Police devise a mutu-
 2 ally agreeable alternative method of informing police agencies of the nature of a suspension or re-
 3 vocation and the consequences of its violation, the implementation of that method shall satisfy the
 4 duty of the Department of Transportation under this paragraph.

5 (10) The Department of Transportation shall maintain records of judgments or convictions sent
 6 to the department under ORS 810.375.

7 (11) The department shall maintain accident reports filed with the department under ORS
 8 810.460 and 811.725 to 811.735.

9 (12) The department shall maintain records of bank checks or money orders returned under ORS
 10 802.110.

11 (13) The department shall maintain records of trip permits issued by the department under ORS
 12 803.600, as provided under this subsection. The records required by this subsection shall include the
 13 following:

14 (a) A description of the vehicle sufficient to identify the vehicle.

15 (b) The person to whom the permit was issued.

16 (c) When the permit was issued.

17 (d) The type of permit issued.

18 (e) For registration weight trip permits, the maximum allowable registration weight permitted
 19 for operation under the permit.

20 (f) Any other information the department determines appropriate or convenient.

21 **SECTION 3.** ORS 819.100 is amended to read:

22 819.100. (1) A person commits the offense of abandoning a vehicle if the person:

23 (a) Abandons a vehicle upon a highway or upon any public or private property[.]; **or**

24 (b) **Leaves a vehicle identified as being for sale upon a highway or public property for at**
 25 **least eight consecutive hours within any 30-day period.**

26 (2) The owner of the vehicle as shown by the records of the Department of Transportation shall
 27 be considered responsible for the abandonment of a vehicle in the manner prohibited by this section
 28 and shall be liable for the cost of removal and disposition of the abandoned vehicle.

29 (3) A vehicle abandoned in violation of this section is subject to the provisions for removal of
 30 abandoned vehicles under ORS 819.110 and 819.120 and to being sold as provided under ORS 819.210
 31 or 819.220.

32 (4) The offense described in this section, abandoning a vehicle, is a Class B traffic violation.

33 **SECTION 4.** ORS 819.110 is amended to read:

34 819.110. (1) After providing notice required under ORS 819.170 and, if requested, a hearing under
 35 ORS 819.190, an authority described under ORS 819.140 may take a vehicle into custody and remove
 36 the vehicle if:

37 (a)(A) The authority has reason to believe the vehicle is disabled or abandoned; and

38 [(b)] (B) The vehicle has been parked or left standing upon any public way for a period in excess
 39 of 24 hours without authorization by statute or local ordinance[.]; **or**

40 (b) **The vehicle is identified as being for sale and has been parked or left standing upon**
 41 **any public way for a period in excess of eight hours without authorization by statute or local**
 42 **ordinance.**

43 (2) The authority in this section to remove and take vehicles into custody is in addition to any
 44 authority to remove and take vehicles into custody under ORS 819.120.

45 (3) Subject to ORS 819.150, vehicles and the contents of vehicles removed and taken into custody

1 under this section are subject to a lien as provided under ORS 819.160.

2 (4) An authority removing a vehicle under this section shall cause the vehicle to be appraised
3 within a reasonable time by a person authorized to perform such appraisals under ORS 819.480.

4 (5) Vehicles removed and taken into custody under this section are subject to sale under ORS
5 819.210 or 819.220 if the vehicles are not reclaimed as provided under ORS 819.150 or returned to
6 the owner or person entitled to possession under ORS 819.190.

7 **SECTION 5. Section 6 of this 2009 Act is added to and made a part of the Oregon Vehicle
8 Code.**

9 **SECTION 6. (1) Except as provided in subsection (3) of this section, a lien claimant shall
10 register with the Department of Transportation within 30 days after asserting a possessory
11 lien on a motor vehicle.**

12 (2) The department may adopt such rules as are necessary to carry out the provisions
13 of this section, including but not limited to rules that:

14 (a) Specify the form to be used by persons registering a possessory lien. The application
15 must contain the person's registered business name. The department may require any addi-
16 tional information the department considers necessary.

17 (b) Specify the form in which the registration records must be kept, how the records
18 must be maintained and the period for which the records must be retained.

19 (c) Prescribe a fee for registering a possessory lien.

20 (3) The requirement to register a possessory lien on a motor vehicle does not apply to a
21 person who holds a vehicle dealer certificate issued or renewed under ORS 822.020 or 822.040.

22 (4) The department may impose a civil penalty, in an amount not to exceed \$90 for each
23 violation, against any person who violates this section or any rules adopted by the depart-
24 ment under this section. Civil penalties under this section shall be imposed as provided in
25 ORS 183.745.

26 **SECTION 7. Section 6 of this 2009 Act applies to lien claimants who assert a possessory
27 lien on a motor vehicle on or after the effective date of this 2009 Act.**

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