

A-Engrossed
Senate Bill 961

Ordered by the Senate May 8
Including Senate Amendments dated May 8

Sponsored by COMMITTEE ON JUDICIARY

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.

[Requires vehicles to maintain safe distance from emergency vehicle or ambulance that is stopped and displaying warning lights.]

Establishes Pacific Wonderland registration plate program for purpose of issuing special registration license plates. Imposes surcharge on owners of motor vehicles who opt to use license plate. Requires Department of Transportation to transfer moneys collected pursuant to surcharge to Oregon State Capitol Foundation for purpose of establishing and maintaining Oregon History Center at State Capitol or on grounds of State Capitol State Park.

Modifies provisions relating to regulation of dismantlers. Decreases civil penalty department may impose on person who conducts dismantling business without dismantler certificate. Authorizes department to issue corrected certificate to holder of dismantler certificate when dismantling business undergoes certain changes. Broadens department's authority to discipline dismantlers that violate provisions or rules regulating dismantlers.

A BILL FOR AN ACT

1
2 Relating to vehicles; creating new provisions; and amending ORS 810.480, 822.100, 822.110, 822.115,
3 822.120, 822.125, 822.130, 822.135, 822.137, 822.140, 822.145 and 822.700 and section 21, chapter
4 654, Oregon Laws 2005.

5 Whereas Oregon has been a pacific wonderland from its earliest days of inhabitation by native
6 tribes, through the early explorations of George Vancouver, James Cook, William Clark, Meriwether
7 Lewis, Jedediah Smith, Thomas Condon and others, up to and including the establishment and
8 flourishing of the State of Oregon itself; and

9 Whereas the colorful history of Oregon's tribal occupation, exploration, geography, geology and
10 economy deserves to be known by the state's citizenry; and

11 Whereas understanding the influence of technological innovation, the role of beliefs in shaping
12 family life, the genius and folly of early transportation, settlement, labor, industry, agriculture,
13 fishing, mining and immigration are critical to the understanding of our present ways of life; and

14 Whereas Oregon's mountains, valleys, deserts, rivers and ocean shores are priceless assets; and

15 Whereas efforts to describe, illustrate and appreciate the work and sacrifices of our Oregon
16 ancestors are key to preserving state resources and ensuring prosperity and the pursuit of happiness
17 for future generations of Oregonians; and

18 Whereas "Pacific Wonderland" registration plates, issued during the centennial year of 1959 and
19 continuing to 1964, are a unique part of Oregon history; and

20 Whereas thousands of Oregon schoolchildren, adults, and visitors come to the State Capitol in
21 Salem each year to learn about Oregon and its government, making the State Capitol one of
22 Oregon's premier educational resources; and

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 Whereas the addition of an Oregon History Center within the State Capitol building or in a
2 structure on the grounds of the State Capitol State Park would be a significant benefit to good cit-
3 izenship, ensuring wisdom in future decision-making by Oregon's citizenry and its government; and

4 Whereas the Legislative Assembly should recreate a limited edition of Oregon's historic Pacific
5 Wonderland registration plate in this sesquicentennial year, with proceeds to be devoted to the
6 purpose of establishing an Oregon History Center at the State Capitol or on the grounds of the State
7 Capitol State Park; now, therefore,

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

9 **SECTION 1. Sections 2 and 3 of this 2009 Act are added to and made a part of the Oregon**
10 **Vehicle Code.**

11 **SECTION 2. (1) The Department of Transportation shall establish a Pacific Wonderland**
12 **registration plate program to issue special registration plates called "Pacific Wonderland**
13 **registration plates" upon request to owners of motor vehicles registered under the provisions**
14 **of ORS 803.420 (1). In addition, the department may adopt rules for issuance of Pacific**
15 **Wonderland registration plates for vehicles not registered under the provisions of ORS**
16 **803.420 (1).**

17 **(2) In addition to any other fee authorized by law, for each set of Pacific Wonderland**
18 **registration plates issued under subsection (1) of this section, the department shall collect**
19 **a surcharge of \$100 payable when the plates are issued. The department shall transfer the**
20 **moneys from the surcharge as provided in section 3 of this 2009 Act.**

21 **(3) Notwithstanding ORS 803.530, Pacific Wonderland registration plates may be trans-**
22 **ferred from vehicle to vehicle if the department stops issuing the plates, as long as the plates**
23 **are not so old, damaged, mutilated or otherwise rendered illegible as to be not useful for**
24 **purposes of identification.**

25 **(4) The department shall limit the total number of Pacific Wonderland registration plates**
26 **to 25,000 sets of plates.**

27 **(5) Notwithstanding ORS 805.202, until the department has issued 25,000 set of plates**
28 **under this section, the department may issue four kinds of special registration plates at any**
29 **one time.**

30 **SECTION 3. (1) After deduction of the cost of administration of the Pacific Wonderland**
31 **registration plate program, the Department of Transportation shall transfer moneys from**
32 **the surcharge imposed by section 2 of this 2009 Act to the Oregon State Capitol Foundation**
33 **for the purpose of establishing and maintaining an Oregon History Center at the State Cap-**
34 **itol or on the grounds of the State Capitol State Park.**

35 **(2) As used in this section, the cost of administration of the Pacific Wonderland regis-**
36 **tration plate program is the sum of all department expenses for the issuance or transfer of**
37 **Pacific Wonderland registration plates under section 2 of this 2009 Act that are above the**
38 **normal costs of issuing, renewing and transferring registration plates in the normal course**
39 **of the business of the department. These expenses include, but are not limited to, the costs**
40 **of collecting the Pacific Wonderland registration plate surcharge and transferring Pacific**
41 **Wonderland registration plates.**

42 **SECTION 4. (1) Notwithstanding ORS 184.642, the Department of Transportation may pay**
43 **an amount up to \$150,000 from the Department of Transportation Operating Fund for ex-**
44 **penditures incurred in initiating the Pacific Wonderland registration plate program established**
45 **in section 2 of this 2009 Act, including but not limited to registration plate design, computer**

1 **programming and production setup. Any portion of the amount paid that is not used for in-**
2 **itiating the Pacific Wonderland registration plate program shall be transferred to the ac-**
3 **count established under subsection (2) of this section.**

4 (2) **Notwithstanding section 3 of this 2009 Act, after deduction of the cost of adminis-**
5 **tration of the Pacific Wonderland registration plate program, the department shall transfer**
6 **the moneys from the surcharge imposed by section 2 of this 2009 Act to an account in the**
7 **Department of Transportation Operating Fund until sufficient funds have accumulated for**
8 **the purpose described in subsection (3) of this section.**

9 (3) **When the department determines that moneys in sufficient amount are available in**
10 **the account established under subsection (2) of this section, the department shall reimburse**
11 **the Department of Transportation Operating Fund, without interest, in an amount equal to**
12 **the amount paid from the Department of Transportation Operating Fund for the costs of**
13 **initiating the Pacific Wonderland registration plate program.**

14 (4) **Any moneys remaining in the account established under subsection (2) of this section**
15 **after deduction of the reimbursement required under subsection (3) of this section shall be**
16 **transferred to the Oregon State Capitol Foundation for the purpose of establishing and**
17 **maintaining an Oregon History Center at the State Capitol.**

18 **SECTION 5.** (1) **The Department of Transportation shall use as a design for the plates**
19 **issued under section 2 of this 2009 Act a design similar to the Pacific Wonderland registra-**
20 **tion plate that was created as a result of section 2, chapter 15, Oregon Laws 1959, with re-**
21 **ognition of Oregon's 150th birthday.**

22 (2) **Except as otherwise required by the design specified in subsection (1) of this section,**
23 **Pacific Wonderland registration plates shall comply with the requirements of ORS 803.535.**

24 **SECTION 6.** ORS 810.480 is amended to read:

25 810.480. (1) A police officer, during normal business hours, may inspect the records a vehicle
26 dealer is required to keep under ORS 822.045 and vehicles included in the inventory or located on
27 the premises of a dealer issued a certificate under ORS 822.020. The inspections shall be limited in
28 scope to that necessary to determine compliance with the regulation of dealers under the vehicle
29 code and with vehicle title and registration provisions under the vehicle code and for the purposes
30 of identifying stolen vehicles.

31 (2) A police officer, [*at any time*] **during normal business hours**, may inspect the books, re-
32 cords and inventory of and premises used by any business issued a certificate under ORS 822.110 for
33 the purpose of determining whether the provisions relating to the regulation of dismantlers, rules
34 adopted by the Department of Transportation relating to the regulation of dismantlers and laws re-
35 lating to licensing, titling and wrecking of vehicles are being complied with. [*Every business issued*
36 *a certificate under ORS 822.110 shall be inspected not less than two times each year.*]

37 **SECTION 7.** ORS 822.100 is amended to read:

38 822.100. (1) A person commits the offense of conducting a motor vehicle dismantling business
39 without a certificate if the person performs any actions of a dismantler and is not the holder of a
40 valid, current dismantler certificate issued under ORS 822.110.

41 (2) The offense described in this section does not apply to persons or vehicles exempted from
42 this section under ORS 822.105.

43 (3) The offense described in this section, conducting a motor vehicle dismantling business with-
44 out a certificate, is a Class A misdemeanor.

45 (4) In addition to the penalty described in subsection (3) of this section, the Department of

1 Transportation may impose a civil penalty of not more than ~~[\$5,000]~~ **\$1,000 per vehicle** on a person
2 who conducts a motor vehicle dismantling business without a certificate. A civil penalty under this
3 subsection shall be imposed in the manner provided in ORS 183.745.

4 **SECTION 8. Sections 9 to 13 of this 2009 Act are added to and made a part of the Oregon**
5 **Vehicle Code.**

6 **SECTION 9. (1) The holder of a dismantler certificate may expand the dimensions of a**
7 **place of business, move a place of business, change the business ownership, change the**
8 **business ownership structure or change a business name by obtaining a corrected certificate**
9 **from the Department of Transportation.**

10 (2) The department may issue a corrected certificate if the dismantler:

11 (a) Completes the application for a corrected certificate described in ORS 822.115;

12 (b) Pays the fee required under ORS 822.700 for issuance of a corrected certificate;

13 (c) Complies with the requirements for issuance of a dismantler certificate under ORS
14 822.110; and

15 (d) Pays any civil penalty levied against the dismantler by the department.

16 **SECTION 10. (1) The holder of a dismantler certificate may open an additional place of**
17 **business under the certificate upon issuance of a supplemental certificate by the Department**
18 **of Transportation.**

19 (2) Each additional place of business covered by a supplemental certificate must be op-
20 erated under the same name as the primary dismantler certificate issued under ORS 822.110.

21 (3) The department may issue a supplemental certificate if the dismantler:

22 (a) Completes the application for a supplemental certificate described in ORS 822.115;

23 (b) Pays the fee required under ORS 822.700 for issuance of a supplemental certificate;

24 (c) Obtains local government approval under ORS 822.140 for the additional location;

25 (d) Maintains a current bond or letter of credit that meets the requirements under ORS
26 822.120; and

27 (e) Pays any civil penalties levied against the dismantler by the department.

28 (4) A supplemental certificate expires at the same time the primary dismantler certif-
29 icate, issued under ORS 822.110, expires. A dismantler shall renew a supplemental certificate
30 at the same time as the dismantler renews the dismantler certificate.

31 (5) The department may renew a supplemental certificate if the dismantler:

32 (a) Completes the application described in ORS 822.115;

33 (b) Pays the fee required under ORS 822.700 for renewal of a supplemental certificate;

34 (c) Maintains a current bond or letter of credit that meets the requirements under ORS
35 822.120; and

36 (d) Pays any civil penalties levied against the dismantler by the department.

37 **SECTION 11. (1) The Department of Transportation may renew a dismantler certificate**
38 **if a person does all of the following:**

39 (a) Completes the application described in ORS 822.115;

40 (b) Pays the fee required under ORS 822.700 for renewal of a dismantler certificate;

41 (c) Maintains a current bond or letter of credit that meets the requirements under ORS
42 822.120; and

43 (d) Pays any civil penalty levied against the person by the department.

44 (2) The department may refuse to renew a certificate if the person applying for renewal
45 does not meet the requirements for issuance of a certificate under ORS 822.110.

1 **(3) The department may adopt rules for the renewal of dismantler certificates.**

2 **SECTION 12. (1) The Department of Transportation may provide the holder of a**
3 **dismantler certificate with identification cards in the names of the owners of the business**
4 **or in the names of authorized employees of the business.**

5 **(2) The department may adopt rules for the issuance of identification cards.**

6 **SECTION 13. (1) In addition to any other remedies provided by law, the Department of**
7 **Transportation may petition the circuit court to enjoin a person from acting as a dismantler**
8 **in violation of the Oregon Vehicle Code or any rule adopted by the department.**

9 **(2) A single act in violation of the provisions of the Oregon Vehicle Code or of any rules**
10 **adopted by the department relating to dismantlers shall be sufficient grounds for the court**
11 **to issue the injunction.**

12 **(3) In addition to issuing an injunction, the court may assess a penalty not to exceed**
13 **\$15,000 if the department proves by a preponderance of the evidence that a person is acting**
14 **as a dismantler without possessing a dismantler certificate. The court shall also award rea-**
15 **sonable costs and disbursements, attorney and enforcement fees.**

16 **SECTION 14. ORS 822.110 is amended to read:**

17 822.110. (1) Except as provided in subsection (2) of this section, the Department of Transporta-
18 tion *[shall]* **may** issue a dismantler certificate to any person if the person meets all of the following
19 requirements:

20 (a) The person establishes that the area in which the business is located and the place of busi-
21 ness to be approved under the dismantler certificate for use in the motor vehicle dismantling busi-
22 ness are zoned for industrial use or subject to another zoning classification that permits the type
23 of business conducted by the dismantler.

24 (b) The person pays the fee required under ORS 822.700 for issuance of a dismantler certificate.

25 (c) The person completes the application for a dismantler certificate described under ORS
26 822.115.

27 (d) The person delivers to the department any approvals by local governments required under
28 ORS 822.140.

29 (e) The person delivers to the department a bond or letter of credit that meets the requirements
30 of ORS 822.120.

31 (2) The department may refuse to issue a dismantler certificate to a person if:

32 (a) *[The person]* **Any person listed on the application** has:

33 **(A) Been placed on probation by the department under ORS 822.145; or**

34 **(B) Previously had a dismantler certificate *[or identification card]* revoked, canceled or sus-**
35 **pended under ORS 822.145[]]; or[]].**

36 **(b) The department has previously refused to renew a dismantler certificate to any per-**
37 **son listed on the application.**

38 **(c) Any person listed on the application has been issued a similar certificate from another**
39 **jurisdiction and:**

40 **(A) The person has been placed on probation for violation of the rules and regulations**
41 **of the jurisdiction regarding dismantlers;**

42 **(B) The person's certificate has been canceled, revoked or suspended by the jurisdiction**
43 **that issued the certificate;**

44 **(C) The person has failed to pay a fine; or**

45 **(D) The jurisdiction refused to renew the person's certificate.**

1 [(b)] (d) The department determines that the application contains false or misleading informa-
2 tion.

3 **(3) A dismantler certificate issued under subsection (1) of this section is valid for three**
4 **years from the date of issuance.**

5 [(3)] (4) The department may issue a [duplicate] **replacement** dismantler certificate to a person
6 who has lost or destroyed an original dismantler certificate if the person:

7 (a) Has complied with the requirements of this section for issuance of a certificate; [and]

8 [(b) *Is within the renewal period of the original dismantler certificate.*]

9 **(b) Pays the fee required under ORS 822.700 for a replacement of a dismantler certificate;**
10 **and**

11 **(c) Pays any civil penalty levied against the person by the department.**

12 **(5) The department may adopt rules for the issuance and replacement of dismantler**
13 **certificates.**

14 **SECTION 15.** ORS 822.115 is amended to read:

15 822.115. An application for a dismantler certificate issued **or replaced** by the Department of
16 Transportation under ORS 822.110, [or] for renewal of a certificate under [ORS 822.125] **section 11**
17 **of this 2009 Act, for issuance of a corrected certificate under section 9 of this 2009 Act or**
18 **for issuance of a supplemental certificate under section 10 of this 2009 Act** shall be in a form
19 prescribed by the department and [shall] **must** contain all of the following:

20 (1) A full statement of the name of the person applying for the certificate with the person's
21 residence and business addresses.

22 (2) If the applicant is a firm or partnership, the name of the firm or partnership, with the names
23 and places of residence of all its members.

24 (3) If the applicant is a corporation, the names of the principal officers and their residences and
25 the name of the state under whose laws the corporation is organized.

26 (4) A description of the dimensions and the location of the place or places at which the business
27 is to be carried on and conducted.

28 (5) Any other relevant information required by the department.

29 **SECTION 16.** ORS 822.120 is amended to read:

30 822.120. (1) A bond or letter of credit required to qualify for a dismantler certificate under ORS
31 822.110 or renewal of a certificate under [ORS 822.125] **section 11 of this 2009 Act** must be:

32 (a) With a corporate surety licensed to transact business within this state, or as to a letter of
33 credit, an irrevocable letter of credit issued by an insured institution, as defined in ORS 706.008;

34 (b) Executed to the State of Oregon;

35 (c) In the sum of \$10,000;

36 (d) Approved as to form by the Attorney General;

37 (e) Conditioned that the person issued the dismantler certificate will conduct business without
38 violation of this section, ORS 803.140, 819.010, 819.012, 819.016, 819.040, 822.140 or 822.150; and

39 (f) Conditioned that the bond or letter of credit is subject to an action under this section.

40 **(2) A bond or letter of credit issued under this section shall apply to a supplemental**
41 **certificate issued under section 10 of this 2009 Act.**

42 [(2)] (3) Any person shall have a right of action against the holder of a dismantler certificate,
43 **the holder of a supplemental certificate** and the surety on the holder's bond or the dismantler's
44 letter of credit issuer if the person suffers any loss or damage by reason of the certificate holder's
45 violation of this section, ORS 803.140, 819.010, 819.012, 819.016, 819.040, 822.140 or 822.150.

1 **SECTION 17.** ORS 822.125 is amended to read:

2 822.125. [(1)] The holder of a current, valid dismantler certificate issued under ORS 822.110 or
3 **supplemental certificate issued under section 10 of this 2009 Act** is not subject to the prohibi-
4 tions and penalties under ORS 822.100 as long as the holder's motor vehicle dismantling business is
5 conducted in the location approved under the **dismantler certificate or supplemental certificate.**

6 [(2) *The holder of a dismantler certificate may expand the dimensions or move a place of business*
7 *approved under the dismantler certificate or open an additional place of business under the certificate*
8 *upon issuance of a supplemental dismantler certificate by the Department of Transportation. The fol-*
9 *lowing apply to supplemental certificates issued under this subsection:]*

10 [(a) *The department shall grant a supplemental certificate upon request of an applicant under this*
11 *subsection if the applicant obtains local government permission for the supplemental certificate under*
12 *ORS 822.140.]*

13 [(b) *Upon application for renewal of the supplemental certificate, the department may waive the*
14 *requirement that an applicant for renewal under this subsection obtain local government approval un-*
15 *der ORS 822.140 of the suitability of the applicant to establish, maintain or operate a motor vehicle*
16 *dismantling business.]*

17 [(c) *A fee shall be charged for a supplemental dismantler certificate under ORS 822.700.]*

18 [(3) *A dismantler certificate is valid for a three-year period and may be renewed as provided by*
19 *the department. The department shall only renew the certificate of any certificate holder who does all*
20 *of the following:]*

21 [(a) *Pays the required fee for renewal under ORS 822.700.]*

22 [(b) *Completes the application described in ORS 822.115.]*

23 [(c) *Obtains local government approval under ORS 822.140. The department may waive the re-*
24 *quirement that an applicant for renewal obtain local government approval under ORS 822.140 of the*
25 *suitability of the applicant to establish, maintain or operate a motor vehicle dismantling business.]*

26 [(d) *Maintains a current bond that meets the requirements under ORS 822.120.]*

27 [(4) *The department may provide the holder of a dismantler certificate with identification cards in*
28 *the names of the owners of the business or in the names of authorized employees of the business.]*

29 [(5) *The department may adopt suitable rules for the issuance and renewal of dismantler certificates*
30 *and identification cards.]*

31 **SECTION 18.** ORS 822.130 is amended to read:

32 822.130. (1) The Department of Transportation may inspect the books, records and inventory of
33 and the premises used by any business issued a **dismantler** certificate under ORS 822.110 [*for the*
34 *purpose of determining compliance with any of the following:]* **or a supplemental certificate under**
35 **section 10 of this 2009 Act. Inspections authorized by this subsection may be conducted by**
36 **the department at reasonable intervals, during normal business hours, and may not exceed**
37 **a scope of inspection necessary for the department to determine all of the following:**

38 (a) **A dismantler's compliance with** those laws regulating the issuance of certificates to
39 dismantlers.

40 (b) **A dismantler's compliance with** requirements for records under ORS 822.135 [*and*
41 *822.137].*

42 (c) **A dismantler's compliance with** ORS 802.200, 803.140, 819.010, 819.016, 819.030, 819.040 or
43 822.120.

44 (d) **A dismantler's compliance with** rules adopted by the department concerning businesses
45 issued certificates under ORS 822.110.

1 **(e) The identification of stolen vehicles.**

2 (2) Provisions for enforcing this section are established under ORS 822.135 and 822.145.

3 **SECTION 19.** ORS 822.135 is amended to read:

4 822.135. (1) **As used in this section, “major component part” includes significant parts of**
5 **a motor vehicle such as engines, short blocks, frames, transmissions, transfer cases, cabs,**
6 **doors, differentials, front or rear clips, quarter panels, truck beds or boxes, hoods, bumpers,**
7 **fenders and airbags. The Department of Transportation may by rule designate other motor**
8 **vehicle parts not specified in this subsection as major component parts. “Major component**
9 **part” does not include cores or parts of cores that require remanufacturing or that are**
10 **limited in value to that of scrap metal.**

11 [(1)] (2) A person commits the offense of improperly conducting a motor vehicle dismantling
12 business if the person holds a dismantler certificate issued under ORS 822.110 and the person does
13 any of the following:

14 (a) Fails to permanently exhibit a dismantler certificate at [*a place of business of the person*] **the**
15 **address listed on the certificate** at all times while the certificate is in force.

16 [(b) *Expands the dimensions of or moves any of the person’s places of business or opens any ad-*
17 *ditional places of business without obtaining a supplemental dismantler certificate by the procedure*
18 *under ORS 822.125.*]

19 **(b) Fails to obtain a corrected certificate prior to changing the address, ownership,**
20 **ownership structure or any other information in the original dismantler certificate applica-**
21 **tion.**

22 (c) Fails to maintain records at the [*person’s established place of business*] **address listed on the**
23 **dismantler certificate or supplemental certificate for three years** that record and describe the
24 following:

25 (A) [*Every*] **Each** motor vehicle purchased, transferred, wrecked, dismantled, disassembled or
26 substantially altered by the person;

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

28 (C) The vehicle identification number and other identification marks or numbers on the vehicle;
29 [*and*]

30 (D) A statement indicating any such numbers or marks that have been obliterated, defaced or
31 changed;[.]

32 **(E) The certificate of title number, if any;**

33 **(F) The state where the vehicle was last registered, if applicable;**

34 **(G) The number of the last registration plate issued and the state of issuance, if appli-**
35 **cable;**

36 **(H) The year, make and model of the vehicle;**

37 **(I) The date acquired;**

38 **(J) The vehicle, stock or yard number assigned to the vehicle by the dismantler; and**

39 **(K) Any other information required by the department.**

40 **(d) Fails to maintain records at the address listed on the dismantler certificate or sup-**
41 **plemental certificate for three years from the date of acquisition of a major component part**
42 **that describe and identify the part, including:**

43 **(A) The physical characteristics of the part;**

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

45 **(C) The date acquired; and**

1 **(D) Any other information required by the department.**

2 **(e) Fails to maintain records described under paragraphs (c) and (d) of this subsection**
3 **for an additional three years in a form and location chosen by the dismantler, except that**
4 **the records must be accessible to allow a police officer or an employee of the department to**
5 **inspect the records.**

6 [(d)] **(f)** Except as otherwise provided, fails to surrender to the department [*of Transportation*],
7 within 30 days after the date the person acquires the title, a certificate of title or other primary
8 ownership document or ownership record for a motor vehicle. If the vehicle is delivered to the per-
9 son under the provisions of ORS 819.215 or 819.280, a copy of the notification to the department
10 under ORS 819.215 or 819.280 is sufficient to comply with the provisions of this paragraph.

11 [(e)] **(g)** Refuses, [*at any time*] **during normal business hours**, to allow a police officer or an
12 employee of the department to inspect the books, records, inventory or premises of the person's
13 motor vehicle dismantling business.

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

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

19 [(h)] **(j)** Conducts any wrecking, dismantling or altering of vehicles outside the building, en-
20 closure or barrier on the premises of the business.

21 [(i)] **(k)** Stores or displays any [*motor vehicles or major component parts*] **inventory** or conducts
22 the motor vehicle dismantling business outside of the building, enclosure or barrier of the place of
23 business.

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

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

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

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

34 [(L)] **(m)** Expands or moves any place of business approved under a dismantler certificate or
35 opens any additional locations for the business without obtaining a supplemental certificate under
36 [*ORS 822.125*] **section 10 of this 2009 Act** or obtaining [*an additional dismantler*] **a corrected** cer-
37 tificate **under section 9 of this 2009 Act.**

38 [(m)] **(n)** Fails to allow the department to conduct inspections as provided under ORS 822.130.

39 **(o) Commits a dishonest act or omission during the sale of a major component part that,**
40 **as determined by the department, causes a loss to the purchaser.**

41 **(p) Is convicted of a crime involving false statements or dishonesty that directly relates**
42 **to the business of the dismantler or suffers any civil judgment imposed for conduct involving**
43 **fraud, misrepresentation or conversion.**

44 **(q) Fails to comply with any provision of ORS 822.133.**

45 **(r) Possesses, sells or otherwise disposes of a motor vehicle or any part of a motor ve-**

1 **hicle knowing that the vehicle or part has been stolen.**

2 (s) **Sells, buys, receives, conceals, possesses or disposes of a motor vehicle or any part**
3 **of a motor vehicle having a missing, defaced, intentionally altered or covered vehicle iden-**
4 **tification number, unless directed to do so by a law enforcement official.**

5 (t) **Commits forgery in the second degree, as defined in ORS 165.007, or misstates a ma-**
6 **terial fact relating to a certificate of title, registration or other document related to a motor**
7 **vehicle that has been reassembled from parts of other motor vehicles.**

8 (u) **Fraudulently obtains, creates or modifies a dismantler certificate.**

9 [(n)] (v) **Fails to deploy or remove any air bag containing sodium azide from a vehicle before the**
10 **vehicle is wrecked or dismantled.**

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

14 (x) **Fails to pay a civil penalty levied against the person by the department.**

15 (y) **Has caused or suffered or is permitting the unlawful use of the dismantler certificate.**

16 (z) **Has failed to allow the department to conduct inspections as provided under ORS**
17 **822.130.**

18 (aa) **Has unlawfully used or permitted unlawful use of an identification card issued under**
19 **section 12 of this 2009 Act.**

20 [(2)] (3) **The offense described in this section, improperly conducting a motor vehicle dismantling**
21 **business, is a:**

22 (a) **Class A misdemeanor if the person violates subsection [(1)(a) to (m)] (2)(a) to (u) of this**
23 **section.**

24 (b) **Class D violation if the person violates subsection [(1)(n) or (o)] (2)(v), (w), (x), (y), (z) or**
25 **(aa) of this section.**

26 (c) **Class C misdemeanor, notwithstanding paragraph (b) of this subsection, if the person violates**
27 **subsection [(1)(n) or (o)] (2)(v) or (w) of this section and the person has two or more previous con-**
28 **victions for violating subsection [(1)(n) or (o)] (2)(v) or (w) of this section.**

29 **SECTION 20.** ORS 822.137 is amended to read:

30 822.137. [(1) *As used in this section, "major component part" includes significant parts of a motor*
31 *vehicle such as engines, short blocks, frames, transmissions, transfer cases, cabs, doors, differentials,*
32 *front or rear clips, quarter panels, truck beds or boxes, hoods, bumpers, fenders and airbags. The De-*
33 *partment of Transportation may by rule designate other motor vehicle parts not specified in this sub-*
34 *section as major component parts. "Major component part" does not include cores or parts of cores that*
35 *require remanufacturing or that are limited in value to that of scrap metal.]*

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

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

41 [(b) *Possesses, sells or otherwise disposes of a motor vehicle or any part of a motor vehicle knowing*
42 *that the vehicle or part has been stolen.]*

43 [(c) *Sells, buys, receives, conceals, possesses or disposes of a motor vehicle or any part of a motor*
44 *vehicle having a missing, defaced, intentionally altered or covered vehicle identification number, unless*
45 *directed to do so by a law enforcement official.]*

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

4 [(e) Fraudulently obtains, creates or modifies a dismantler certificate.]

5 [(f) Fails to maintain records at the certified place of business for three years from the date of ac-
6 quisition of a motor vehicle that describe and identify the vehicle, including:]

7 [(A) The certificate of title number;]

8 [(B) The state where the vehicle was last registered, if applicable;]

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

10 [(D) The year, make and model of the vehicle;]

11 [(E) The vehicle identification number;]

12 [(F) The date acquired;]

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

14 [(H) Any other information required by the department.]

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

17 [(A) The physical characteristics of the part;]

18 [(B) The stock or yard number assigned to the part by the dismantler;]

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

20 [(D) Any other information required by the department.]

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

23 [(i) Is convicted of a crime involving false statements or dishonesty that directly relates to the
24 business of the dismantler or suffers any civil judgment imposed for conduct involving fraud, misrep-
25 resentation or conversion.]

26 [(j) Fails to comply with any provision of ORS 822.133.]

27 **(1) The department may levy and collect a civil penalty, in an amount not to exceed \$1,000**
28 **for each violation, against a person applying for a dismantler certificate if the department**
29 **finds that the applicant has knowingly provided false information in the application.**

30 **(2) The department may levy and collect a civil penalty, in an amount not to exceed \$1,000**
31 **for each violation, against a person who holds a dismantler certificate if the department finds**
32 **that the dismantler has violated any provisions of ORS 822.100 to 822.150 or of any rules**
33 **adopted by the department relating to holders of dismantler certificates or supplemental**
34 **certificates.**

35 **(3) A civil penalty imposed under this section shall be imposed in the manner provided**
36 **in ORS 183.745.**

37 **SECTION 21.** ORS 822.140 is amended to read:

38 822.140. (1) To meet the requirement for local government approval of a dismantler certificate
39 under ORS 822.110 or a supplemental certificate under [ORS 822.125] **section 10 of this 2009 Act**,
40 an applicant must comply with any regulations established by a city or county under this section
41 and must obtain the approval of the governing body of the:

42 (a) City, if the business is or will be carried on within an incorporated city of less than 100,000
43 population.

44 (b) County, if the business is or will be carried on outside of any incorporated city.

45 (2) A city or county governing body shall grant approval of a dismantler certificate or renewal

1 when requested under this section if the governing body:

2 (a) Approves the applicant as being suitable to establish, maintain or operate a motor vehicle
3 dismantling business;

4 (b) Determines that the location or proposed location meets the requirements for location under
5 ORS 822.110;

6 (c) Determines that the location does not violate any prohibition under ORS 822.135; and

7 (d) Approves the location and determines that the location complies with any regulations
8 adopted by a city or county under this section.

9 (3) The governing body of a city or county may regulate the expansion of premises or the es-
10 tablishment of premises at a new location under a dismantler certificate. An applicant must comply
11 with the regulations before the Department of Transportation may issue a supplemental dismantler
12 certificate. In adopting regulations under this subsection, a governing body:

13 (a) Shall consider the extent of development of surrounding property as a residential area;

14 (b) Shall consider the proximity of churches, schools, hospitals, public buildings or other places
15 of public gathering;

16 (c) Shall consider the sufficiency in number of other motor vehicle dismantling businesses in the
17 vicinity;

18 (d) Shall consider the health, safety and general welfare of the public;

19 (e) May establish zones in which motor vehicle dismantling businesses are permissible and other
20 zones where they are prohibited; and

21 (f) May prescribe limitations on the dimensions of the premises on which motor vehicle dis-
22 mantling businesses are conducted.

23 (4) Regulations of a city governing body that are adopted under this section apply to motor ve-
24 hicle dismantling businesses located outside of and within six miles of the boundaries of the city
25 unless the county governing body in which the area is located has adopted regulations under this
26 section that are applicable in the area.

27 **SECTION 22.** ORS 822.145 is amended to read:

28 822.145. (1) The Department of Transportation may [*impose sanctions*] **revoke, suspend or**
29 **cancel a dismantler certificate or supplemental certificate or place on probation** [*on*] any
30 person holding a dismantler certificate issued under ORS 822.110, **supplemental certificate issued**
31 **under section 10 of this 2009 Act** or identification card issued under [*ORS 822.125*] **section 12 of**
32 **this 2009 Act** if the department determines **that a person has violated any provision of ORS**
33 **822.100 to 822.150.** [*at any time for due cause that any of the following have occurred:*]

34 [*(a) The person holding the certificate has failed to comply with any requirements for registration*
35 *of vehicles under the vehicle code.*]

36 [*(b) The person holding the certificate has violated ORS 803.140, 819.012, 819.016, 819.040 or*
37 *822.135.*]

38 [*(c) The person holding the certificate has caused or suffered or is permitting the unlawful use of*
39 *the dismantler certificate.*]

40 [*(d) The person holding the certificate has violated any regulation adopted under ORS 822.135.*]

41 [*(e) The person holding the certificate has failed to allow the department to conduct inspections as*
42 *provided under ORS 822.130.*]

43 [*(f) The person holding an identification card has unlawfully used or permitted unlawful use of the*
44 *card.*]

45 (2) The department shall cancel or suspend any dismantler certificate **or supplemental certif-**

1 **icate** immediately[.]

2 [(a)] upon receipt of legal notice that the bond described under ORS 822.120 is canceled.[; or]

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

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

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

10 (5) The department shall adopt rules establishing sanctions authorized by subsection (1) of this
11 section.

12 **SECTION 23.** ORS 822.700 is amended to read:

13 822.700. (1) Fee for issuance of dismantler certificates:

14 (a) \$450, for an original dismantler certificate covering a single place of business issued under
15 ORS 822.110;

16 (b) \$90, for a supplemental certificate for each additional place of business to be covered by that
17 certificate and operated under the same name; [and]

18 **(c) \$90, for a renewal supplemental certificate for each additional place of business to be**
19 **covered by that certificate and operated under the same name;**

20 [(c)] **(d) \$30, for each [duplicate] replacement dismantler certificate issued under ORS 822.110;**
21 **and.]**

22 **(e) \$30, for each corrected certificate issued under section 9 of this 2009 Act.**

23 (2) Fee for renewal of dismantler certificate under [ORS 822.125] **section 11 of this 2009 Act,**
24 \$450.

25 (3) Fee for original issuance of vehicle dealer certificate under ORS 822.020:

26 (a) \$958, for a certificate covering a single place of business;

27 (b) \$230, for each additional place of business to be covered by the certificate and operated un-
28 der the same name; and

29 (c) \$30, for each corrected vehicle dealer certificate issued under ORS 822.040.

30 (4) Fee for renewal of vehicle dealer certificate under ORS 822.040:

31 (a) \$958, for renewal of a vehicle dealer certificate covering a single place of business; and

32 (b) \$230, for each additional place of business to be covered by the certificate and operated un-
33 der the same name.

34 (5) Fee for issuance of towing business certificate under ORS 822.205, \$17 for each vehicle used
35 for towing or recovery purposes.

36 (6) Fee for renewal of towing business certificate under ORS 822.210, \$17 for each vehicle used
37 for towing or recovery purposes.

38 (7) Fee for issuance of vehicle transporter certificate under ORS 822.310, \$150.

39 (8) Fee for renewal of vehicle transporter certificate under ORS 822.310, \$150.

40 (9) Fee for issuance of driver training instructor certificate under ORS 822.530, \$100.

41 (10) Fee for renewal of driver training certificate under ORS 822.530, \$100.

42 (11) Fee for issuance of commercial driver training school certificate under ORS 822.515, \$200.

43 (12) Fee for renewal of commercial driver training school certificate under ORS 822.515, \$200.

44 (13) Fee for issuance of vehicle appraiser certificate under ORS 819.480, \$75.

45 (14) Fee for renewal of vehicle appraiser certificate under ORS 819.480, \$75.

1 **SECTION 24.** Section 21, chapter 654, Oregon Laws 2005, is amended to read:

2 **Sec. 21.** Notwithstanding the provision that dismantler certificates are valid for a three-year
3 period pursuant to [ORS 822.125] **ORS 822.110**, the Department of Transportation may adopt rules
4 that the department determines are necessary for an orderly transition from a one-year cycle for
5 issuing and renewing dismantler certificates to the three-year cycle [*created by the amendments to*
6 *ORS 822.125 by section 11 of this 2005 Act*]. The rules may include provisions for:

7 (1) Staggering renewal dates; and

8 (2) Prorating fees for issuance or renewal of certificates.

9 **SECTION 25.** (1) **Sections 10 and 11 of this 2009 Act and the amendments to ORS 822.110,**
10 **822.115 and 822.125 by sections 14, 15 and 17 of this 2009 Act apply to applications submitted**
11 **on or after the effective date of this 2009 Act.**

12 (2) **Section 13 of this 2009 Act and the amendments to ORS 822.100, 822.135, 822.137 and**
13 **822.145 by sections 7, 19, 20 and 22 of this 2009 Act apply to offenses committed on or after**
14 **the effective date of this 2009 Act.**

15 (3) **The amendments to ORS 822.700 by section 23 of this 2009 Act apply to certificates**
16 **issued on or after the effective date of this 2009 Act.**

17