

# House Bill 3176

Sponsored by COMMITTEE ON REVENUE

## 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**.

Increases fee for issuance of ownership document for manufactured structure. Ties fee for manufactured structures to fee for issuance of ownership document for other vehicles.

## A BILL FOR AN ACT

1  
2 Relating to manufactured structure ownership documents; amending ORS 366.739, 367.173, 367.605,  
3 446.646, 803.045, 803.065, 803.090 and 803.092.

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

5 **SECTION 1.** ORS 446.646 is amended to read:

6 446.646. (1) The Department of Consumer and Business Services may adopt rules necessary for  
7 carrying out the duties, functions and powers of the department under ORS 446.566 to 446.646.

8 (2) Except as provided in subsection (4) of this section, the department shall adopt appropriate  
9 fees to cover the cost of services rendered under ORS 446.566 to 446.646 by the department and by  
10 a county as agent for the department. The department may not vary the fee for issuance or renewal  
11 of an ownership document, or for removal of a manufactured structure from the ownership document  
12 system, based upon the applicant's status as an owner, dealer or escrow agent.

13 (3) A county carrying out functions under ORS 446.566 to 446.646 related to manufactured  
14 structure ownership documents and trip permits is an agent of the department with regard to those  
15 functions.

16 (4) Unless the department adopts a different fee pursuant to subsection (2) of this section, the  
17 fee amount:

18 (a) For issuance of an ownership document is [~~\$55~~] **the fee described in ORS 803.090.**

19 (b) For issuance of a trip permit is \$5.

20 **SECTION 2.** ORS 803.090 is amended to read:

21 803.090. The following fees are the fees for the transaction described:

22 (1) The transfer fee under ORS 803.092 **or under ORS 446.566 to 446.646:**

23 (a) For a salvage title, \$27.

24 (b) For trailers eligible for permanent registration under ORS 803.415 (1) and motor vehicles  
25 with a gross vehicle weight rating over 26,000 pounds, excluding motor homes, \$90.

26 (c) For vehicles other than vehicles for which the title fee is described in paragraph (b) of this  
27 subsection **and for manufactured structures as provided in ORS 446.646**, \$77.

28 (2) The fee for issuance of a certificate of title under ORS 803.045 **or under ORS 446.566 to**  
29 **446.646:**

30 (a) For trailers eligible for permanent registration under ORS 803.415 (1) and motor vehicles  
31 with a gross vehicle weight rating over 26,000 pounds, excluding motor homes, \$90.

**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 (b) For vehicles other than vehicles for which the title fee is described in paragraph (a) of this  
 2 subsection **and for manufactured structures as provided in ORS 446.646**, \$77.

3 (3) The fee for issuance of a salvage title certificate under ORS 803.140, \$27.

4 (4) The fee for issuance of a duplicate or replacement certificate of title under ORS 803.065 **or**  
 5 **under ORS 446.566 to 446.646**:

6 (a) For a duplicate or replacement salvage title certificate, \$27.

7 (b) For trailers eligible for permanent registration under ORS 803.415 (1) and motor vehicles  
 8 with a gross vehicle weight rating over 26,000 pounds, excluding motor homes, \$90.

9 (c) For vehicles other than vehicles for which the title fee is described in paragraph (b) of this  
 10 subsection **and for manufactured structures as provided in ORS 446.646**, \$77.

11 (5) The fee under subsection (4) of this section may not be paid at the same time as a transfer  
 12 fee under this section if application is made at the same time as application for transfer.

13 (6) The fee for issuance of a new certificate of title under ORS 803.220 **or under ORS 446.566**  
 14 **to 446.646** indicating a change of name or address:

15 (a) For a new salvage title certificate, \$27.

16 (b) For trailers eligible for permanent registration under ORS 803.415 (1) and motor vehicles  
 17 with a gross vehicle weight rating over 26,000 pounds, excluding motor homes, \$90.

18 (c) For vehicles other than vehicles for which the title fee is described in paragraph (b) of this  
 19 subsection **and for manufactured structures as provided in ORS 446.646**, \$77.

20 (7) The fee for late presentation of certificate of title under ORS 803.105, \$25 from the 31st day  
 21 after the transfer through the 60th day after the transfer and \$50 thereafter.

22 (8) The fees for title transactions involving a form of title other than a certificate shall be the  
 23 amounts established by the Department of Transportation by rule under ORS 803.012.

24 **SECTION 3.** ORS 366.739 is amended to read:

25 366.739. (1) Except as otherwise provided in ORS 366.744, the taxes collected under ORS 319.020,  
 26 319.530, 803.090, 803.420, 818.225, 825.476 and 825.480, minus \$71.2 million per biennium, shall be al-  
 27 located 24.38 percent to counties under ORS 366.762 and 15.57 percent to cities under ORS 366.800.

28 (2) **Moneys collected by, or on behalf of, the Department of Consumer and Business**  
 29 **Services for the titling of manufactured structures pursuant to ORS 446.566 to 446.646 are**  
 30 **not taxes collected under ORS 803.090.**

31 **SECTION 4.** ORS 367.173 is amended to read:

32 367.173. The principal, interest, premium, if any, and the purchase or tender price of the grant  
 33 anticipation revenue bonds issued under ORS 367.161 to 367.181 are payable solely from the follow-  
 34 ing moneys:

35 (1) Federal transportation funds.

36 (2) To the extent affirmatively pledged at the time issuance of revenue bonds is authorized, the  
 37 following moneys that are lawfully available:

38 (a) Moneys deposited in the State Highway Fund established under ORS 366.505.

39 (b) Except as provided in paragraph (c) of this subsection, moneys, once deposited in the State  
 40 Highway Fund established under ORS 366.505, from the following sources may be affirmatively  
 41 pledged:

42 (A) Moneys from the taxes and fees on motor carriers imposed under ORS 825.474 and 825.480.

43 (B) Moneys from the tax on motor vehicle fuel imposed under ORS 319.020.

44 (C) Moneys from the tax on fuel used in motor vehicles imposed under ORS 319.530.

45 (D) Moneys described under ORS 803.090 from the titling of vehicles.

1 (E) Moneys described under ORS 803.420 from the registration of vehicles.

2 (F) Moneys described under ORS 807.370 relating to the issuance of driver licenses and driver  
3 permits.

4 (G) Moneys received by the Department of Transportation from taxes, fees or charges imposed  
5 after January 1, 2001, or other revenues or moneys received by the department from sources not  
6 listed in subparagraphs (A) to (F) of this paragraph that are lawfully available to be pledged under  
7 this section.

8 (c) Moneys described in paragraph (b) of this subsection do not include:

9 (A) Moneys provided for appropriations to counties under ORS 366.762 to 366.768.

10 (B) Moneys provided for appropriations to cities under ORS 366.785 to 366.820.

11 (C) Moneys in the account established under ORS 366.512 for parks and recreation.

12 **(D) Moneys collected by, or on behalf of, the Department of Consumer and Business**  
13 **Services for the titling of manufactured structures pursuant to ORS 446.566 to 446.646.**

14 **SECTION 5.** ORS 367.605 is amended to read:

15 367.605. (1) Moneys deposited in the State Highway Fund established under ORS 366.505 are  
16 pledged to payment of Highway User Tax Bonds issued under ORS 367.615.

17 (2) Except as provided in subsection (3) of this section, moneys, once deposited in the highway  
18 fund from the following sources are subject to the use or pledge described in subsection (1) of this  
19 section:

20 (a) Moneys from the taxes and fees on motor carriers imposed under ORS 825.474 and 825.480.

21 (b) Moneys from the tax on motor vehicle fuel imposed under ORS 319.020.

22 (c) Moneys from the tax on fuel used in motor vehicles imposed under ORS 319.530.

23 (d) Moneys described under ORS 803.090 from the titling of vehicles.

24 (e) Moneys described under ORS 803.420 from the registration of vehicles.

25 (f) Moneys described under ORS 807.370 relating to the issuance of driver licenses and driver  
26 permits.

27 (g) Moneys received by the Department of Transportation from taxes, fees or charges imposed  
28 after January 1, 2001, or other revenues received by the department from sources not listed in par-  
29 agraphs (a) to (f) of this subsection that are available for the use or pledge described by this section.

30 (3) Moneys described under subsection (2) of this section do not include:

31 (a) Moneys provided for appropriations to counties under ORS 366.762 to 366.768.

32 (b) Moneys provided for appropriations to cities under ORS 366.785 to 366.820.

33 (c) Moneys in the account established under ORS 366.512 for parks and recreation.

34 **(d) Moneys collected by, or on behalf of, the Department of Consumer and Business**  
35 **Services for the titling of manufactured structures pursuant to ORS 446.566 to 446.646.**

36 (4) To the extent affirmatively pledged, moneys from the following sources are subject to the  
37 use or pledge described in subsection (1) of this section:

38 (a) Moneys received by the Department of Transportation from the United States government.

39 (b) Any other moneys legally available to the department.

40 (5) Notwithstanding ORS 366.507, the lien or charge of any pledge of moneys securing bonds  
41 issued under ORS 367.615 is superior or prior to any other lien or charge and to any law of the state  
42 requiring the department to spend moneys for specified highway purposes.

43 **SECTION 6.** ORS 803.045 is amended to read:

44 803.045. (1) The Department of Transportation shall issue title for a vehicle, **other than a**  
45 **manufactured structure titled pursuant to ORS 446.566 to 446.646**, if the applicant and the ve-

1 hicle meet the following qualifications:

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

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

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

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

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

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

14 (e) If the vehicle is covered by an Oregon title or salvage title certificate, the applicant shall  
15 surrender the Oregon title or salvage title certificate, submit an application as provided under ORS  
16 803.065 or submit other evidence of ownership satisfactory to the department.

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

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

23 (h) Other than a racing activity vehicle as defined in ORS 801.404, if the department has reason  
24 to believe a vehicle was not certified by the original manufacturer as conforming to federal vehicle  
25 standards, the department may require the applicant to provide proof satisfactory to the department  
26 that the vehicle conforms to federal vehicle standards.

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

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

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

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

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

39 **SECTION 7.** ORS 803.065 is amended to read:

40 803.065. (1) The Department of Transportation may issue a duplicate or replacement certificate  
41 of title **for a vehicle other than a manufactured structure titled under ORS 446.566 to 446.646**  
42 when all of the following occur:

43 (a) The department is satisfied as to the loss, mutilation or destruction of a certificate of title  
44 or salvage title certificate.

45 (b) The fee for issuance of a duplicate or replacement certificate of title or for a salvage title

1 certificate established under ORS 803.090 is paid.

2 (2) The department may accept an application for a duplicate or replacement title certificate at  
 3 the time of any transfer of a vehicle under ORS 803.092. The following apply to this subsection:

4 (a) The department shall only accept the application if, at the time of transfer, the title certifi-  
 5 cate is lost, mutilated or destroyed.

6 (b) When the department accepts an application, the department may accept proof of transfer  
 7 other than the certificate of title or may accept a certificate of title that has not been completed  
 8 along with other proof of transfer for purposes of transferring a vehicle under ORS 803.092. The  
 9 department may accept any proof of transfer under this paragraph that establishes to the satisfac-  
 10 tion of the department that the vehicle has been transferred including, but not limited to, statements  
 11 of release of interest, bills of sale, assignments of interest or other similar proof.

12 (c) If an application is made under this subsection, the fee for duplicate or replacement title  
 13 certificate under ORS 803.090 shall be paid in addition to the transfer fee under ORS 803.090.

14 (d) The department may include the form for application under this subsection as part of the  
 15 form for transfer of a vehicle or may make the forms separate, as the department finds convenient.

16 (e) The department is not required by this subsection to issue a duplicate or replacement title  
 17 before transfer, but may withhold issuance of title until new title is issued upon completion of  
 18 transfer.

19 (f) The department may adopt rules to establish procedures and requirements for effecting a  
 20 transfer under ORS 803.092 when application is made under this subsection at the same time.

21 **SECTION 8.** ORS 803.092 is amended to read:

22 803.092. (1) Except as otherwise provided in this section, upon the transfer of any interest in a  
 23 vehicle covered by an Oregon title, **other than a manufactured structure titled pursuant to**  
 24 **ORS 446.566 to 446.646**, the transferee shall submit an application for title to the Department of  
 25 Transportation. Such application shall be submitted to the department within 30 days of the date  
 26 of transfer of interest.

27 (2) Notwithstanding subsection (1) of this section, application is not required under this section  
 28 when:

29 (a) The change involves only a change in the security interest where the security interest holder  
 30 or lessor is a financial institution, a financial holding company or a bank holding company, as those  
 31 terms are defined in ORS 706.008, a licensee under ORS chapter 725, or any subsidiary or affiliate  
 32 of any of the foregoing and the transfer of the interest of the security interest holder or lessor:

33 (A) Results from the merger, conversion, reorganization, consolidation or acquisition of the se-  
 34 curity interest holder or lessor;

35 (B) Is to an entity that is a member of the same affiliated group as the security holder or lessor;  
 36 or

37 (C) Is made in connection with a transfer in bulk.

38 (b) The vehicle is transferred to a vehicle dealer and the vehicle will become part of the dealer's  
 39 inventory for resale. Upon the transfer of a vehicle to a dealer, however, the dealer shall imme-  
 40 diately notify the department of such transfer. This exemption from the requirement to apply for  
 41 title does not apply if the department determines that application for title is necessary in order to  
 42 comply with odometer disclosure requirements. If the department determines that application for  
 43 title is not required, it may require filing of documents under ORS 803.126.

44 (c) The vehicle is to be titled in another jurisdiction.

45 (d) The vehicle has been totaled, wrecked, dismantled, disassembled, substantially altered or

1 destroyed, in which case the provisions of ORS 819.010, 819.012, 819.014 or 822.135 relating to notice  
2 and surrender of title documents shall be complied with.

3 (e) The transfer involves the creation or termination of a leasehold interest in a vehicle that is  
4 proportionally registered under ORS 826.009 or 826.011, if the department is furnished with satis-  
5 factory proof of the lease.

6 (3) Except as provided in subsection (2) of this section, the transferee shall:

7 (a) Submit an application that meets requirements for title under ORS 803.045 and 803.050 and  
8 any applicable rules of the department.

9 (b) Submit the title transfer fees as required under ORS 803.090.

10 (c) Comply with the provisions of ORS 803.065 and any applicable rules of the department under  
11 that statute and submit the duplicate or replacement title fee as provided under ORS 803.090, if the  
12 transfer includes an application for duplicate or replacement title and transfer of title.

13 (d) Submit an odometer disclosure containing information required by the department for the  
14 kind of transaction involved.

15 (e) Submit any late presentation of certificate of title fee as provided under ORS 803.090 if such  
16 fee is required under ORS 803.105.

17 (4) For purposes of this section:

18 (a) "Affiliated group" has the meaning given to the term in section 1504(a) of the Internal Re-  
19 venue Code of 1986, as amended (26 U.S.C. 1504(a)).

20 (b) A "transfer in bulk" is:

21 (A) The sale or assignment of, the grant of a security interest in, or any other transfer of either  
22 a group of loans secured by vehicles, leases of vehicles or both or a participation or other interest  
23 in the group of loans;

24 (B) The creation of asset-backed securities or other securing of assets involving the loans or  
25 leases; or

26 (C) Any similar transaction involving the loans or leases.

27