

Senate Bill 539

Sponsored by Senator STARR (at the request of John Scruggs) (Pre-session filed.)

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**.

Requires person to provide color of vehicle in application for vehicle registration. Requires Department of Transportation to include color of vehicle on registration card and in department records.

A BILL FOR AN ACT

1
2 Relating to vehicle color information; creating new provisions; and amending ORS 802.200, 803.370
3 and 803.500.

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

5 **SECTION 1.** ORS 803.370 is amended to read:

6 803.370. (1) *[This section establishes requirements for an application for vehicle registration in this*
7 *state. If an applicant fails to comply with requirements under this section, the Department of Trans-*
8 *portation may refuse to register or reregister a vehicle until the applicant complies with the require-*
9 *ments. An]* **A vehicle registration** application shall contain all of the following:

10 [(1)] (a) The true name and, except as provided for corrections officers in ORS 802.253, eligible
11 employees in ORS 802.250 or Address Confidentiality Program participants in ORS 192.846, the ac-
12 tual residence or business address of the owner. The Department **of Transportation** may provide
13 by rule for acceptance of something other than an actual residence or business address if the de-
14 partment determines that the applicant does not have an actual address.

15 [(2)] (b) A description of the vehicle, including the **color of the vehicle**, name of the make and
16 the vehicle identification number.

17 [(3)] (c) An odometer disclosure in a form determined by the department by rule pursuant to
18 ORS 803.120, if a disclosure is otherwise required.

19 [(4)] (d) Any other information required by the department.

20 [(5)] (e) If the application is for registration or reregistration of a vehicle that is subject to the
21 federal heavy vehicle use tax, proof that the federal use tax has been paid. The department shall
22 adopt rules to determine proof that will be acceptable for purposes of this subsection.

23 [(6)] (f) A statement:

24 [(a)] (A) That the applicant is domiciled in this state as described in ORS 803.355 if the applicant
25 is required by ORS 803.360 to be domiciled in this state in order to register a vehicle in the state;
26 and

27 [(b)] (B) That so long as the vehicle remains registered to the applicant in this state, the ap-
28 plicant will remain domiciled in this state if required to do so in order to register the vehicle.

29 [(7)] (g) A statement:

30 [(a)] (A) That the vehicle qualifies under ORS 803.360 (2) for registration in this state, if the
31 owner is not domiciled in this state and is not required by ORS 803.200, or any other provision of

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 law, to register the vehicle in this state; and

2 [(b)] **(B)** That so long as the vehicle remains registered to the applicant under the provisions
3 of ORS 803.360 (2), the owner and the vehicle will meet the qualifications of this subsection.

4 [(8)] **(h)** A statement upon initial registration that the applicant is in compliance with financial
5 responsibility requirements for the vehicle and will remain in compliance until the vehicle is trans-
6 ferred. Exemptions from this subsection are established in ORS 806.020.

7 [(9)] **(i)** If the application is for registration or renewal of registration of a motor vehicle by a
8 motor carrier, the information on drug and alcohol testing programs required by ORS 825.410.

9 **(2) If an applicant fails to comply with requirements under this section, the department
10 may refuse to register or reregister a vehicle until the applicant complies with the require-
11 ments.**

12 **SECTION 2.** ORS 803.500 is amended to read:

13 803.500. The Department of Transportation shall furnish for each vehicle and camper registered
14 by the department, a registration card that shows all of the following information:

15 (1) The name of the registered owner.

16 (2) The make.

17 (3) The year model.

18 (4) The vehicle identification number as denoted by the title issued for the vehicle or camper.

19 (5) The mileage of the vehicle as reported to the department at the time the most recent title
20 transfer was reported to the department, or the mileage reported to the department at the time the
21 vehicle was initially titled in Oregon, whichever occurred last.

22 (6) The word "totaled" if the vehicle has been reported to the department as a totaled vehicle
23 under the provisions of ORS 819.012 or 819.014, unless the reason for the report was theft and the
24 vehicle has been recovered.

25 **(7) The color of the vehicle.**

26 [(7)] **(8)** Any other information required by the department.

27 **SECTION 3.** ORS 802.200 is amended to read:

28 802.200. In addition to any other records the Department of Transportation may establish, the
29 department is subject to the following provisions concerning records:

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

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

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

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

38 (C) The vehicle description; and

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

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

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

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

45 (e) All odometer readings for a vehicle that are reported to the department under provisions of

1 the vehicle code.

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

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

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

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

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

15 (B) The name of the vehicle owner;

16 (C) The vehicle description, **including the color of the vehicle**, and **the** vehicle identification
17 number; and

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

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

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

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

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

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

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

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

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

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

39 (a) An index by name and number.

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

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

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

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

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

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

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

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

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

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

13 (D) Every person who is required to provide future responsibility filings under ORS 806.200,
 14 806.220, 806.230 or 806.240.

15 (b) In addition to other information required by this paragraph, the employment driving record
 16 shall include all reports of drug test results that are made to the department under ORS 825.410.
 17 Notwithstanding any other provision of law, release of the portion of the employment driving record
 18 that shows drug test results reported under ORS 825.410 is permitted only in accordance with ORS
 19 802.202. The employment driving record shall also include all motor vehicle accidents that the per-
 20 son is required to report under ORS 811.720, all suspensions of driving privileges required to be
 21 placed on the record under ORS 809.280, all suspensions of the person's commercial driver license
 22 that result from operation or use of a commercial motor vehicle and all convictions of the person
 23 for violation of motor vehicle laws except convictions for offenses requiring mandatory revocation
 24 or suspension of driving privileges under ORS 809.409, 809.411, 809.413 and 813.400, but shall include
 25 only such accidents, suspensions and convictions that occur while the person is driving a motor
 26 vehicle:

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

29 (B) Carrying persons or property for compensation;

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

33 (D) That is an authorized emergency vehicle;

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

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

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

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

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

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

45 (D) Diversion agreements entered into under ORS 813.220 within the preceding 15 years.

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

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

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

14 (g) The Department of Transportation, in consultation with the Department of State Police, shall
 15 devise and implement a method of noting suspensions and revocations of driving privileges on the
 16 record in such a way that police agencies can determine directly from the record what class of of-
 17 fense, as provided by law, is committed by a person who drives in violation of the suspension or
 18 revocation. If the Department of Transportation and the Department of State Police devise a mutu-
 19 ally agreeable alternative method of informing police agencies of the nature of a suspension or re-
 20 vocation and the consequences of its violation, the implementation of that method shall satisfy the
 21 duty of the Department of Transportation under this paragraph.

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

24 (11) The department shall maintain accident reports filed with the department under ORS
 25 810.460 and 811.725 to 811.735.

26 (12) The department shall maintain records of bank checks or money orders returned under ORS
 27 802.110.

28 (13) The department shall maintain records of trip permits issued by the department under ORS
 29 803.600, as provided under this subsection. The records required by this subsection shall include the
 30 following:

- 31 (a) A description of the vehicle sufficient to identify the vehicle.
- 32 (b) The person to whom the permit was issued.
- 33 (c) When the permit was issued.
- 34 (d) The type of permit issued.
- 35 (e) For registration weight trip permits, the maximum allowable registration weight permitted
 36 for operation under the permit.
- 37 (f) Any other information the department determines appropriate or convenient.

38 **SECTION 4. (1) The amendments to ORS 803.370 by section 1 of this 2011 Act apply to**
 39 **vehicle registration applications filed on or after the effective date of this 2011 Act.**

40 **(2) The amendments to ORS 803.500 by section 2 of this 2011 Act apply to registration**
 41 **cards furnished by the Department of Transportation on or after the effective date of this**
 42 **2011 Act.**