

Enrolled
Senate Bill 958

Sponsored by Senator STARR (at the request of Northwest Automotive Trades Association and Hillsboro Auto Wrecking)

CHAPTER

AN ACT

Relating to dismantlers; creating new provisions; and amending ORS 822.115, 822.133 and 822.145.

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

SECTION 1. ORS 822.115 is amended to read:

822.115. An application for a dismantler certificate issued by the Department of Transportation under ORS 822.110 or for renewal of a certificate under ORS 822.125 shall be in a form prescribed by the department and shall contain all of the following:

- (1) A full statement of the name of the person applying for the certificate with the person's residence and business addresses.
- (2) If the applicant is a firm or partnership, the name of the firm or partnership, with the names and places of residence of all its members.
- (3) If the applicant is a corporation, the names of the principal officers and their residences and the name of the state under whose laws the corporation is organized.
- (4) A description of the dimensions and the location of the place or places at which the business is to be carried on and conducted.

(5) The applicant's National Motor Vehicle Title Information System identification number.

~~[(5)]~~ **(6)** Any other relevant information required by the department.

SECTION 2. ORS 822.133 is amended to read:

822.133. (1) As used in this section:

(a) "Crushed motor vehicle" means a motor vehicle, the frame or unibody of which is compacted or flattened so that it no longer resembles any particular year, model or make of motor vehicle and is less than half of the motor vehicle's original volume as measured in cubic feet.

~~[(a)]~~ **(b) "Destroy"** means to dismantle, disassemble, damage or substantially alter a motor vehicle:

- (A) With the intent of rendering the vehicle permanently inoperable;
- (B) To the extent that the cost of repairing the vehicle exceeds the actual cash value of the vehicle prior to the damage; or
- (C) To the extent that the sum of the cost of repairing the vehicle and the salvage value of the vehicle in its damaged condition exceeds the actual cash value of the vehicle in its repaired condition.

(c) "Mobile motor vehicle crusher" means a machine that compacts or flattens a motor vehicle into a crushed motor vehicle and is designed to be transported on a highway.

[(b)] (d) "Wrecked vehicle" means a motor vehicle:

(A) That is destroyed, or is acquired with the intent to destroy, and that will never be operated as a motor vehicle; or

(B) That has sustained damage to an extent that the vehicle may not lawfully be operated on the highways of this state.

(2) In the operation of a motor vehicle dismantling business, a dismantler:

(a) Must physically separate or visually label a wrecked vehicle in a manner that readily identifies the ownership status of the wrecked vehicle if the dismantler takes possession of the wrecked vehicle without immediately obtaining an ownership record or salvage title certificate. A dismantler need not separate or visually identify a wrecked vehicle pursuant to this subsection if the vehicle is subject to an exemption under ORS 803.030 or is obtained from a jurisdiction that does not issue certificates of title.

(b) May not remove parts from or destroy a motor vehicle prior to obtaining an ownership record or salvage title certificate for the vehicle.

(c) Must demolish the registration plates of a wrecked vehicle at the time the ownership record is received.

(d) Must notify the Department of Transportation of any changes in the information provided to the department in the application for a dismantler certificate within 30 days of the change.

(e) Must furnish a written report to the department, in a form established by the department by rule, after a wrecked vehicle is dismantled or destroyed.

(3)(a) A dismantler using a mobile motor vehicle crusher shall:

(A) Hold a current, valid dismantler certificate issued under ORS 822.110.

(B) Conspicuously display on the mobile motor vehicle crusher the name of the dismantler's business as listed on the dismantler's application submitted pursuant to ORS 822.110 and the dismantler certificate number issued by the department.

(C) Comply with all of the applicable statutes and rules regulating dismantlers at each location where the dismantler uses the mobile motor vehicle crusher. If the dismantler is using a mobile motor vehicle crusher at a location approved under a dismantler certificate, the dismantler who holds the dismantler certificate for the location shall be responsible for complying with all statutes and rules regarding dismantlers.

(b) If a dismantler is using a mobile motor vehicle crusher at a temporary location for 15 consecutive business days or less, the dismantler is exempt from obtaining a supplemental dismantler certificate under ORS 822.125 for the temporary location.

SECTION 3. ORS 822.145 is amended to read:

822.145. (1) **In addition to any other penalty provided by law**, the Department of Transportation may impose sanctions on any person holding a dismantler certificate issued under ORS 822.110 or identification card **or supplemental dismantler certificate** issued under ORS 822.125 **including, but not limited to, probation or suspension, revocation or cancellation of the dismantler certificate or identification card** if the department determines at any time for due cause that any of the following [have] **has** occurred:

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

(b) The person holding the certificate has violated ORS 803.140, 819.012, 819.016, 819.040, **822.120, 822.125, 822.133, [or] 822.135, 822.137 or 822.150.**

(c) The person holding the certificate has caused or suffered or is permitting the unlawful use of the dismantler certificate.

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

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

(f) The person holding an identification card has unlawfully used or permitted unlawful use of the card.

(2) The department shall cancel or suspend any dismantler certificate immediately:

- (a) Upon receipt of legal notice that the bond described under ORS 822.120 is canceled; or
- (b) For failure to pay any penalty imposed under ORS 822.135 or 822.137.
- (3) Upon revocation, cancellation or suspension of a dismantler certificate or identification card under this section, the department shall recall and demand the return of the certificate or identification card.
- (4) If the department has reason to believe that a person has engaged in or is engaging in any activity prohibited under ORS 822.100, the department may issue an order directed at the person to cease the activity.
- (5) The department shall adopt rules establishing sanctions authorized by subsection (1) of this section.

SECTION 4. Section 5 of this 2011 Act is added to and made a part of the Oregon Vehicle Code.

SECTION 5. (1) The Department of Transportation may levy a civil penalty on, and collect the civil penalty from, any person holding a dismantler certificate issued under ORS 822.110 or identification card or supplemental dismantler certificate issued under ORS 822.125 in an amount not to exceed \$1,000 for each violation if the person holding the certificate has violated ORS 803.140, 819.012, 819.016, 819.040, 822.120, 822.125, 822.130, 822.135 or 822.150.

(2) The department shall impose civil penalties under this section in the manner provided in ORS 183.745.

SECTION 6. Section 5 of this 2011 Act and the amendments to ORS 822.145 by section 3 of this 2011 Act apply to offenses that occur on or after the effective date of this 2011 Act.

Passed by Senate April 18, 2011

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Robert Taylor, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House June 7, 2011

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Bruce Hanna, Speaker of House

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Arnie Roblan, Speaker of House

Received by Governor:

.....M.,....., 2011

Approved:

.....M.,....., 2011

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M.,....., 2011

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Kate Brown, Secretary of State