

# D R A F T

## SUMMARY

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

Requires department to keep two most recent odometer disclosures or readings in electronic form.

Increases fee for inspection of vehicle identification number.

## A BILL FOR AN ACT

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Relating to motor vehicles; amending ORS 802.200, 803.102, 803.120 and 803.215.

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

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

803.102. (1) As used in this section:

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

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

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

1 (3) If a transfer requiring a disclosure statement involves a leased vehicle,  
2 the lessor shall notify the lessee that the lessee is required to provide  
3 odometer disclosure. The lessee shall furnish the lessor with a form that  
4 complies with the requirements of ORS 803.120 and shall provide the infor-  
5 mation required by ORS 803.122 except that for purposes of the required in-  
6 formation, the lessee shall be considered the transferor, the lessor shall be  
7 considered the transferee and the date shall be the date of the disclosure  
8 statement.

9 (4) Where an interest in a vehicle is transferred by operation of law, the  
10 Department of Transportation shall determine by rule whether an odometer  
11 disclosure statement is required and, if so, who is required to provide it.

12 (5) The odometer disclosure requirements of this section do not apply  
13 upon transfer of an interest where the transfer is due solely to the creation,  
14 release or assignment of a security interest, or upon transfer of an interest  
15 in any of the following:

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

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

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

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

22 (e) A vehicle that is exempted from the requirement by rules of the de-  
23 partment.

24 **(6) A person may provide an odometer reading to the department,**  
25 **in the manner prescribed by the department by rule, for a vehicle that**  
26 **is 10 years old or older.**

27 **SECTION 2.** ORS 802.200 is amended to read:

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

31 (1) The department shall maintain records concerning the titling of vehi-

1 cles in this state. The records under this subsection shall include the fol-  
2 lowing:

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

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

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

10 (C) The vehicle description; and

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

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

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

16 (d) Any other information concerning the titling of vehicles that the de-  
17 partment considers convenient or appropriate.

18 (e) All odometer **disclosures and** readings for a vehicle that are reported  
19 to the department under provisions of the vehicle code. **The department**  
20 **shall keep in electronic form the two most recent disclosures or**  
21 **readings reported to the department.**

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

26 (2) If a vehicle that has been registered or titled in another jurisdiction  
27 is registered or titled in this state, the department shall retain a record of  
28 any odometer readings shown on the title or registration documents submit-  
29 ted to the department at the time of registration or title.

30 (3) Except as otherwise provided in ORS 826.003, the department shall  
31 maintain records concerning the registration of vehicles required to be reg-

1 istered by the department. The records concerning the registration of vehi-  
2 cles may be stored along with records concerning the titling of vehicles. The  
3 records under this subsection shall include the following:

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

6 (A) The registration plate number assigned by the department to the ve-  
7 hicle;

8 (B) The name of the vehicle owner;

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

10 (D) An indication that the vehicle is a totaled vehicle if it has been re-  
11 ported to the department as a totaled vehicle under the provisions of ORS  
12 819.012 or 819.014, unless the reason for the report was theft and the vehicle  
13 has been recovered.

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

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

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

20 (b) An alphabetical index of the name of each person applying for a ve-  
21 hicle dealer certificate.

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

24 (5) The department shall maintain a file on vehicles for which the title  
25 record is canceled under ORS 819.030. The records required under this sub-  
26 section shall disclose the last registered owner of each vehicle, any security  
27 interest holder or holders and lessors of each vehicle as shown by the can-  
28 celed title record for each vehicle and the make and year model for each  
29 vehicle.

30 (6) The department shall maintain a record of each agreement or decla-  
31 ration under ORS 802.500 and 802.520.

1 (7) The department shall maintain separate and comprehensive records of  
2 all transactions affecting the Revolving Account for Emergency Cash Ad-  
3 vances described under ORS 802.100.

4 (8) The department shall maintain suitable records of driver licenses,  
5 driver permits and identification cards. The records required under this  
6 subsection shall include all of the following:

7 (a) An index by name and number.

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

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

12 (d) All driver licenses or driver permits that have been suspended or re-  
13 voked.

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

18 (f) For each commercial driver license, the Social Security number of the  
19 person to whom the license is issued, or any other number or identifying  
20 information that the Secretary of the United States Department of Trans-  
21 portation determines appropriate to identify the person.

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

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

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

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

31 (C) Every person who has filed an accident report under ORS 811.725 or

1 811.730; and

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

4 (b) In addition to other information required by this paragraph, the em-  
5 ployment driving record shall include all reports of drug test results that are  
6 made to the department under ORS 825.410. Notwithstanding any other pro-  
7 vision of law, release of the portion of the employment driving record that  
8 shows drug test results reported under ORS 825.410 is permitted only in ac-  
9 cordance with ORS 802.202. The employment driving record shall also include  
10 all motor vehicle accidents that the person is required to report under ORS  
11 811.720, all suspensions of driving privileges required to be placed on the  
12 record under ORS 809.280, all suspensions of the person's commercial driver  
13 license that result from operation or use of a commercial motor vehicle and  
14 all convictions of the person for violation of motor vehicle laws except con-  
15 victions for offenses requiring mandatory revocation or suspension of driving  
16 privileges under ORS 809.409, 809.411, 809.413 and 813.400, but shall include  
17 only such accidents, suspensions and convictions that occur while the person  
18 is driving a motor vehicle:

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

21 (B) Carrying persons or property for compensation;

22 (C) In the course of the person's employment in the collection, transpor-  
23 tation or delivery of mail if the vehicle is government owned or marked for  
24 the collection, transportation or delivery of mail in accordance with gov-  
25 ernment rules;

26 (D) That is an authorized emergency vehicle;

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

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

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

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

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

6 (C) Convictions for violation of the motor vehicle laws other than those  
7 included in the employment driving record including, for each violation of  
8 ORS 811.100 or 811.111, the speed at which the person was convicted of  
9 traveling and the posted speed, the speed limit or the speed that constitutes  
10 prima facie evidence of violation of the basic speed rule, as appropriate; and

11 (D) Diversion agreements entered into under ORS 813.220 within the pre-  
12 ceding 15 years.

13 (d) The department may record other entries to indicate correspondence,  
14 interviews, participation in driver improvement programs or other matters  
15 concerning the status of the driving privileges of the person.

16 (e) When a person from another jurisdiction applies for a driver license  
17 or driver permit issued by this state, the department shall request a copy of  
18 the person's driving record from the other jurisdiction. At the time the per-  
19 son is issued a license in Oregon, the record from the other jurisdiction shall  
20 become part of the driver's record in this state with the same force and effect  
21 as though entered on the driver's record in this state in the original in-  
22 stance. The department by rule may specify methods for converting entries  
23 from out-of-state records for use in Oregon.

24 (f) When a suspension of a driver permit, driver license or other driving  
25 privilege is placed on the driving record under ORS 809.280 for failure to  
26 appear in court on a traffic crime, the department shall note on the record  
27 that the suspension was for failure to appear in court and shall also note the  
28 offense charged against the person on which the person failed to appear.

29 (g) The Department of Transportation, in consultation with the Depart-  
30 ment of State Police, shall devise and implement a method of noting sus-  
31 pensions and revocations of driving privileges on the record in such a way

1 that police agencies can determine directly from the record what class of  
2 offense, as provided by law, is committed by a person who drives in violation  
3 of the suspension or revocation. If the Department of Transportation and the  
4 Department of State Police devise a mutually agreeable alternative method  
5 of informing police agencies of the nature of a suspension or revocation and  
6 the consequences of its violation, the implementation of that method shall  
7 satisfy the duty of the Department of Transportation under this paragraph.

8 (10) The Department of Transportation shall maintain records of judg-  
9 ments or convictions sent to the department under ORS 810.375.

10 (11) The department shall maintain accident reports filed with the de-  
11 partment under ORS 810.460 and 811.725 to 811.735.

12 (12) The department shall maintain records of bank checks or money or-  
13 ders returned under ORS 802.110.

14 (13) The department shall maintain records of trip permits issued by the  
15 department under ORS 803.600, as provided under this subsection. The re-  
16 cords required by this subsection shall include the following:

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

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

19 (c) When the permit was issued.

20 (d) The type of permit issued.

21 (e) For registration weight trip permits, the maximum allowable regis-  
22 tration weight permitted for operation under the permit.

23 (f) Any other information the department determines appropriate or con-  
24 venient.

25 **SECTION 3.** ORS 803.120 is amended to read:

26 803.120. (1) When an odometer disclosure is required by statute or by the  
27 Department of Transportation, **or when an odometer reading is provided**  
28 **under ORS 803.102 (6)**, the disclosure **or reading** shall be **provided** in a  
29 form required by the department by rule. The department may require dif-  
30 ferent forms [*of disclosure*] for different situations and may require different  
31 information to be disclosed for different purposes.



1 (2) Any form authorized by the department for use as an odometer dis-  
2 closure upon transfer of an interest in a vehicle shall refer to the federal law  
3 requiring disclosure of odometer information and shall state that failure to  
4 complete the disclosure form, or providing false information on the form,  
5 may result in a fine or imprisonment.

6 (3) Any form authorized by the department for use as an odometer dis-  
7 closure upon transfer of an interest in a vehicle shall provide a way for the  
8 transferor to indicate, to the best of the transferor's knowledge, which of the  
9 following is true:

10 (a) That the odometer reading reflects the actual mileage of the vehicle;

11 (b) That the odometer reading reflects an amount of mileage in excess of  
12 the designed mechanical odometer limit; or

13 (c) That the odometer reading does not reflect actual mileage and should  
14 not be relied on.

15 (4) An odometer disclosure required upon transfer of an interest in a ve-  
16 hicle shall be made on the vehicle title unless the department provides oth-  
17 erwise by rule.

18 **SECTION 4.** ORS 803.215 is amended to read:

19 803.215. A fee of [\$7] ~~\$8~~ shall be charged for an inspection of a vehicle  
20 required by ORS 803.210.

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