

D R A F T

SUMMARY

Prohibits vehicle dealer from selling or offering for sale new motor vehicle unless motor vehicle is equipped with engine immobilizer device.

Creates offense of failure to install engine immobilizer device. Punishes by maximum fine of \$250.

A BILL FOR AN ACT

Relating to motor vehicles; creating new provisions; and amending ORS 822.045.

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

SECTION 1. ORS 822.045 is amended to read:

822.045. (1) A vehicle dealer improperly conducts a vehicle dealer business and is subject to the penalties under this section if the vehicle dealer commits any of the following offenses:

(a) A vehicle dealer commits the offense of failure to obtain a supplemental vehicle dealer certificate if the vehicle dealer opens any additional place of business using the same business name as a place of business approved under a vehicle dealer certificate without first obtaining a supplemental dealer certificate under ORS 822.040.

(b) A vehicle dealer commits the offense of failure to obtain a corrected vehicle dealer certificate if the dealer moves a place of business or changes the business name without first obtaining a corrected dealer certificate under ORS 822.040.

(c) A vehicle dealer commits the offense of failure to maintain proper vehicle dealer records if the dealer does not keep records or books with all of the following information concerning any used or secondhand vehicles or

1 campers the dealer deals with:

2 (A) A record of the purchase, sale or exchange or of the dealer's receipt
3 for purpose of sale.

4 (B) A description of the vehicle or camper.

5 (C) The name and address of the seller, the purchaser and the alleged
6 owner or other person from whom the vehicle or camper was purchased or
7 received or to whom it was sold or delivered.

8 (D) For motor vehicles, the vehicle identification number and any other
9 numbers or identification marks as may be thereon and a statement that a
10 number has been obliterated, defaced or changed, if such is a fact.

11 (E) For trailers and campers, the vehicle identification number and any
12 other numbers or identification marks as may be thereon.

13 (F) A duly assigned certificate of title or other primary ownership record
14 or a bill of sale from the registered owner of the vehicle or camper from the
15 time of delivery to the dealer until the dealer disposes of the vehicle or
16 camper. If title is issued for the vehicle in a form other than a certificate,
17 or if the primary ownership record is in a form other than a document, a
18 dealer shall keep records in accordance with rules adopted by the Depart-
19 ment of Transportation for the purpose of complying with this subparagraph.

20 (d) A vehicle dealer commits the offense of failure to allow administrative
21 inspection if the dealer refuses to allow the department to conduct an in-
22 spection under ORS 822.035 at any time during normal business hours.

23 (e) A vehicle dealer commits the offense of failure to allow police in-
24 spection if the dealer refuses to allow any police officer to conduct an in-
25 spection under ORS 810.480 at any time during normal business hours.

26 (f) A vehicle dealer commits the offense of illegal use of dealer vehicle
27 for hire if the dealer allows any vehicle operated under vehicle dealer reg-
28 istration to be loaned or rented with or without driver for hire or direct
29 compensation.

30 (g) A vehicle dealer commits the offense of improper use of dealer plates
31 or devices if the dealer or employee of the dealer causes or permits the dis-

1 play or use of any special vehicle dealer registration plate or device on any
2 vehicle not owned or controlled by the dealer.

3 (h) A person commits the offense of improper display of dealer plates if
4 the person operates over and along the highways of this state any unregis-
5 tered vehicle owned or controlled by the dealer and any dealer plates issued
6 are not displayed in the manner provided in ORS 803.540 for the display of
7 registration plates.

8 (i) A vehicle dealer commits the offense of failure to exhibit the dealer
9 certificate if the dealer fails to permanently exhibit the certificate at the
10 place of business of the person at all times while the certificate is in force.

11 (j) Except as provided in subsection (2) of this section, a vehicle dealer
12 commits the offense of failure to provide clear title if:

13 (A) Within 15 days of transfer of any interest in a vehicle or camper to
14 the dealer by a consumer, the dealer fails to satisfy:

15 (i) The interest of any person from whom the dealer purchased or obtained
16 the vehicle or camper;

17 (ii) The interest of any person from whom the person described in sub-
18 subparagraph (i) of this subparagraph leased the vehicle or camper; and

19 (iii) All security interests in the vehicle or camper entered into prior to
20 the time of transfer.

21 (B) Within 15 days of receiving clear title to a vehicle or camper from
22 another dealer, the purchasing dealer fails to satisfy the interest of the
23 selling dealer.

24 (k) Except as provided in subsection (3) of this section, a vehicle dealer
25 commits the offense of failure to furnish certificate of title or application for
26 title if, within 90 calendar days of transfer of any interest in a vehicle or
27 camper by the dealer, the dealer has failed to:

28 (A) Furnish the certificate of title or other primary ownership record for
29 the vehicle or camper and any release thereon or, if title has been issued or
30 is to be issued in a form other than a certificate, any information or docu-
31 ments required by rule of the department, to the security interest holder next

1 named, if any, otherwise to the lessor or, if none, to the purchaser; or

2 (B) Submit to the department in a manner that complies with any appli-
3 cable statutes and rules, an application for title on behalf of the person to
4 whom the title is to be furnished or whose name is to be shown on the title
5 record.

6 (L) A vehicle dealer commits the offense of failure to maintain bond or
7 letter of credit coverage if the dealer permits a bond or letter of credit to
8 lapse during the period that the bond or letter of credit is required under
9 ORS 822.020 or 822.040 or if the dealer fails to purchase a bond or letter of
10 credit required by ORS 822.030.

11 (m) A person commits the offense of acting as a vehicle dealer while un-
12 der revocation, cancellation or suspension if the person conducts business
13 as a vehicle dealer in this state and the person's vehicle dealer certificate
14 is revoked, canceled or suspended, regardless of whether the person is li-
15 censed as a vehicle dealer in another jurisdiction. This paragraph does not
16 apply if the person has other current, valid dealer certificates issued in this
17 state.

18 (n) A vehicle dealer commits the offense of improper display of a vehicle
19 for advertising purposes if the dealer displays a vehicle at a location other
20 than the dealer's place of business for the purpose of advertising and the
21 dealer does not comply with the provisions of ORS 822.040 (4).

22 **(o) A vehicle dealer commits the offense of failure to install an**
23 **engine immobilizer device if the dealer does not install an engine**
24 **immobilizer device on a new motor vehicle prior to selling or offering**
25 **for sale a new motor vehicle to a person other than another vehicle**
26 **dealer.**

27 (2) A dealer [*shall not be*] **is not** considered to have committed the offense
28 described in subsection (1)(j) of this section if the dealer fails to satisfy an
29 interest in a vehicle or camper that arises from an inventory financing se-
30 curity interest for which the dealer is the debtor.

31 (3) A dealer [*shall not be*] **is not** considered to have committed the offense

1 described in subsection (1)(k) of this section if the dealer demonstrates that:

2 (a) The dealer has made a good faith effort to comply; and

3 (b) The dealer's inability to provide title is due to circumstances beyond
4 the dealer's control.

5 (4) The offenses described in this section are subject to the following
6 penalties:

7 (a) The offense described in this section, failure to obtain a supplemental
8 vehicle dealer certificate, is a Class A misdemeanor.

9 (b) The offense described in this section, failure to obtain a corrected
10 vehicle dealer certificate, is a Class A misdemeanor.

11 (c) The offense described in this section, failure to maintain proper vehi-
12 cle dealer records, is a Class A misdemeanor.

13 (d) The offense described in this section, failure to allow administrative
14 inspection, is a Class A misdemeanor.

15 (e) The offense described in this section, failure to allow police inspection,
16 is a Class A misdemeanor.

17 (f) The offense described in this section, illegal use of dealer vehicle for
18 hire, is a Class B traffic violation.

19 (g) The offense described in this section, improper use of dealer plates or
20 devices, is a Class D traffic violation.

21 (h) The offense described in this section, improper display of dealer plates,
22 is a Class B traffic violation.

23 (i) The offense described in this section, failure to exhibit the dealer
24 certificate, is a Class A misdemeanor.

25 (j) The offense described in this section, failure to provide clear title, is
26 a Class A misdemeanor.

27 (k) The offense described in this section, failure to furnish certificate of
28 title or application for title, is a Class A misdemeanor.

29 (L) The offense described in this section, failure to maintain bond or let-
30 ter of credit coverage, is a Class A misdemeanor.

31 (m) The offense described in this section, acting as a vehicle dealer while

1 under revocation, cancellation or suspension, is a Class A misdemeanor.

2 (n) The offense described in this section, improper display of a vehicle for
3 advertising purposes, is a Class A misdemeanor.

4 (o) **The offense described in this section, failure to install an engine
5 immobilizer device, is a Class D traffic violation.**

6 **SECTION 2. The amendments to ORS 822.045 by section 1 of this
7 2013 Act apply to new motor vehicles sold or offered for sale on or after
8 the effective date of this 2013 Act.**

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