



Oregon

John A. Kitzhaber, M.D., Governor

Department of Transportation

Director's Office
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DATE: March 7, 2013

TO: House Veterans and Emergency Preparedness Committee

FROM: Amy Joyce, Legislative Liaison

SUBJECT: HB 2161, licensures for spouses of active military

INTRODUCTION

The Department of Transportation, Driver and Motor Vehicle Services Division (DMV), issues licenses and certifications for several vehicle-related businesses. DMV has concerns about the broadness of the bill, and what may no longer be required of applicants for licensure.

DISCUSSION

By statute DMV regulates several vehicle-related businesses: vehicle dealers, dismantlers, and others. The oversight ensures that consumers are protected and particularly that proof of ownership is clear through appropriate and timely documentation. In addition, vehicle dealers can act as agents of DMV, issuing license plates after assisting customers in completing the application for title and registration.

The bill as drafted requires the applicant to submit evidence of authorization in another state to engage in those activities, and evidence either that they have performed those duties for one of the last three years or demonstrates competency in some way determined by the licensing body. The Department understands, and appreciates, the goal of expediting certifications for military spouses who come to Oregon and want to continue in their profession. However, some important factors may have been left out of the bill.

For example, there is no requirement that the person complete an application form, pay the fee, or submit proof of insurance and bonding. Specific to DMV this impacts vehicle dealers who must have both insurance and bond, and dismantlers who must be bonded. In addition, vehicle dealers are required to complete eight hours of education before becoming certified to sell cars in Oregon. The class is offered by private associations, can be taken on-line at any time or in-person at scheduled times. Among many other issues the class covers paperwork content and timing, which differs significantly from state to state. This is an important consumer protection since vehicle dealers frequently complete DMV paperwork, pay off liens, and verify insurance for the person purchasing the car. In fact, some Oregon vehicle dealers act as DMV's agent when collecting title and registration fees, completing paperwork needed to transfer title and in some cases by issuing license plates at point of sale, and electronically completing DMV transactions.

CONCLUSION

The Department understands the goal of HB 2161 to be expediting the authorization to practice one's profession in Oregon when transferred here as the spouse of a person serving our country in the military. The breadth of the measure may have unintended consequences that could be cured with amendments to ensure the most basic requirements of Oregon law are met.