

HOUSE AMENDMENTS TO HOUSE BILL 2066

By COMMITTEE ON BUSINESS AND LABOR

March 14

1 On page 1 of the printed bill, line 2, delete “and 726.280” and insert “, 726.280, 726.370 and
2 726.380”.

3 Delete lines 23 through 30 and insert:

4 “(B) Pledges that are not required to be registered with the Department of Transportation;

5 “(C) Snowmobiles, as defined in ORS 801.490;

6 “(D) Trailers that have a loaded weight of not more than 8,000 pounds and that are designed
7 or manufactured, or are otherwise suitable, for carrying a boat, snowmobile or all-terrain vehicle;
8 and

9 “(E) Equipment used for farming.

10 “(b) ‘Personal property’ does not include:

11 “(A) Pledges that are required to be registered with the Department of Transportation, unless
12 the pledge is a snowmobile or a trailer described in paragraph (a) of this subsection;

13 “(B) Choses in action;

14 “(C) Securities or printed evidence of indebtedness; or

15 “(D) Intangible property.”.

16 In line 31, restore the bracketed material and delete the boldfaced material and delete “any
17 article” and insert “personal property”.

18 On page 2, after line 18, insert:

19 “(h) A notation that indicates that a lien search of the pledge has been conducted in the
20 pledgor’s county of residence or with the state agency that is responsible for recording liens on the
21 category of property to which the pledge belongs.”.

22 After line 27, insert:

23 “**SECTION 3.** ORS 726.370 is amended to read:

24 “726.370. (1) If more than one person claims the right to redeem a pledge, the pawnbroker [*shall*
25 *incur no liability*] **is not liable** for refusing to deliver the pledge until the respective rights of the
26 claimants have been adjudicated **unless the pawnbroker fails to verify whether the pledge is**
27 **subject to a lien or other encumbrance, if the pledge is:**

28 “(a) **A boat, as defined in ORS 830.005;**

29 “(b) **A snowmobile, as defined in ORS 801.490;**

30 “(c) **A trailer, as described in ORS 726.010 (2)(a)(D); or**

31 “(d) **An all-terrain vehicle that is not required to be registered with the Department of**
32 **Transportation.**

33 “(2) In [*case of*] an action brought against the pawnbroker for recovery of the pledge, the
34 pawnbroker may as a defense require all known claimants to interplead.

35 “(3) If [*no action is brought against the pawnbroker by either claimant*] **either claimant does**

1 **not bring an action against the pawnbroker** within 30 days after notice of an adverse claim, the
2 pawnbroker may [*proceed to*] dispose of the pledge as provided in this chapter.

3 **“SECTION 4.** ORS 726.380 is amended to read:

4 **“726.380. (1)** A pawnbroker [*shall be*] **is** liable for the loss of a pledge or a part [*thereof*] **of a**
5 **pledge** or for [*injury thereto resulting*] **an injury to a pledge that results** from failure to exercise
6 reasonable care. [*Such care shall include*] **Reasonable care includes** maintaining sufficient insur-
7 ance coverage against possible loss [*due to*] **as a result of** fire, theft and burglary so as to protect
8 the interest of the pledgor for the amount of the loan. [*In case of loss the burden of proof to establish*
9 *due care shall be upon the pawnbroker.*]

10 **“(2)** A pawnbroker shall hold a pledge in a gated, secured facility that is designed, con-
11 **structed, furnished and maintained to present physical deterrents to a person’s ability to**
12 **enter into the facility without authorization and remove the pledge, if the pledge is:**

13 **“(a)** A boat, as defined in ORS 830.005;

14 **“(b)** A snowmobile, as defined in ORS 801.490;

15 **“(c)** A trailer, as described in ORS 726.010 (2)(a)(D); or

16 **“(d)** An all-terrain vehicle that is not required to be registered with the Department of
17 **Transportation.**

18 **“(3)** The pawnbroker has the burden of proof to establish due care if a pledge is lost.

19 **“(4)** The pawnbroker [*shall have*] **has** a first lien on any pledge for the amount of the pledge
20 loan and interest in all cases except where goods are stolen or where a prior lien exists by virtue
21 of any provision of law.”.

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