

Senate Bill 811

Sponsored by COMMITTEE ON GENERAL GOVERNMENT, CONSUMER AND SMALL BUSINESS PROTECTION

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

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

1
2 Relating to motor vehicles; creating new provisions; and amending ORS 822.045.

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

4 **SECTION 1.** ORS 822.045 is amended to read:

5 822.045. (1) A vehicle dealer improperly conducts a vehicle dealer business and is subject to the
6 penalties under this section if the vehicle dealer commits any of the following offenses:

7 (a) A vehicle dealer commits the offense of failure to obtain a supplemental vehicle dealer cer-
8 tificate if the vehicle dealer opens any additional place of business using the same business name
9 as a place of business approved under a vehicle dealer certificate without first obtaining a supple-
10 mental dealer certificate under ORS 822.040.

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

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

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

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

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

21 (D) For motor vehicles, the vehicle identification number and any other numbers or identifica-
22 tion marks as may be thereon and a statement that a number has been obliterated, defaced or
23 changed, if such is a fact.

24 (E) For trailers and campers, the vehicle identification number and any other numbers or iden-
25 tification marks as may be thereon.

26 (F) A duly assigned certificate of title or other primary ownership record or a bill of sale from
27 the registered owner of the vehicle or camper from the time of delivery to the dealer until the dealer
28 disposes of the vehicle or camper. If title is issued for the vehicle in a form other than a certificate,
29 or if the primary ownership record is in a form other than a document, a dealer shall keep records
30 in accordance with rules adopted by the Department of Transportation for the purpose of complying

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 with this subparagraph.

2 (d) A vehicle dealer commits the offense of failure to allow administrative inspection if the
3 dealer refuses to allow the department to conduct an inspection under ORS 822.035 at any time
4 during normal business hours.

5 (e) A vehicle dealer commits the offense of failure to allow police inspection if the dealer refuses
6 to allow any police officer to conduct an inspection under ORS 810.480 at any time during normal
7 business hours.

8 (f) A vehicle dealer commits the offense of illegal use of dealer vehicle for hire if the dealer
9 allows any vehicle operated under vehicle dealer registration to be loaned or rented with or without
10 driver for hire or direct compensation.

11 (g) A vehicle dealer commits the offense of improper use of dealer plates or devices if the dealer
12 or employee of the dealer causes or permits the display or use of any special vehicle dealer regis-
13 tration plate or device on any vehicle not owned or controlled by the dealer.

14 (h) A person commits the offense of improper display of dealer plates if the person operates over
15 and along the highways of this state any unregistered vehicle owned or controlled by the dealer and
16 any dealer plates issued are not displayed in the manner provided in ORS 803.540 for the display
17 of registration plates.

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

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

23 (A) Within 15 days of transfer of any interest in a vehicle or camper to the dealer by a con-
24 sumer, the dealer fails to satisfy:

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

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

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

30 (B) Within 15 days of receiving clear title to a vehicle or camper from another dealer, the pur-
31 chasing dealer fails to satisfy the interest of the selling dealer.

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

35 (A) Furnish the certificate of title or other primary ownership record for the vehicle or camper
36 and any release thereon or, if title has been issued or is to be issued in a form other than a certif-
37 icate, any information or documents required by rule of the department, to the security interest
38 holder next named, if any, otherwise to the lessor or, if none, to the purchaser; or

39 (B) Submit to the department in a manner that complies with any applicable statutes and rules,
40 an application for title on behalf of the person to whom the title is to be furnished or whose name
41 is to be shown on the title record.

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

1 (m) A person commits the offense of acting as a vehicle dealer while under revocation, cancel-
2 lation or suspension if the person conducts business as a vehicle dealer in this state and the person's
3 vehicle dealer certificate is revoked, canceled or suspended, regardless of whether the person is li-
4 censed as a vehicle dealer in another jurisdiction. This paragraph does not apply if the person has
5 other current, valid dealer certificates issued in this state.

6 (n) A vehicle dealer commits the offense of improper display of a vehicle for advertising pur-
7 poses if the dealer displays a vehicle at a location other than the dealer's place of business for the
8 purpose of advertising and the dealer does not comply with the provisions of ORS 822.040 (4).

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

12 (2) A dealer [*shall not be*] **is not** considered to have committed the offense described in sub-
13 section (1)(j) of this section if the dealer fails to satisfy an interest in a vehicle or camper that arises
14 from an inventory financing security interest for which the dealer is the debtor.

15 (3) A dealer [*shall not be*] **is not** considered to have committed the offense described in sub-
16 section (1)(k) of this section if the dealer demonstrates that:

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

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

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

20 (a) The offense described in this section, failure to obtain a supplemental vehicle dealer certif-
21 icate, is a Class A misdemeanor.

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

24 (c) The offense described in this section, failure to maintain proper vehicle dealer records, is a
25 Class A misdemeanor.

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

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

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

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

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

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

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

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

41 (L) The offense described in this section, failure to maintain bond or letter of credit coverage,
42 is a Class A misdemeanor.

43 (m) The offense described in this section, acting as a vehicle dealer while under revocation,
44 cancellation or suspension, is a Class A misdemeanor.

45 (n) The offense described in this section, improper display of a vehicle for advertising purposes,

1 is a Class A misdemeanor.

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

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

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