

HOUSE AMENDMENTS TO A-ENGROSSED SENATE BILL 613

By COMMITTEE ON TRANSPORTATION AND ECONOMIC DEVELOPMENT

June 3

1 On page 1 of the printed A-engrossed bill, delete lines 5 through 25 and insert:

2 “**SECTION 1.** ORS 822.027 is amended to read:

3 “822.027. (1) Except as provided in [*subsection (2)*] **subsections (2) and (3)** of this section, the
4 following education requirements apply to an applicant for a vehicle dealer certificate under ORS
5 822.020 or 822.040:

6 “(a) An applicant for a vehicle dealer certificate under ORS 822.020 must complete a minimum
7 of eight hours of **courses in any** approved **precertification** education [*programs*] **program** de-
8 scribed in subsection (4) of this section and pass [*a test*] **the tests required under paragraph (c)**
9 **of this subsection** within one year prior to submitting an application for the certificate; [*and*]

10 “(b) An applicant for a renewal certificate under ORS 822.040 must, **for each year of a cer-**
11 **tification period**, complete a minimum of [*five*] **four** hours [*per year in a licensing period*] of **courses**
12 **in any** approved continuing education [*programs*] **program** described in subsection (4) of this sec-
13 tion **and pass the tests required under paragraph (c) of this subsection** prior to submitting an
14 application for the renewal certificate. **An applicant may not repeat a course in an approved**
15 **continuing education program for which the applicant previously obtained credit within the**
16 **same certification period; and**

17 “(c) **For each course hour required under paragraphs (a) and (b) of this subsection, the**
18 **provider shall administer a test and the applicant must pass each test with a score of at least**
19 **70 percent in order to receive credit for the course hour. Each test must contain at least 10**
20 **questions.**

21 “(2) The **precertification** education requirements in subsection (1)(a) of this section do not ap-
22 ply to an applicant for a vehicle dealer certificate under ORS 822.020 or 822.040 if, at the time of
23 application, the applicant holds another certificate issued under ORS 822.020 or 822.040.

24 “(3) The continuing education requirements of subsection (1)(b) of this section do not apply to
25 an applicant for renewal of a vehicle dealer certificate under ORS 822.040 if the applicant is:

26 “(a) A dealer having a franchise in this state for nationally advertised and recognized motor
27 vehicles;

28 “(b) A dealer having a franchise in this state for new recreational vehicles;

29 “(c) A motor vehicle rental company having a national franchise under the ownership of a cor-
30 poration that operates throughout the United States; or

31 “(d) A national auction company that holds a vehicle dealer certificate and a dismantler certif-
32 icate whose primary activity in this state is the sale or disposition of totaled vehicles.

33 “(4) **Precertification and continuing** education programs and the [*test*] **tests** required in sub-
34 section (1) of this section may be developed by any motor vehicle industry organization including,
35 but not limited to, the Oregon Independent Auto Dealers Association [*and*]. **Each education pro-**

1 **gram** shall be submitted to the advisory committee established under ORS 802.370 for approval **ev-**
2 **ery two years.** The committee shall **vote to approve or deny approval of each program** [*any*
3 *program or test that pertains to the motor vehicle industry and includes*]. **A program that is ap-**
4 **proved must cover** state and federal law in at least the following areas:

5 “(a) Motor vehicle advertising;

6 “(b) Odometer laws and regulations;

7 “(c) Vehicle licensing and registration;

8 “(d) Unlawful dealer activities;

9 “(e) Environmental rules and regulations;

10 “(f) Oregon and industry standard motor vehicle forms;

11 “(g) Truthful lending practices;

12 “(h) Motor vehicle financing;

13 “(i) Service and warranty contracts; and

14 “(j) Land use regulations governing motor vehicle dealers.

15 “(5) **Precertification and continuing** education programs [*and the test*] required in subsection
16 (1) of this section may be provided by accredited educational institutions, private vocational schools,
17 correspondence schools or trade associations if the education programs [*and test*] have been ap-
18 proved by the advisory committee established under ORS 802.370 as required in subsection (4) of this
19 section.

20 “(6) **The approval of an education program under subsection (4) of this section expires**
21 **two years from the date of the approval.**”.

22 On page 2, delete lines 1 through 33.

23 On page 5, delete lines 9 through 14 and insert:

24 “**SECTION 5.** (1) **The amendments to ORS 822.020, 822.025, 822.027 and 822.040 by sections**
25 **1 to 4 of this 2013 Act apply to applications for issuance or renewal of a vehicle dealer cer-**
26 **tificate submitted on or after the effective date of this 2013 Act. However, a vehicle dealer**
27 **certified as of the day immediately preceding the effective date of this 2013 Act shall continue**
28 **to be governed by ORS 822.020, 822.025, 822.027 and 822.040 as in effect immediately before the**
29 **effective date of this 2013 Act until the expiration of the vehicle dealer certificate.**

30 “(2) **Precertification and continuing education programs described in ORS 822.027 that**
31 **were approved before the effective date of this 2013 Act continue to be deemed approved until**
32 **December 31, 2015.**”.