

**PROPOSED AMENDMENTS TO
HOUSE BILL 2066**

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

3 Delete lines 23 through 30 and insert:

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

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

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

10 “(E) Equipment used for farming.

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

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

15 “(B) Choses in action;

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

17 “(D) Intangible property.”.

18 In line 31, restore the bracketed material and delete the boldfaced mate-
19 rial and delete “any article” and insert “personal property”.

20 On page 2, after line 18, insert:

21 “(h) A notation that indicates that a lien search of the pledge has been
22 conducted in the pledgor’s county of residence or with the state agency that

1 is responsible for recording liens on the category of property to which the
2 pledge belongs.”.

3 After line 27, insert:

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

5 “726.370. (1) If more than one person claims the right to redeem a pledge,
6 the pawnbroker [*shall incur no liability*] **is not liable** for refusing to deliver
7 the pledge until the respective rights of the claimants have been adjudicated
8 **unless the pawnbroker fails to verify whether the pledge is subject to**
9 **a lien or other encumbrance, if the pledge is:**

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

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

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

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

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

18 “(3) If [*no action is brought against the pawnbroker by either claimant*]
19 **either claimant does not bring an action against the pawnbroker** within
20 30 days after notice of an adverse claim, the pawnbroker may [*proceed to*]
21 dispose of the pledge as provided in this chapter.

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

23 “726.380. (1) A pawnbroker [*shall be*] **is** liable for the loss of a pledge or
24 a part [*thereof*] **of a pledge** or for [*injury thereto resulting*] **an injury to a**
25 **pledge that results** from failure to exercise reasonable care. [*Such care*
26 *shall include*] **Reasonable care includes** maintaining sufficient insurance
27 coverage against possible loss [*due to*] **as a result of** fire, theft and burglary
28 so as to protect the interest of the pledgor for the amount of the loan. [*In*
29 *case of loss the burden of proof to establish due care shall be upon the*
30 *pawnbroker.*]

1 “(2) A pawnbroker shall hold a pledge in a gated, secured facility
2 that is designed, constructed, furnished and maintained to present
3 physical deterrents to a person’s ability to enter into the facility
4 without authorization and remove the pledge, if the pledge is:

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

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

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

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

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

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

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