

House Bill 2265

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Transportation and Economic Development)

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**.

Permits vehicle dealer to process documents necessary to register or title boat.

A BILL FOR AN ACT

1
2 Relating to processing fees for documents; creating new provisions; and amending ORS 822.043 and
3 830.110.

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

5 **SECTION 1.** ORS 822.043 is amended to read:

6 822.043. (1) As used in this section:

7 (a) **“Boat” has the meaning given that term in ORS 830.700.**

8 [(a)] (b) “Integrator” has the meaning given that term in ORS 802.600.

9 [(b)] (c) “Vehicle dealer” means a person issued a vehicle dealer certificate under ORS 822.020
10 **or 822.040.**

11 (2) A vehicle dealer may elect to prepare, submit, or prepare and submit documents necessary
12 to:

13 (a) Issue or transfer a certificate of title for a vehicle;

14 (b) Register a vehicle or transfer registration of a vehicle; [or]

15 (c) Issue a registration plate[.];

16 **(d) Issue a temporary permit for a boat under ORS 830.110;**

17 **(e) Issue a certificate of number for a boat; or**

18 **(f) Issue a certificate of title for a boat.**

19 (3) A vehicle dealer who prepares any documents described in subsection (2) of this section:

20 (a) **Subject to subsection (4) of this section,** may charge a purchaser of a vehicle **or a boat**
21 a fee for the preparation of those documents.

22 (b) May not charge a purchaser of a vehicle **or a boat** a fee for the submission of any document
23 or the issuance of a registration plate.

24 **(4) A vehicle dealer may charge a purchaser of a vehicle and a boat a fee to prepare any**
25 **documents described in subsection (2) of this section for either the vehicle or the boat, but**
26 **not both if the purchaser requests the vehicle dealer to the prepare the documents for both**
27 **the vehicle and the boat on the same day.**

28 [(4)] (5) The Department of Transportation may adopt rules to:

29 (a) Limit the amount of a fee charged under subsection (3) of this section. The limit established
30 by rule may not be less than:

31 (A) \$75, if the vehicle dealer uses an integrator; or

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 (B) \$50, if the vehicle dealer does not use an integrator.

2 (b) Determine when a vehicle dealer is required to inform the purchaser of the vehicle **or the**
 3 **boat** of the option of using an integrator and when the purchaser has the option of electing to use
 4 an integrator.

5 [(5)] (6) Unless otherwise provided by rule, if a vehicle dealer uses an integrator and charges
 6 a fee greater than that charged for not using an integrator, the dealer must inform the purchaser
 7 of the vehicle **or the boat** of the option of using an integrator to prepare the documents. The pur-
 8 chaser may then elect whether or not to have the vehicle dealer use an integrator to prepare the
 9 documents.

10 **SECTION 2.** ORS 830.110 is amended to read:

11 830.110. In addition to the powers and duties otherwise provided in this chapter, the State Ma-
 12 rine Board shall have the power and duty to:

13 (1) Make all rules necessary to carry out the provisions of this chapter. The rules shall be made
 14 in accordance with ORS chapter 183.

15 (2) Devise a system of identifying numbers for boats, floating homes and boathouses. If an
 16 agency of the federal government has an overall system of identification numbering for boats within
 17 the United States, the system devised by the board shall conform with the federal system.

18 (3) Cooperate with state and federal agencies to promote uniformity of the laws relating to
 19 boating and their enforcement.

20 (4) Make contracts necessary to carry out the provisions of ORS 830.060 to 830.140, 830.700 to
 21 830.715, 830.725, 830.730, 830.770, 830.780, 830.785, 830.795 to 830.820 and 830.830 to 830.870.

22 (5) Advise and assist county sheriffs and other peace officers in the enforcement of laws relating
 23 to boating.

24 (6) Study, plan and recommend the development of boating facilities throughout the state which
 25 will promote the safety and pleasure of the public through boating.

26 (7) Publicize the advantage of safe boating.

27 (8) Accept gifts and grants of property and money to be used to further the purposes of this
 28 chapter.

29 (9) Exempt from any provisions of this chapter any class of boats if it determines that the safety
 30 of persons and property will not be materially promoted by the applicability of those provisions to
 31 the class of boats. The board may not exempt from numbering any class of boats unless:

32 (a) The board determines that the numbering will not materially aid in their identification; and

33 (b) The secretary of the department of the federal government under which the United States
 34 Coast Guard is operating has exempted from numbering the same boats or classes of boats.

35 (10) Appoint and require the bonding of agents, **including vehicle dealers as defined in ORS**
 36 **822.043**, to issue a temporary permit to operate a boat. In addition to the prescribed fees, the agents
 37 may charge *[the following]* **a fee of \$75** for their services in issuing the temporary permit $[:]$.

38 *[(a) \$2.50 per transaction for calendar years 2008, 2009 and 2010;]*

39 *[(b) \$3.75 per transaction for calendar years 2011, 2012 and 2013; and]*

40 *[(c) Beginning in 2014, and every three years thereafter, the board shall issue an order revising the*
 41 *fee specified in paragraph (b) of this subsection on January 1, based on changes in the Portland-Salem,*
 42 *OR-WA, Consumer Price Index for All Urban Consumers for All Items, as published by the Bureau*
 43 *of Labor Statistics of the United States Department of Labor. The board shall round the amount of the*
 44 *fee to the nearest half-dollar. The revised fee takes effect on January 1 and applies for the following*
 45 *three years.]*

1 (11) Publish and distribute to the interested public the boating laws of this state and resumes
 2 or explanations of those laws.

3 (12) Publish and distribute forms for any application required under this chapter and require the
 4 use of such forms.

5 (13) Make rules for the uniform navigational marking of the waters of this state. Such rules
 6 [shall] **may** not conflict with markings prescribed by the United States Coast Guard. [No] **A** political
 7 subdivision or person [shall] **may not** mark the waters of this state in any manner in conflict with
 8 the markings prescribed by the board.

9 (14) Make rules regarding marine toilets and their use consistent with the prevention and con-
 10 trol of pollution of the waters of this state and not in conflict with the rules of the Oregon Health
 11 Authority or the Environmental Quality Commission.

12 (15) Institute proceedings to enjoin unlawful obstructions injuring free navigation on the waters
 13 of this state.

14 (16) Make rules regulating water ski course markers, ski jumps and other special use devices
 15 placed in the waters of this state. Such rules may regulate the installation and use of the devices
 16 and may require a permit.

17 (17) Adopt rules necessary to carry out and enforce the provisions of ORS 830.950 and 830.955.
 18 The rules shall include but need not be limited to:

19 (a) The kinds of protective covering or physical barriers that are acceptable to be used between
 20 a submersible polystyrene device and the water.

21 (b) Guidelines for the use of submersible polystyrene devices for the repair or maintenance of
 22 existing docks or floats.

23 (18) Adopt rules providing for establishment of a Safe Boating Education Course to be made
 24 available to courts and law enforcement agencies within this state for use as a sentencing option
 25 for those individuals convicted of boating offenses. The board shall specify the content of the Safe
 26 Boating Education Course and shall prescribe procedures for making the course available to local
 27 courts and law enforcement agencies, including procedures for promptly notifying such courts
 28 whether individuals required to enroll in the course have taken and successfully passed the course.
 29 Such rules may provide for administration of the course through nonprofit organizations, such as the
 30 United States Coast Guard Auxiliary, United States Power Squadrons or similar groups.

31 (19) For purposes of ORS 830.175, 830.180, 830.185, 830.187 and 830.195, in cooperation with the
 32 State Aviation Board, regulate boats that are seaplanes as provided in ORS 830.605 and 835.200.

33 **SECTION 3. The amendments to ORS 822.043 and 830.110 by sections 1 and 2 of this 2015**
 34 **Act apply to documents prepared on or after the effective date of this 2015 Act.**