

# House Bill 2268

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**.

Removes odometer disclosure exemption for vehicles that are at least 10 years old when change of ownership occurs.

## A BILL FOR AN ACT

1  
2 Relating to odometer disclosures; amending ORS 803.045, 803.102 and 803.120.

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

4 **SECTION 1.** ORS 803.102 is amended to read:

5 803.102. (1) As used in this section:

6 (a) "Transferee" means any person to whom ownership of a motor vehicle is transferred by  
7 purchase, gift or any other means other than by creation of a security interest and any person who,  
8 as an agent, signs an odometer disclosure statement for the transferee.

9 (b) "Transferor" means any person who transfers ownership of a motor vehicle by sale, gift or  
10 any means other than by creation of a security interest and any person who, as an agent, signs an  
11 odometer disclosure statement for the transferor.

12 (2) Except as otherwise provided in this section, upon transfer of any interest in a motor vehicle,  
13 an odometer disclosure statement shall be made by the transferor to the transferee. The disclosure  
14 shall be in a form that complies with the provisions of ORS 803.120 and shall contain the information  
15 required under ORS 803.122.

16 (3) If a transfer requiring a disclosure statement involves a leased vehicle, the lessor shall notify  
17 the lessee that the lessee is required to provide odometer disclosure. The lessee shall furnish the  
18 lessor with a form that complies with the requirements of ORS 803.120 and shall provide the infor-  
19 mation required by ORS 803.122 except that for purposes of the required information, the lessee  
20 shall be considered the transferor, the lessor shall be considered the transferee and the date shall  
21 be the date of the disclosure statement.

22 (4) Where an interest in a vehicle is transferred by operation of law, the Department of Trans-  
23 portation shall determine by rule whether an odometer disclosure statement is required and if so,  
24 who is required to provide it.

25 (5) The odometer disclosure requirements of this section do not apply upon transfer of an in-  
26 terest where the transfer is due solely to the creation, release or assignment of a security interest,  
27 or upon transfer of an interest in any of the following:

28 (a) A vehicle with a gross vehicle weight rating of more than 16,000 pounds.

29 (b) A vehicle that is not self-propelled.

30 *[(c) A vehicle that is at least 10 years old.]*

31 *[(d)]* (c) A vehicle that is sold directly by the manufacturer to any agency of the United States

**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 in conformity with contractual specifications.

2 [(e)] (d) A vehicle that is exempted from the requirement by rules of the department.

3 [(6) A person may provide an odometer reading to the department, in the manner prescribed by the  
4 department by rule, for a vehicle that is 10 years old or older.]

5 **(6) The department may not exempt a person from submitting an odometer disclosure  
6 statement based on the fact that the vehicle is 10 years old or older.**

7 **SECTION 2.** ORS 803.045 is amended to read:

8 803.045. (1) The Department of Transportation shall issue title for a vehicle if the applicant and  
9 the vehicle meet the following qualifications:

10 (a) The applicant must satisfy the department that the applicant is the owner of the vehicle and  
11 is otherwise entitled to have title issued in the applicant's name.

12 (b) Except as otherwise provided in ORS 803.050 (2), the applicant must submit a completed and  
13 signed application for title described in ORS 803.050.

14 (c) The applicant must pay the fee for issuance of a certificate of title under ORS 803.090 or the  
15 fee for issuance of title in another form, as established by the department by rule in accordance with  
16 ORS 803.012.

17 (d) If the vehicle is a reconstructed vehicle or an assembled vehicle, the applicant must provide  
18 the following information in addition to any other information required under this section:

19 (A) The certificate of title last issued for the frame of the vehicle, a salvage title certificate is-  
20 sued for the vehicle or other evidence of ownership satisfactory to the department.

21 (B) Bills of sale for major components used to build the vehicle.

22 (e) If the vehicle is covered by an Oregon title or salvage title certificate, the applicant shall  
23 surrender the Oregon title or salvage title certificate, submit an application as provided under ORS  
24 803.065 or submit other evidence of ownership satisfactory to the department.

25 (f) Unless the department adopts rules to the contrary, if the vehicle is from another jurisdic-  
26 tion, the applicant shall surrender to the department with the application the certificate of title is-  
27 sued by the other jurisdiction, if such jurisdiction requires certificates of title. If such jurisdiction  
28 does not require certificates of title, then the applicant shall surrender the registration cards.

29 (g) If required by the department, the applicant must submit proof of ownership as described  
30 under ORS 803.205.

31 (h) Other than a racing activity vehicle as defined in ORS 801.404, if the department has reason  
32 to believe a vehicle was not certified by the original manufacturer as conforming to federal vehicle  
33 standards, the department may require the applicant to provide proof satisfactory to the department  
34 that the vehicle conforms to federal vehicle standards.

35 (i) Unless the vehicle is exempted from odometer disclosure requirements, the applicant shall  
36 submit an appropriate odometer disclosure form. The department shall determine what constitutes  
37 an appropriate form in any particular situation. **Subject to ORS 803.102 (6)**, the department may  
38 make exceptions by rule to the requirement for submission of an odometer disclosure form.

39 (2)(a) The department may not issue title for a vehicle:

40 (A) Required by ORS 803.210 to be inspected unless the vehicle has been inspected as described  
41 in ORS 803.212 and the inspection fee paid under ORS 803.215.

42 (B) If the current vehicle title, certificate or ownership document is a junk title, junk certificate  
43 or similar ownership document issued by another jurisdiction, or has a junk or similar brand or  
44 notation.

45 (b) The department may adopt any rules it considers necessary for the administration of this

1 subsection.

2 **SECTION 3.** ORS 803.120 is amended to read:

3 803.120. (1) When an odometer disclosure is required by statute or by the Department of  
4 Transportation[, *or when an odometer reading is provided under ORS 803.102 (6)*], the disclosure [*or*  
5 *reading*] shall be provided in a form required by the department by rule. The department may re-  
6 quire different forms for different situations and may require different information to be disclosed  
7 for different purposes.

8 (2) Any form authorized by the department for use as an odometer disclosure upon transfer of  
9 an interest in a vehicle shall refer to the federal law requiring disclosure of odometer information  
10 and shall state that failure to complete the disclosure form, or providing false information on the  
11 form, may result in a fine or imprisonment.

12 (3) Any form authorized by the department for use as an odometer disclosure upon transfer of  
13 an interest in a vehicle shall provide a way for the transferor to indicate, to the best of the  
14 transferor's knowledge, which of the following is true:

15 (a) That the odometer reading reflects the actual mileage of the vehicle;

16 (b) That the odometer reading reflects an amount of mileage in excess of the designed mechan-  
17 ical odometer limit; or

18 (c) That the odometer reading does not reflect actual mileage and should not be relied on.

19 (4) An odometer disclosure required upon transfer of an interest in a vehicle shall be made on  
20 the vehicle title unless the department provides otherwise by rule.

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