

Enrolled
House Bill 2282

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

CHAPTER

AN ACT

Relating to transportation; creating new provisions; and amending ORS 802.600 and 822.043.

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

SECTION 1. Section 2 of this 2015 Act is added to and made a part of the Oregon Vehicle Code.

SECTION 2. (1) As used in this section, “electronic signature” has the meaning given that term in ORS 84.004.

(2) The Department of Transportation may receive electronically transmitted documents necessary to:

- (a) Issue or transfer a certificate of title for a vehicle;**
- (b) Register a vehicle or transfer registration of a vehicle;**
- (c) Issue a registration plate; or**
- (d) Comply with odometer disclosure requirements.**

(3) Except as required in ORS 803.094 and 803.205 for affidavits, an acknowledgement before a notary public is not required when a document or signature is transmitted electronically under this section. When an affidavit is required under ORS 803.094 or 803.205, the department may accept a scanned copy of the person’s signature and a scanned copy of the notary public’s acknowledgment of the signature, which accurately reproduces the original signatures and contents of the document.

(4) The department may adopt rules relating to the electronic transmission of documents and the use of electronic signatures on documents described in subsection (2) of this section.

SECTION 3. ORS 822.043 is amended to read:

822.043. (1) As used in this section:

- (a) “Integrator” has the meaning given that term in ORS 802.600.**
- (b) “Vehicle dealer” means a person issued a vehicle dealer certificate under ORS 822.020.**

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

- (a) Issue or transfer a certificate of title for a vehicle;**
- (b) Register a vehicle or transfer registration of a vehicle; [or]**
- (c) Issue a registration plate[.];**
- (d) Verify and clear a title;**
- (e) Perfect, release or satisfy a lien or other security interest;**
- (f) Comply with federal security requirements; or**

(g) Render any other services for the purpose of complying with state and federal laws related to the sale of a vehicle.

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

(a) May charge a purchaser of a vehicle a **document processing** fee for the preparation of those documents.

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

(c) May charge a purchaser of a vehicle a document processing fee for performing any of the services described in subsection (2) of this section in connection with preparing the documents described in subsection (2) of this section.

(4) A purchaser of a vehicle may negotiate the amount of the document processing fee with a vehicle dealer, but in no case shall the document processing fee charged by a vehicle dealer under this section exceed:

(a) **\$150, if the vehicle dealer uses an integrator; or**

(b) **\$115, if the vehicle dealer does not use an integrator.**

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

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

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

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

[*(b) Determine when a vehicle dealer is required to inform the purchaser of the vehicle of the option of using an integrator and when the purchaser has the option of electing to use an integrator.*]

(5) If a vehicle dealer charges a document processing fee under subsection (4)(a) of this section, of the amount collected \$25 shall be paid to the integrator.

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

(7) If the purchaser of a vehicle pays a document processing fee, the vehicle dealer shall prepare and submit all documents to complete the transaction as permitted by law.

SECTION 4. ORS 802.600 is amended to read:

802.600. (1) [*After completion of the study required by section 3, chapter 583, Oregon Laws 1997, and the report to the Joint Legislative Committee on Information Management and Technology as required by section 4, chapter 583, Oregon Laws 1997,*] The Department of Transportation may enter into an agreement with any person who is not an employee of the department, including but not limited to an integrator, enabling the person to transact on behalf of the department the **following** functions of the department [*specified in section 3, chapter 583, Oregon Laws 1997*]:

(a) Electronic issuance of vehicle title.

(b) Immediate issuance of title and registration, including registration plates or stickers, to a person who buys a vehicle.

(c) Written and skills testing for driver licenses and permits, including commercial driver licenses.

(d) Issuance of identification cards.

(2) An agreement described in subsection (1) of this section may be in any form and may contain any provisions that the department determines to be in the best interests of the public and convenient for the department, including but not necessarily limited to provisions that allow the department to:

(a) Ensure product quality control.

(b) Audit activities of the person entering into the agreement to ensure compliance with the agreement.

(c) Impose sanctions on a person for violation of the agreement.

(3) A person authorized to transact business for the department under this section, including but not limited to a person who transacts business under contract with an integrator, may charge a fee for the services provided. Fees authorized under this subsection are in addition to any charges or fees that the department is authorized by statute to collect for the transaction.

(4)(a) The department may adopt such rules as are necessary to carry out the provisions of this section, including but not limited to rules that:

(A) Specify criteria for eligibility of a person to enter into an agreement with the department under this section.

(B) Specify the manner in which fees authorized by this section will be collected and establish any notification the person is required to give the public about the fees.

(C) Require a bond in an amount determined by the department from a person acting under an agreement described in this section.

(D) Prohibit disclosure of personal information from driver or vehicle records except in accordance with applicable laws.

(b) [Except as provided in ORS 822.043,] The department may not adopt rules establishing the amount of a fee to be charged by a person acting under this section.

(c) Rules adopted under this subsection shall be developed in consultation with persons who might enter into agreements with the department under this section, including but not limited to integrators and vehicle dealers.

(5) As used in this section [and section 3, chapter 583, Oregon Laws 1997], "integrator" means a person who enters into a contract with the Department of Transportation:

(a) To provide information and supplies to a person who transacts business for the department under an agreement described in this section; and

(b) To collect moneys due from persons who transact the business and remit the moneys to the department.

Passed by House April 20, 2015

Received by Governor:

Repassed by House July 3, 2015

.....M.,....., 2015

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Timothy G. Sekerak, Chief Clerk of House

Approved:

.....M.,....., 2015

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Tina Kotek, Speaker of House

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Kate Brown, Governor

Passed by Senate July 2, 2015

Filed in Office of Secretary of State:

.....M.,....., 2015

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Peter Courtney, President of Senate

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Jeanne P. Atkins, Secretary of State