

## I would like to present testimony in support of HB 2975 to allow payment of attorney fees under ORS 822.030

My name is Suzanne Henson-Miller. I have been a resident of the State of Oregon since 1976, currently residing in Salem, OR.

I am also a 100% Permanently disabled US Army Vietnam Era Veteran and a Senior Citizen.

I purchased a used vehicle from an Auto Dealer in Roseburg, OR on December 27, 2017.

On February 27, 2017, I hired an attorney in Salem, OR to assist me in seeking compensation for the monetary and personal losses adding up in regards to this vehicle in regards to several violations of the Dealer code and my inability to get cooperation or consideration from the dealer. In addition to the dealer's failure to respond to or address my concerns about safety and reliability represented to me upon sale of the vehicle, I was left no option but to take it to a private mechanic. Upon inspection of the vehicle, it was revealed that my loss of fuel and resultant 8 MPG average noted within days of purchasing the vehicle was clearly a result of both fuel lines being completely disintegrated and held together with Duct Tape. This is a vehicle that the dealer advised me had been his personal driver for several months up until the time I took delivery. "A great little SUV, will get you better MPG than the Dodge you've been driving."

Due to the questionability of the integrity of this dealer and the fact that the dealer told me that if I hired an attorney he would not stand by any of the promises he was making to me, I called the DMV directly to

inquire why they had not yet sent me a current registration to transfer my OR Permanent Disabled Veteran tags to this vehicle. At that time, on February 28, 2017, I was advised by the DMV that the vehicle was not currently in the name of the dealership I purchased it from and that they had not received any paperwork regarding the vehicle. I was told their was a lienholder on the vehicle and would need to contact them in order to receive assistance in getting the vehicle put into my name. I was also advised that I could not drive the vehicle legally without a current registration and that the DMV could not authorize any sort of temporary registration while I sought resolution. I did contact the lienholder and they revealed to me that on **June 25, 2016** they had signed off the lien and released the title to the dealer I had purchased it from. Apparently, it was an auction vehicle and not a one-owner as represented to me.

On March 2, 2017 I filed the attached "Vehicle Dealer Request for Investigation" to the Oregon Department of Motor Vehicles. The current tags were to expire on March 4, 2017.

The DMV responded quickly and I was contacted by their investigator on March 7, 2017 and told she was currently at the dealership and the file on the vehicle I had purchased contained a clear title and that the dealer was claiming they had intended to have me sign a new DMV form 226 request for registration transfer the next time I came in. They also told her that they had just recently called me and told me that they needed this form to transfer the vehicle (that is a lie) and that I had failed to come in and do so. She told me that it appeared the dealer had everything in order and that I bore half of the responsibility for the failure to have the vehicle transferred through the DMV due to "my failure to come in and sign off on the form" and I should come in and get it taken care of. I told her I lived in Salem which is 140 miles away, the vehicle had expired tags and was not legal to drive down to Roseburg and that I had signed the form at the time I purchased the vehicle. The

dealer rep then told her that I did sign one and it "must have gotten lost".

Resolution of the DMV Investigation is that the dealer is to send me a new form to sign and return to them so they can complete the paperwork to have the vehicle legally transferred into my name. The DMV advises me that transfer can take approximately 30 days. I am writing this testimony on March 10, 2017 (71 days since I purchased the vehicle). Although, I suspect the dealer has complied and mailed the proper completed form to my home in Salem... I have not, as of yet, received it. The next "business day" will be March 13. Even if the mail is expeditious and they receive and deliver it to the DMV for transfer on that day or the following one, it will still be an estimated 30 days to be processed which means I can hope to have a legal registration for the vehicle on or about April 14, 2017. It will have been well past 90 days since the purchase and the vehicle (for which I am paying a full coverage insurance premium) will have been parked (current tag expired 3/4/2017) for at least 45 days due to the negligence of the dealer in performing their responsibilities under the Oregon Dealer Code.

I am fortunate to have the ability to have pursued this resolution on my own so that it won't add another burden of attorney fees to the already growing fees as a result of having filed suit in court. The loss of time is not recoverable. I have already currently incurred fees that are above the actual monetary value of the vehicle in question in addition to court costs, repair payments in the four figure range and most importantly ~ I still have no vehicle to drive and as an elderly disabled person on a limited income this entire process is financially, mentally, physically and emotionally draining.

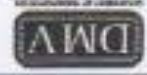
If the law were supportive regarding possible accumulation of attorney fees being ordered paid by the dealer for this type of egregious violation, I would have sought additional assistance of an attorney without facing

fear of additional fees and costs and perhaps a more expeditious resolution.

By not establishing and subsequently enforcing laws requiring auto dealers to strictly abide by licensing codes , the State of Oregon is encouraging and supporting this unscrupulous behavior and further exposing vulnerable consumers to victimization with no affordable recourse or avenue to seek the justice our laws are supposed to be designed to provide.

I have just completed and mailed a ODJ Consumer complaint form and retained an attorney to file suit and pursue compensation for violations of the dealer code regarding: . If the court grants me relief based on proving dealer violations, my attorney and I have no guarantee that the court will also be required to order compensation for my attorney's fees and court cost.

\*This statement is true and a statement of the facts as I know them. I have prepared this testimony on my own, of my own free will and with no intent other than to represent to you that under current law there is a gross injustice to vulnerable residents.



# VEHICLE DEALER, DISMANTLER, UNLICENSED ACTIVITY REQUEST FORM

OFFICE USE ONLY

Dealer/Dismantler No. \_\_\_\_\_  
 Date Recd \_\_\_\_\_  
 Assigned To \_\_\_\_\_  
 Other Disposition \_\_\_\_\_  
 Dealer Out of Business \_\_\_\_\_  
 Confirmation Notice \_\_\_\_\_

DMV Dealer Investigations Unit  
 1505 Lana Ave NE  
 Salem, OR 97314  
 Fax: 503 945-5285  
 Email: [dmvig@odot.state.or.us](mailto:dmvig@odot.state.or.us)

Mail / Fax / Email

Business or person you are filing a complaint about

Vehicle Dealer  
 Vehicle Dismantler  
 Dealer Out of Business  
 Unlicensed Vehicle Dealer  
 Unlicensed Vehicle Dismantler

Business or Person's Name: **NewDay Auto Sales (Bass Bros LLC)/Benjamin W Bass**  
 Business License Number if Applicable: **DA1716**  
 Telephone Number: **5416713116**  
 Business Address: **1062 NE Stephens St**  
 City: **Roseburg** State: **OR** Zip Code: **97470**

Name of Person: **Hanson-Miller, Suzanne**  
 Business License Number if Applicable: **10-04-1956**  
 Telephone Number: **541-772-8272**  
 Email or Web Address: **cabinterfivethree@gmail.com**  
 Business Address: **2371 Weathering Way NW**  
 City: **Salem** State: **OR** Zip Code: **97304**

Name of Purchaser (if different from above)

\_\_\_\_\_

## Vehicle Information

Year	Make	Date of Purchase	Year	Make	Date of Purchase
2001	Ford Escape	12/27/2016	MAZ	05/22-49	IFMCU04151KE76946
Year	Make	Date of Purchase	Year	Make	Date of Purchase
Year	Make	Date of Purchase	Year	Make	Date of Purchase
Year	Make	Date of Purchase	Year	Make	Date of Purchase

(Continued on other side)

**Instructions for filing a complaint**

1. Check appropriate box and provide a written statement;
2. Include legible copies of any documents you have (i.e. purchase order, contract, receipts, cancelled checks);
3. Be sure to sign the complaint.

- No title received
- No registration, plates or stickers received
- The dealer did not provide me with documents needed to obtain a title
- My consigned vehicle was sold more than 10 days ago and I have not been paid
- Unlicensed dealer or dismantler activity
- Other (explain below):

**Complaint summary:** (State your complaint. Use additional sheets if necessary.)

I purchased this vehicle on 12/27/2016. At the time of purchase I requested registration be processed to transfer my permanent disabled veteran plate to this vehicle. Dealer advised I would need to wait until I received the transferred registration from the DMV in the mail before I could physically remove the plates that came with the vehicle (OR Plate #156-BEX).

The dealer charged me \$77.00 for "license and registration fees paid to government agencies" as well as an additional \$75.00 for "Title and Registration processing fee".

66 days have passed. I contacted the DMV today, March 2, 2017, as the current plate expiration is 3/17 and I have not received any paperwork from the DMV.

The Oregon DMV advised me that the dealer has not submitted any paperwork to them regarding this vehicle.

I contacted the title lienholder (Nationwide Northwest LLC) and learned that they released the lien and sent the title to Bass Motors LLC in Roseburg on June 26, 2016.

Apparently the dealer never transferred title to the dealership and has not made any effort to transfer registration to me.

I am not sure what the remedy is. I only know that I currently have a vehicle that I am paying full coverage insurance premiums on and can't legally register or transfer my OR license plate to drive it in compliance to my obligation to DMV regulations.

This statement is true to the best of my knowledge.

Signature

Xc *[Handwritten Signature]*

Date

3/2/2017