

D R A F T

SUMMARY

Changes requirements for transferring title to motor vehicle.

A BILL FOR AN ACT

1
2 Relating to motor vehicle titling; creating new provisions; and amending
3 ORS 803.092.

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

5 SECTION 1. ORS 803.092 is amended to read:

6 803.092. (1) Except as otherwise provided in this section, upon the transfer
7 of any interest in a vehicle covered by an Oregon title the transferee shall
8 submit an application for title to the Department of Transportation[. *Such*
9 *application shall be submitted to the department*] within 30 days of the date
10 of transfer of interest. **Except as provided in subsection (2) of this sec-**
11 **tion, the application must contain:**

12 (a) **The notarized signature of the transferor; and**

13 (b) **A statement signed by the transferor that the transferor has a**
14 **valid interest in the vehicle and is authorized to transfer that interest**
15 **to the transferee.**

16 (2) **In lieu of providing a notarized signature on the application as**
17 **required under subsection (1) of this section:**

18 (a) **Both the transferor and the transferee shall appear together in**
19 **person at a field office of the Department of Transportation where**
20 **applications for vehicle registrations are accepted;**

21 (b) **Both the transferor and transferee shall each present**
22 **government-issued photo identification to the department; and**

1 **(c) The transferor shall sign a statement that the transferor has a**
2 **valid interest in the vehicle and is authorized to transfer that interest**
3 **to the transferee.**

4 [(2)] **(3)** Notwithstanding subsection (1) of this section, application is not
5 required under this section when:

6 (a) The change involves only a change in the security interest where the
7 security interest holder or lessor is a financial institution, a financial hold-
8 ing company or a bank holding company, as those terms are defined in ORS
9 706.008, a licensee under ORS chapter 725, or any subsidiary or affiliate of
10 any of the foregoing and the transfer of the interest of the security interest
11 holder or lessor:

12 (A) Results from the merger, conversion, reorganization, consolidation or
13 acquisition of the security interest holder or lessor;

14 (B) Is to an entity that is a member of the same affiliated group as the
15 security holder or lessor; or

16 (C) Is made in connection with a transfer in bulk.

17 (b) The vehicle is transferred to a vehicle dealer and the vehicle will be-
18 come part of the dealer's inventory for resale. Upon the transfer of a vehicle
19 to a dealer, however, the dealer shall immediately notify the department of
20 such transfer. This exemption from the requirement to apply for title does
21 not apply if the department determines that application for title is necessary
22 in order to comply with odometer disclosure requirements. If the department
23 determines that application for title is not required, it may require filing of
24 documents under ORS 803.126.

25 (c) The vehicle is to be titled in another jurisdiction.

26 (d) The vehicle has been totaled, wrecked, dismantled, disassembled, sub-
27 stantially altered or destroyed, in which case the provisions of ORS 819.010,
28 819.012, 819.014 or 822.135 relating to notice and surrender of title documents
29 shall be complied with.

30 (e) The transfer involves the creation or termination of a leasehold in-
31 terest in a vehicle that is proportionally registered under ORS 826.009 or

1 826.011, if the department is furnished with satisfactory proof of the lease.

2 [(3)] (4) Except as provided in subsection [(2)] (3) of this section, the
3 transferee shall:

4 (a) Submit an application that meets requirements for title under ORS
5 803.045 and 803.050 and any applicable rules of the department.

6 (b) Submit the title transfer fees as required under ORS 803.090.

7 (c) Comply with the provisions of ORS 803.065 and any applicable rules
8 of the department under that statute and submit the duplicate or replacement
9 title fee as provided under ORS 803.090, if the transfer includes an applica-
10 tion for duplicate or replacement title and transfer of title.

11 (d) Submit an odometer disclosure containing information required by the
12 department for the kind of transaction involved.

13 (e) Submit any late presentation of certificate of title fee as provided
14 under ORS 803.090 if such fee is required under ORS 803.105.

15 [(4)] (5) For purposes of this section:

16 (a) "Affiliated group" has the meaning given to the term in section 1504(a)
17 of the Internal Revenue Code of 1986, as amended (26 U.S.C. 1504(a)).

18 (b) A "transfer in bulk" is:

19 (A) The sale or assignment of, the grant of a security interest in, or any
20 other transfer of either a group of loans secured by vehicles, leases of vehi-
21 cles or both or a participation or other interest in the group of loans;

22 (B) The creation of asset-backed securities or other securing of assets
23 involving the loans or leases; or

24 (C) Any similar transaction involving the loans or leases.

25 **SECTION 2. The amendments to ORS 803.092 by section 1 of this**
26 **2017 Act apply to motor vehicle titles transferred on or after the ef-**
27 **fective date of this 2017 Act.**

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