

Requested by SENATE COMMITTEE ON JUDICIARY

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 4087**

1 On page 1 of the printed A-engrossed bill, line 5, after “(1)” insert “Except
2 as provided in subsection (2) of this section,”.

3 Delete lines 10 through 22 and insert:

4 “(2)(a) A person may not create, attach, assert or claim a possessory lien
5 on a motor vehicle, as defined in ORS 801.360, unless the person performs a
6 bona fide service that involves making, altering, repairing, transporting,
7 storing, providing services for, supplying material for or performing labor in
8 connection with the motor vehicle and the person:

9 “(A) Is a franchised motor vehicle dealership, as defined in ORS 650.120
10 (5);

11 “(B) Holds a towing business certificate that the Department of Trans-
12 portation issued under ORS 822.205, provided that the person creates, at-
13 taches, asserts or claims a possessory lien only for transporting or storing
14 the motor vehicle; or

15 “(C) Creates, attaches, asserts or claims the lien against an abandoned
16 motor vehicle.

17 “(b) As used in paragraph (a) of this subsection, ‘bona fide service’ means
18 a service that involves actual work at a commercially reasonable standard
19 of performance that is common among members of the person’s trade or
20 profession.

21 “(c) A person that is subject to paragraph (a) of this subsection shall have

1 in effect before making, altering, repairing, transporting, storing, performing
2 services for, supplying materials for or performing labor in connection with
3 a motor vehicle a valid surety bond in an amount not less than \$20,000.”.

4 In line 25, after “in” insert “subsection (2) of”.

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