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Cc: [Doherty, Brian B.](#); [Caddy McKeown - Oregon Legislature \(Rep.CaddyMcKeown@state.or.us\)](#); [Sen Beyer](#); [Rep Leif](#)
Subject: HB 3176 - Testimony of IAA and ADESA Auction Companies
Date: Monday, April 22, 2019 1:29:36 PM

Brian Doherty of Miller Nash Graham and Dunn testifying on behalf of Insurance Auto Auctions (IAA) and ADESA, Inc. (ADESA).

IAA has 3 salvage auction companies, 2 in Portland and 1 in Eugene. ADESA has 2 whole car Auction companies, 1 in Portland and 1 in Eugene. These companies facilitate the sales of vehicles almost exclusively from one business entity to another. Their selling customers primarily consist of banks and credit unions, rental car companies, insurance companies and dealers.

To give you an idea of the number of vehicles transferred by these auction companies, in the last six months IAA alone sold the following number of vehicles from their 3 Oregon locations, and reported these sales to DMV on a monthly basis:

Oct. 2018 – 2,827
Nov 2018 – 2,262
Dec 2018 – 3,609
Jan 2019 – 2,418
Feb 2019- 2,056
March 2019 – 2,326

IAA, as a matter of practice and convenience to its selling customers, currently sends a monthly report to the DMV listing the name and address of the transferee, the date of the transfer and the VIN for the vehicle.

Our issues are limited to the added requirements contained on Page 1, lines 9 to 11 and the deletion of lines 18 through 20, also found on Page 1.

On page 1, in lines 10 and 11, the notice of transfer of a motor vehicle **must include the driver license number** of the transferor **and** transferee. Since

these auctions primarily deal in business to business transactions, this would prove to be impossible to comply with as corporate transferors and transferees do not have driver license numbers. Also, since a driver license number is part of “personal information”, IAA and ADESA question the appropriateness of publishing personal information such as driver license numbers as part of the notice.

On page 1, in line 11, the signature of the transferee is **required within 10 days of the transfer**. The transferee would not typically be available to sign the notice during this time period, and especially not at the same time as the transferor as these auctions facilitate sales from their Oregon locations with buyers from all over the U.S.

OAR 735-018-0120 says that the notice required “may be submitted to DMV by means of an electronic transaction through DMV’s website” which is the primary means of complying with the current 10-day notice. Requiring the signatures of both transferor and transferee make this requirement extremely complicated if not impossible.

On page 1, the deletion of lines 18 through 20, will likely force customers in in the transactions we facilitate to request this notice requirement on the whole car auctions which we do not have the manpower or funds to implement.

For these reasons IAA and ADESA ask that the following amendments be made:

1) On page 1, after line 17, insert:

(5) A vehicle dealer and dismantler described in subsection (3)(d) of ORS 822.027 is exempt from the notice requirement of this section if the dealer and dismantler, within one month of the date of transfer of a vehicle by or through the dealer or dismantler, notifies the department of the transfer and provides the department with the name and address of the transferee and the date of the transfer.

(6) The notice requirements of this section do not apply to vehicles sold by or through a wholesale vehicle auction company that holds a dealer certificate issued or renewed under ORS 822.020 or 822.040

- 2) On page 1, line 21, renumber (5) as (7).
- 3) On page 1, in line 25, after “803.112,”, insert “including the notification of transfer described in subsection (5) of ORS 803.112,”.
- 4) On page 2, in line 3, after “under”, insert “subsection (2) or (5) of”.
- 5) On page 2, in line 12, after “803.112”, insert “including the notification of transfer described in subsection (5) of ORS 803.112”.

Thank You, Brian Doherty

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