

SB 792-6
(LC 1029)
4/2/19 (MAM/ps)

Requested by Representative KOTEK

**PROPOSED AMENDMENTS TO
SENATE BILL 792**

1 On page 1 of the printed bill, line 2, after the semicolon delete the rest
2 of the line and insert “creating new provisions; and amending ORS 459.715,
3 822.115, 822.120, 822.125, 822.130, 822.133, 822.140, 822.145 and 822.700.”.

4 Delete lines 4 through 30 and delete pages 2 through 4 and insert:

5 **“SECTION 1.** ORS 822.125 is amended to read:

6 “822.125. (1) The holder of a current, valid dismantler certificate issued
7 under ORS 822.110 is not subject to the prohibitions and penalties under ORS
8 822.100 as long as the holder’s motor vehicle dismantling business is con-
9 ducted in the location approved under the certificate.

10 “(2) The holder of a dismantler certificate may expand the dimensions or
11 move a place of business approved under the dismantler certificate or open
12 an additional place of business under the certificate upon issuance of a
13 supplemental dismantler certificate by the Department of Transportation.
14 The following apply to supplemental certificates issued under this subsection:

15 “(a) The department shall grant a supplemental certificate upon request
16 of an applicant under this subsection if the applicant obtains local govern-
17 ment permission for the supplemental certificate under ORS 822.140.

18 “(b) Upon application for renewal of the supplemental certificate, the de-
19 partment may waive the requirement that an applicant for renewal under
20 this subsection obtain local government approval under ORS 822.140 of the
21 suitability of the applicant to establish, maintain or operate a motor vehicle

1 dismantling business.

2 “(c) A fee shall be charged for a supplemental dismantler certificate under
3 ORS 822.700.

4 “(3) A dismantler certificate is valid for a [*three-year*] **one-year** period
5 and may be renewed as provided by the department. The department shall
6 only renew the certificate of any certificate holder who does all of the fol-
7 lowing:

8 “(a) Pays the required fee for renewal under ORS 822.700.

9 “(b) Completes the application described in ORS 822.115.

10 “(c) Obtains local government approval under ORS 822.140. The depart-
11 ment may waive the requirement that an applicant for renewal obtain local
12 government approval under ORS 822.140 of the suitability of the applicant
13 to establish, maintain or operate a motor vehicle dismantling business.

14 “(d) Maintains a current bond that meets the requirements under ORS
15 822.120.

16 “(4) The department may provide the holder of a dismantler certificate
17 with identification cards in the names of the owners of the business or in
18 the names of authorized employees of the business.

19 “(5) The department may adopt suitable rules for the issuance and re-
20 newal of dismantler certificates and identification cards.

21 “**SECTION 2.** ORS 822.700, as amended by section 2, chapter 114, Oregon
22 Laws 2018, is amended to read:

23 “822.700. (1) Fee for issuance or renewal of dismantler certificates cover-
24 ing a single place of business, or a supplemental certificate for each addi-
25 tional place of business to be covered by that certificate and operated under
26 the same name, [~~\$800~~] **\$500**.

27 “(2) Fee for each duplicate dismantler certificate issued under ORS
28 822.110, \$40.

29 “(3) Fee for original issuance of vehicle dealer certificate under ORS
30 822.020 or renewal under ORS 822.040 of a vehicle dealer certificate:

1 “(a) \$1,100, for a certificate covering a single place of business; and
2 “(b) \$350, for each additional place of business to be covered by the cer-
3 tificate and operated under the same name.

4 “(4) Fee for each corrected vehicle dealer certificate issued under ORS
5 822.040, \$30.

6 “(5) If a vehicle dealer or dismantler fails to pay a fee required under this
7 section on or before the date the fee is due, there shall be added as a late
8 payment charge a fee of \$150.

9 “(6) Fee for show license issued under ORS 822.084, \$50.

10 “(7) Fee for issuance of towing business certificate under ORS 822.205 or
11 renewal under ORS 822.210, \$17 for each vehicle used for towing or recovery
12 purposes.

13 “(8) Fee for issuance or renewal of vehicle transporter certificate under
14 ORS 822.310, \$150.

15 “(9) Fee for issuance or renewal of driver training instructor certificate
16 under ORS 822.530, \$100.

17 “(10) Fee for issuance or renewal of commercial driver training school
18 certificate under ORS 822.515, \$200.

19 “(11) Fee for issuance or renewal of vehicle appraiser certificate under
20 ORS 819.480, \$100.

21 “**SECTION 3.** ORS 822.130 is amended to read:

22 “822.130. (1) The Department of Transportation may inspect the books,
23 records and inventory of [*and the premises used by*] any business issued a
24 certificate under ORS 822.110 for the purpose of determining compliance with
25 any of the following:

26 “(a) Those laws regulating the issuance of certificates to dismantlers.

27 “(b) Requirements for records under ORS 822.135 and 822.137.

28 “(c) ORS 802.200, 803.140, 819.010, 819.016, 819.030, 819.040 or 822.120.

29 “(d) Rules adopted by the department concerning businesses issued cer-
30 tificates under ORS 822.110.

1 **“(2) Except as provided in subsection (4) of this section, each year**
2 **the department shall inspect the premises used by any business issued**
3 **a certificate under ORS 822.110 for the purpose of determining whether**
4 **the items listed in subsection (3) of this section are on the premises**
5 **and determining compliance with any of the following:**

6 **“(a) Those laws regulating the issuance of certificates to**
7 **dismantlers.**

8 **“(b) Requirements for records under ORS 822.135 and 822.137.**

9 **“(c) ORS 802.200, 803.140, 819.010, 819.016, 819.030, 819.040 or 822.120.**

10 **“(d) Rules adopted by the department concerning businesses issued**
11 **certificates under ORS 822.110.**

12 **“(3) If the Department of Transportation determines that any of the**
13 **following items are on the premises used by a business issued a cer-**
14 **tificate under ORS 822.110, the Department of Transportation shall**
15 **submit a report to the Department of Environmental Quality and in-**
16 **clude information about the following:**

17 **“(a) The presence of piled waste tires, as defined in ORS 459.705, in**
18 **an amount greater than 100 waste tires;**

19 **“(b) If there is a metal shredder;**

20 **“(c) If there are any open or unlabeled containers of automotive**
21 **fluids; and**

22 **“(d) If there is an underground injection control.**

23 **“(4) The Department of Transportation may inspect a premises un-**
24 **der subsection (2) of this section every two years if the three most**
25 **recent, consecutive inspections show that the business is in compli-**
26 **ance with subsection (2)(a) to (d) of this section.**

27 **“[(2)] (5) Provisions for enforcing this section are established under ORS**
28 **822.135 and 822.145.**

29 **“SECTION 4. ORS 822.115 is amended to read:**

30 **“822.115. An application for a dismantler certificate issued by the De-**

1 department of Transportation under ORS 822.110 or for renewal of a certificate
2 under ORS 822.125 shall be in a form prescribed by the department and shall
3 contain all of the following:

4 “(1) A full statement of the name of the person applying for the certificate
5 with the person’s residence and business addresses.

6 “(2) If the applicant is a firm or partnership, the name of the firm or
7 partnership, with the names and places of residence of all its members.

8 “(3) If the applicant is a corporation, the names of the principal officers
9 and their residences and the name of the state under whose laws the corpo-
10 ration is organized.

11 “(4) A description of the dimensions and the location of the place or
12 places at which the business is to be carried on and conducted.

13 “(5) The applicant’s National Motor Vehicle Title Information System
14 identification number.

15 “(6) **A fire response plan that is approved by the department. If the**
16 **plan is disapproved, the applicant may revise the plan to comply with**
17 **requirements of the department and resubmit the plan.**

18 “(7) **A description of any applicable permits that are required by the**
19 **Department of Environmental Quality.**

20 “[6] (8) Any other relevant information required by the Department of
21 **Transportation.**

22 “**SECTION 5.** ORS 822.145 is amended to read:

23 “822.145. (1) In addition to any other penalty provided by law, the De-
24 partment of Transportation may impose sanctions on any person holding a
25 dismantler certificate issued under ORS 822.110 or identification card or
26 supplemental dismantler certificate issued under ORS 822.125 including, but
27 not limited to, probation or suspension, revocation or cancellation of the
28 dismantler certificate or identification card if the department determines at
29 any time for due cause that any of the following has occurred:

30 “(a) The person holding the certificate has failed to comply with any re-

1 requirements for registration of vehicles under the vehicle code.

2 “(b) The person holding the certificate has violated ORS 803.140, 819.012,
3 819.016, 819.040, 822.120, 822.125, 822.133, 822.135, 822.137 or 822.150.

4 “(c) The person holding the certificate has caused or suffered or is per-
5 mitting the unlawful use of the dismantler certificate.

6 “(d) The person holding the certificate has violated any regulation
7 adopted under ORS 822.135.

8 “(e) The person holding the certificate has failed to allow the department
9 to conduct inspections as provided under ORS 822.130.

10 “(f) The person holding an identification card has unlawfully used or
11 permitted unlawful use of the card.

12 “(g) **The person holding the certificate is convicted of an offense**
13 **under ORS 468.922, 468.926, 468.929, 468.931, 468.936, 468.939, 468.943 or**
14 **468.946.**

15 “(2) The department shall cancel or suspend any dismantler certificate
16 immediately:

17 “(a) Upon receipt of legal notice that the bond described under ORS
18 822.120 is canceled; or

19 “(b) For failure to pay any penalty imposed under ORS 822.135 or 822.137.

20 “(3) Upon revocation, cancellation or suspension of a dismantler certifi-
21 cate or identification card under this section, the department shall recall
22 and demand the return of the certificate or identification card.

23 “(4) If the department has reason to believe that a person has engaged in
24 or is engaging in any activity prohibited under ORS 822.100, the department
25 may issue an order directed at the person to cease the activity.

26 “(5) The department shall adopt rules establishing sanctions authorized
27 by subsection (1) of this section.

28 “**SECTION 6.** ORS 822.133 is amended to read:

29 “822.133. (1) As used in this section:

30 “(a) ‘Crushed motor vehicle’ means a motor vehicle, the frame or unibody

1 of which is compacted or flattened so that it no longer resembles any par-
2 ticular year, model or make of motor vehicle and is less than half of the
3 motor vehicle's original volume as measured in cubic feet.

4 “(b) ‘Destroy’ means to dismantle, disassemble, damage or substantially
5 alter a motor vehicle:

6 “(A) With the intent of rendering the vehicle permanently inoperable;

7 “(B) To the extent that the cost of repairing the vehicle exceeds the ac-
8 tual cash value of the vehicle prior to the damage; or

9 “(C) To the extent that the sum of the cost of repairing the vehicle and
10 the salvage value of the vehicle in its damaged condition exceeds the actual
11 cash value of the vehicle in its repaired condition.

12 “(c) ‘Mobile motor vehicle crusher’ means a machine that compacts or
13 flattens a motor vehicle into a crushed motor vehicle and is designed to be
14 transported on a highway.

15 “(d) ‘Wrecked vehicle’ means a motor vehicle:

16 “(A) That is destroyed, or is acquired with the intent to destroy, and that
17 will never be operated as a motor vehicle; or

18 “(B) That has sustained damage to an extent that the vehicle may not
19 lawfully be operated on the highways of this state.

20 “(2) In the operation of a motor vehicle dismantling business, a
21 dismantler:

22 “(a) Must physically separate or visually label a wrecked vehicle in a
23 manner that readily identifies the ownership status of the wrecked vehicle
24 if the dismantler takes possession of the wrecked vehicle without imme-
25 diately obtaining an ownership record or salvage title certificate. A
26 dismantler need not separate or visually identify a wrecked vehicle pursuant
27 to this subsection if the vehicle is subject to an exemption under ORS 803.030
28 or is obtained from a jurisdiction that does not issue certificates of title.

29 “(b) May not remove parts from or destroy a motor vehicle prior to ob-
30 taining an ownership record or salvage title certificate for the vehicle.

1 “(c) Must demolish the registration plates of a wrecked vehicle at the
2 time the ownership record is received.

3 “(d) Must notify the Department of Transportation of any changes in the
4 information provided to the department in the application for a dismantler
5 certificate within 30 days of the change.

6 “(e) Must furnish a written report to the department, in a form estab-
7 lished by the department by rule, after a wrecked vehicle is dismantled or
8 destroyed.

9 “(f) **Must, every year, have the premises inspected by local fire in-**
10 **spectors and furnish a written report to the department, in a form**
11 **established by the department by rule, on the findings of the in-**
12 **spection.**

13 “(g) **Must be in compliance with any agreement with, order of or**
14 **program or process authorized by the Department of Environmental**
15 **Quality that governs the conduct of the dismantler.**

16 “(3)(a) A dismantler using a mobile motor vehicle crusher shall:

17 “(A) Hold a current, valid dismantler certificate issued under ORS
18 822.110.

19 “(B) Conspicuously display on the mobile motor vehicle crusher the name
20 of the dismantler’s business as listed on the dismantler’s application sub-
21 mitted pursuant to ORS 822.110 and the dismantler certificate number issued
22 by the Department **of Transportation.**

23 “(C) Comply with all of the applicable statutes and rules regulating
24 dismantlers at each location where the dismantler uses the mobile motor
25 vehicle crusher. If the dismantler is using a mobile motor vehicle crusher
26 at a location approved under a dismantler certificate, the dismantler who
27 holds the dismantler certificate for the location shall be responsible for
28 complying with all statutes and rules regarding dismantlers.

29 “(b) If a dismantler is using a mobile motor vehicle crusher at a tempo-
30 rary location for 15 consecutive business days or less, the dismantler is ex-

1 empty from obtaining a supplemental dismantler certificate under ORS 822.125
2 for the temporary location.

3 **SECTION 7.** ORS 822.120 is amended to read:

4 “822.120. (1) A bond or letter of credit required to qualify for a dismantler
5 certificate under ORS 822.110 or renewal of a certificate under ORS 822.125
6 must be:

7 “(a) With a corporate surety licensed to transact business within this
8 state, or as to a letter of credit, an irrevocable letter of credit issued by an
9 insured institution, as defined in ORS 706.008;

10 “(b) Executed to the State of Oregon;

11 “(c) In the sum of [~~\$10,000~~] **\$500,000**;

12 “(d) Approved as to form by the Attorney General;

13 “(e) Conditioned that the person issued the dismantler certificate will
14 conduct business without violation of this section, ORS 803.140, 819.010,
15 819.012, 819.016, 819.040, 822.140 or 822.150; and

16 “(f) Conditioned that the bond or letter of credit is subject to an action
17 under this section.

18 “(2) Any person shall have a right of action against the holder of a
19 dismantler certificate and the surety on the holder’s bond or the dismantler’s
20 letter of credit issuer if the person suffers any loss or damage by reason of
21 the certificate holder’s violation of this section, ORS 803.140, 819.010, 819.012,
22 819.016, 819.040, 822.140 or 822.150.

23 **SECTION 8.** ORS 822.140 is amended to read:

24 “822.140. (1) To meet the requirement for local government approval of a
25 dismantler certificate under ORS 822.110 or a supplemental certificate under
26 ORS 822.125, an applicant must comply with any regulations established by
27 a city or county under this section and must obtain the approval of the
28 governing body of the:

29 “(a) City, if the business is or will be carried on within an incorporated
30 city of less than 100,000 population.

1 “(b) County, if the business is or will be carried on outside of any incor-
2 porated city.

3 “(2) A city or county governing body shall grant approval of a dismantler
4 certificate or renewal when requested under this section if the governing
5 body:

6 “(a) Approves the applicant as being suitable to establish, maintain or
7 operate a motor vehicle dismantling business;

8 “(b) Determines that the location or proposed location meets the require-
9 ments for location under ORS 822.110;

10 “(c) Determines that the location does not violate any prohibition under
11 ORS 822.135; and

12 “(d) Approves the location and determines that the location complies with
13 any regulations adopted by a city or county under this section.

14 “(3) The governing body of a city or county may regulate the expansion
15 of premises or the establishment of premises at a new location under a
16 dismantler certificate. An applicant must comply with the regulations before
17 the Department of Transportation may issue a supplemental dismantler cer-
18 tificate. In adopting regulations under this subsection, a governing body:

19 “(a) Shall consider the extent of development of surrounding property as
20 a residential area;

21 “(b) Shall consider the proximity of churches, schools, hospitals, public
22 buildings or other places of public gathering;

23 “(c) Shall consider the sufficiency in number of other motor vehicle dis-
24 mantling businesses in the vicinity;

25 “(d) Shall consider the health, safety and general welfare of the public;

26 “(e) May establish zones in which motor vehicle dismantling businesses
27 are permissible and other zones where they are prohibited; and

28 “(f) May prescribe limitations on the dimensions of the premises on which
29 motor vehicle dismantling businesses are conducted.

30 “(4) Regulations of a city governing body that are adopted under this

1 section apply to motor vehicle dismantling businesses located outside of and
2 within six miles of the boundaries of the city unless the county governing
3 body in which the area is located has adopted regulations under this section
4 that are applicable in the area.

5 **“(5) Before granting approval for a supplemental dismantler certifi-**
6 **cate, the governing body of a city or county shall notify all property**
7 **owners that are or that will be adjacent to the motor vehicle disman-**
8 **tling business once the business moves, expands or opens an additional**
9 **place of business.**

10 **“SECTION 9.** ORS 459.715 is amended to read:

11 “459.715. (1) No person shall store more than 100 waste tires anywhere in
12 this state except at a waste tire storage site operated under a permit issued
13 under ORS 459.745.

14 “(2) Subsection (1) of this section shall not apply to:

15 “(a) A solid waste disposal site permitted by the Department of Environ-
16 mental Quality if the permit has been modified by the department to au-
17 thorize the storage of tires;

18 “(b) A tire retailer with not more than 1,500 waste tires in storage; **or**

19 “(c) A tire retreader with not more than 3,000 waste tires in storage so
20 long as the waste tires are of the type the retreader is actively retreading[;
21 *or*].

22 “[*d*) A motor vehicle dismantling business issued a certificate under ORS
23 822.110 with not more than 1,500 waste tires in storage.]

24 **“SECTION 10. (1) Notwithstanding the amendments to ORS 822.125**
25 **by section 1 of this 2019 Act, a dismantler certificate issued or renewed**
26 **before the effective date of this 2019 Act is valid for three years from**
27 **the date of issuance.**

28 **“(2) Except as provided in subsection (1) of this section, the**
29 **amendments to ORS 822.115, 822.120, 822.125, 822.130, 822.133, 822.140,**
30 **822.145 and 822.700 by sections 1 to 8 of this 2019 Act apply to**

1 **dismantler certificates issued or renewed on or after the effective date**
2 **of this 2019 Act.”.**

3
