

# Enrolled House Bill 2099

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Joint Committee on Transportation for Representative Susan McLain, former Senator Lee Beyer)

CHAPTER .....

## AN ACT

Relating to transportation; creating new provisions; amending ORS 87.152, 153.083, 184.742, 319.520, 319.530, 319.550, 366.805, 367.081, 646A.090, 802.031, 802.600, 803.102, 803.120, 803.212, 803.530, 803.552, 805.103, 805.210, 805.250, 807.080, 807.220, 807.230, 807.310, 809.520, 819.482, 820.110, 822.015, 822.020, 822.025, 822.027, 822.030, 822.033, 822.035, 822.040, 822.045, 822.050, 822.060, 822.310, 822.315, 822.515, 822.700 and 822.990; repealing ORS 805.117, 805.242, 822.505, 822.510, 822.520, 822.525, 822.530 and 822.535; and prescribing an effective date.

### Be It Enacted by the People of the State of Oregon:

#### SAFE ROUTES TO SCHOOL

**SECTION 1.** ORS 184.742 is amended to read:

184.742. (1) The Oregon Transportation Commission may provide matching grants under this section for safety improvement projects near schools.

(2) To qualify for a matching grant an applicant shall:

(a) Demonstrate that a project fits within the applicable plan developed pursuant to ORS 195.115;

(b) Provide a cash match of at least 40 percent of the project's costs; and

(c) Provide any other information required by the commission.

(3) Notwithstanding subsection (2) of this section, **by rule**, the commission may reduce the amount the applicant must provide for a cash match. *[An applicant providing a reduced cash match shall provide at least 20 percent of the project's costs. This subsection applies if:]*

*[(a) The school is located in a city with a population of 5,000 or fewer;]*

*[(b) The project reduces hazards within a safety corridor, as defined by the commission by rule; or]*

*[(c) The school site qualifies for assistance under Chapter I of Title I of the federal Elementary and Secondary Education Act of 1965.]*

(4) The commission shall prioritize the expenditure of funds as authorized under this section for projects that are located within a *[one-mile]* **two-mile** radius of a school that serves students in prekindergarten, kindergarten or grades 1 through *[8]* **12**, or any combination of those grade levels, *[or a school that serves students in kindergarten through grade 12].*

(5) The matching grants shall be used to reduce barriers and hazards to children walking or bicycling to and from school, including but not limited to safety improvement projects that:

(a) Improve sidewalks;

- (b) Reduce vehicle speeds;
- (c) Improve pedestrian and bicycle crossings; or
- (d) Create or improve bicycle lanes.
- (6) The commission may adopt rules specifying the application process and the selection criteria that will be used in awarding matching grants.

## CONNECT OREGON

### **SECTION 2.** ORS 367.081 is amended to read:

367.081. (1) Each biennium, the Department of Transportation may provide grants for transportation projects under ORS 367.080 only if the department determines that \$50 million or more will be available in the Connect Oregon Fund for *[the biennium in which the grants are provided]* **grants awarded under ORS 367.080 to 367.086.**

(2) The department may use up to one percent of the amounts available within the Connect Oregon Fund to pay administrative costs incurred by the department in carrying out the provisions of ORS 367.080 to 367.086.

(3) Each biennium, the department shall transfer seven percent of the moneys in the Connect Oregon Fund to the Multimodal Active Transportation Fund established under ORS 367.091 for the purpose of providing grants for bicycle and pedestrian transportation projects.

## USE FUEL

### **SECTION 3.** ORS 319.550 is amended to read:

319.550. (1) Except as provided in this section, a person may not use fuel in a motor vehicle in this state unless the person holds a valid user's license.

(2) A nonresident may use fuel in a motor vehicle not registered in Oregon for a period not exceeding 30 **consecutive** days without obtaining a user's license or the emblem issued under ORS 319.600, if, for all fuel used in a motor vehicle in this state, the nonresident pays to a seller, at the time of the sale, the tax provided in ORS 319.530.

(3) A user's license is not required for a person who uses fuel in a motor vehicle *[with a combined weight of 26,000 pounds or less]* if, for all fuel used in a motor vehicle in this state, the person pays to a seller, at the time of the sale, the tax provided in ORS 319.530.

**(4) A user's license is not required for a person who is subject to the weight-mile tax described in ORS 825.474 and 825.476 or the flat fee rate described in ORS 825.480.**

~~[(4)(a)]~~ **(5)(a)** A user's license is not required for a person who uses fuel as described in ORS 319.520 (7) in the vehicles specified in this subsection if the person pays to a seller, at the time of the sale, the tax provided in ORS 319.530.

(b) Paragraph (a) of this subsection applies to the following vehicles:

(A) Motor homes as defined in ORS 801.350.

(B) Recreational vehicles as defined in ORS 174.101.

~~[(5)]~~ **(6)** A user's license is not required for a person who uses fuel in a motor vehicle:

(a) Metered use by which is subject to the per-mile road usage charge imposed under ORS 319.885; and

(b) That also uses fuels subject to ORS 319.510 to 319.880.

~~[(6)]~~ **(7)** A user's license is not required for a person who uses fuel in a motor vehicle on which an emblem issued for the motor vehicle pursuant to ORS 319.535 is displayed.

### **SECTION 4.** ORS 319.520 is amended to read:

319.520. As used in ORS 319.510 to 319.880, unless the context clearly indicates a different meaning:

(1) "Cardlock card" means a fuel card:

(a) Capable of generating an electronic invoice or electronic statement that includes the information required by ORS 319.671 and the applicable fuel tax amount;

- (b) Issued for a specific vehicle, a specific piece of equipment or a group of equipment;
  - (c) That includes the qualifying information, as designated by the Department of Transportation by rule, that is printed on the electronic invoice or electronic statement;
  - (d) That allows the tax status of the cardlock card to be indicated on the electronic invoice or electronic statement and includes state tax as a separate item on the invoice or statement; and
  - (e) That allows a cardlock card issuer to generate a statement recording, by fuel type, gallons of fuel purchased for domestic and foreign customers each month.
- (2) "Combined weight" means the total empty weight of all vehicles in a combination plus the total weight of the load carried on that combination of vehicles.
- (3) "Delinquent" means having failed to pay a tax or penalty within the time provided by law.
- (4) "Department" means the Department of Transportation.
- (5) "Domestic customer" means a customer making a purchase at a nonretail facility owned by the cardlock card issuer.
- (6) "Foreign customer" means a customer making a purchase at a nonretail facility owned by a seller other than the cardlock card issuer.
- (7) "Fuel" means any combustible gas, liquid or material of a kind used for the generation of power to propel a motor vehicle on the highways except motor vehicle fuel as defined in ORS 319.010.
- (8) "Highway" means every way, thoroughfare and place, of whatever nature, open to the use of the public for the purpose of vehicular travel.
- (9) "Light weight" means the weight of a vehicle when fully equipped for moving over the highway.
- (10) "Liquefied petroleum gas" includes propane, pentane and any mixture of propane and pentane.**

[(10)] (11) "Motor vehicle" means every self-propelled vehicle operated on the highway, except an implement of husbandry used in agricultural operations and only incidentally operated or moved upon the highway.

[(11)] (12) "Nonretail facility" means:

- (a) An unattended facility accessible only by cardlock card and not associated with a retail facility; or
- (b) An unattended portion of a retail facility separate from the retail operations and accessible only by cardlock card.

[(12)] (13) "Person" means any individual, firm, copartnership, joint venture, association, corporation, trust, receiver or any group or combination acting as a unit.

[(13)] (14) "Seller" means:

- (a) A person that sells fuel to a user; or
- (b) If the fuel is dispensed at a nonretail facility, the person that owns the user's accounts and bills the user for fuel purchased at a nonretail facility.

[(14)] (15) "To sell fuel for use in a motor vehicle" means to dispense or place fuel for a price into a receptacle on a motor vehicle, from which receptacle the fuel is supplied to propel the motor vehicle.

[(15)] (16) "To use fuel in a motor vehicle" means to receive into any receptacle on a motor vehicle, fuel to be consumed in propelling the motor vehicle on the highways of this state; and, if the fuel is received into the receptacle outside the taxing jurisdiction of the state, "to use fuel in a motor vehicle" means to consume in propelling the motor vehicle on the highways of this state.

**SECTION 5.** ORS 319.530 is amended to read:

319.530. (1) To compensate this state partially for the use of its highways, an excise tax hereby is imposed at the rate of 34 cents per gallon on the use of fuel in a motor vehicle.

(2) Except as otherwise provided in subsections (3) [and (4)] to (6) of this section, 100 cubic feet of fuel used or sold in a gaseous state, measured at 14.73 pounds per square inch of pressure at 60 degrees Fahrenheit, is taxable at the same rate as a gallon of liquid fuel.

(3) [One hundred twenty] **123.57** cubic feet, or **5.66 pounds**, of compressed natural gas used or sold in a gaseous state, *measured at 14.73 pounds per square inch of pressure at 60 degrees Fahrenheit,* is taxable at the same rate as *[a gallon of liquid fuel]* **one gasoline gallon.**

[(4) *One and three-tenths liquid gallons of propane at 60 degrees Fahrenheit is taxable at the same rate as a gallon of other liquid fuel.*]

(4) **1.353 gallons, or 5.75 pounds, of liquefied petroleum gas is taxable at the same rate as one gasoline gallon.**

(5) **1.71 gallons, or 6.059 pounds, of liquefied natural gas is taxable at the same rate as one diesel gallon.**

(6) **One kilogram of hydrogen is taxable at the same rate as one gasoline gallon.**

## SMALL CITY ALLOCATION

**SECTION 6.** ORS 366.805 is amended to read:

366.805. (1) Except as provided in subsection (2) of this section, the appropriation specified in ORS 366.800 shall be allocated to the cities as provided in this subsection. The moneys subject to allocation under this subsection shall be distributed by the Department of Transportation according to the following:

(a) The moneys shall be distributed to all the cities.

(b) Each city shall receive such share of the moneys as its population bears to the total population of the cities.

(2) Each year, the sum of \$2,500,000 shall be withdrawn from the appropriation specified in ORS 366.800 and \$2,500,000 shall be withdrawn from moneys available to the Department of Transportation from the State Highway Fund. The sums withdrawn shall be transferred to a separate account to be administered by the Department of Transportation. The following apply to the account described in this subsection:

(a) Money from the account shall be used only *[upon streets]* **on roads:**

(A) That are not a part of the state highway system, **with the exception of project elements that are required to comply with federal or state law;**

(B) That are within cities with populations of 5,000 or fewer persons; and

(C) That are inadequate for the capacity the *[streets serve]* **roads serve** or are in a condition detrimental to safety.

(b) **To the extent moneys are available to fund whole projects,** all moneys in the account shall be *[allotted]* **allocated** each year.

(c) Subject to paragraph (d) of this subsection, the department shall determine *[the distribution of the expenditures after considering applications from the cities submitted to the department]* **annual allocation after considering applications, including project budgets, submitted by the cities to the department.**

(d) The department may enter into agreements with cities upon the advice and counsel of **the small city advisory committee to determine allocation based on those applications** *[organizations representing cities to establish:]*

[(A) *The method of allotting moneys from the account; or]*

[(B) *The method of considering applications from cities and determining distribution based on the applications.*]

(3) The Director of Transportation shall establish a small city advisory committee. The **small city** advisory committee shall review **department recommendations and approve** applications submitted by small cities *[and shall recommend applications for approval]* to the director. In consultation with the League of Oregon Cities, the director shall appoint to the **small city** advisory committee one representative of a small city in each of the five regions of this state.

(4) For purposes of this section:

(a) Region one consists of Clackamas, Hood River, Multnomah and Washington Counties.

(b) Region two consists of Benton, Clatsop, Columbia, Lane, Lincoln, Linn, Marion, Polk, Tillamook and Yamhill Counties.

(c) Region three consists of Coos, Curry, Douglas, Jackson and Josephine Counties.

(d) Region four consists of Crook, Deschutes, Gilliam, Jefferson, Klamath, Lake, Sherman, Wasco and Wheeler Counties.

(e) Region five consists of Baker, Grant, Harney, Malheur, Morrow, Umatilla, Union and Wallowa Counties.

## DRIVING PRIVILEGES

**SECTION 7.** Section 8 of this 2023 Act is added to and made a part of the Oregon Vehicle Code.

**SECTION 8.** (1) The Department of Transportation shall adopt rules necessary to administer the federal Drug and Alcohol Clearinghouse.

(2) The department may not issue or renew commercial driving privileges and may cancel or suspend commercial driving privileges if a person has not complied with the rules established under this section.

(3) A person is entitled to an administrative review under ORS 809.440 when the department does not issue or renew commercial driving privileges under this section or cancels or suspends commercial driving privileges under this section.

**SECTION 9.** ORS 807.080 is amended to read:

807.080. [(1) *The Department of Transportation, by rule, shall provide for the following in a manner consistent with this section:*]

[(a) *The issuance of driver competency testing certificates.*]

[(b) *The regulation of persons issued driver competency testing certificates.*]

[(2) *A person issued a driver competency testing certificate under this section may certify, in a manner established by the department, the competency of drivers to safely exercise driving privileges granted only under one or more of the following:*]

[(a) *A Class A commercial driver license.*]

[(b) *A Class B commercial driver license.*]

[(c) *A Class C commercial driver license.*]

[(d) *An endorsement related to a commercial driver license.*]

[(3) *The department may waive an actual demonstration of ability to operate a motor vehicle under ORS 807.070 for an applicant who is certified by the holder of a driver competency testing certificate as competent to exercise the driving privileges in the class of license or in the endorsement sought by the applicant.*]

[(4) *The rules adopted by the department under this section may establish reasonable fees for the issuance of a certificate or as part of any program of regulating certificate holders that is established by the department.*]

[(5) *When adopting rules under this section, the department may:*]

[(a) *Make the certificate renewable upon any basis determined convenient by the department and may include provisions for cancellation, revocation or suspension of certificates or for probation of certificate holders.*]

[(b) *Provide for the issuance of certifications allowing the holder to certify competency in several classes or types of driving privileges or limiting the classes or types of driving privileges for which the holder may certify competency.*]

[(c) *Establish the forms of certificates to be issued.*]

[(d) *Establish and require forms that are to be used by certificate holders in certifying competency.*]

[(e) *Establish any qualifications or requirements for obtaining a certificate that the department determines necessary to protect the interests of persons seeking certification by certificate holders.*]

*[(f) Issue certificates to publicly owned and operated educational facilities to allow programs for certification of competency.]*

*[(g) Issue certificates to employers to allow the employers to establish programs primarily for the certification of employees' competency. The department may provide that programs established under this paragraph may be operated without driver training school certificates under ORS 822.500 and without driver training instructor certificates under ORS 822.525.]*

*[(h) Establish any other provisions or requirements necessary to carry out the purposes of this section.]*

**(1) The Department of Transportation may adopt rules and enter into contracts necessary for the regulation and certification of persons and organizations authorized to certify an individual's competency to safely operate a motor vehicle, including a commercial motor vehicle, on behalf of the department.**

**(2) Rules adopted under this section may include, but are not limited to, the following:**

**(a) Establishing methods and procedures for the testing of competency to operate different types of motor vehicles.**

**(b) Establishing the manner and mechanism by which test results shall be sent to the department.**

**(c) Establishing reasonable fees as part of any program for regulation created by the department under this section.**

**(d) Establishing grounds for suspension, cancellation or revocation of a person's or organization's authorization to certify competency to operate motor vehicles.**

**(e) Establishing requirements for records retention.**

**(f) Establishing requirements for inspections of premises, investigations and monitoring, including covert monitoring, to ensure that testing is conducted in strict accord with rules adopted under this section.**

**(g) Establishing bond and insurance requirements.**

**(3) In adopting rules under this section, the department shall take into consideration the regulations and laws of the federal government.**

**SECTION 10.** ORS 807.220 is amended to read:

807.220. (1) The Department of Transportation shall provide for the issuance of emergency driver permits in a manner consistent with this section.

(2) Except as otherwise provided in this section an emergency driver permit is subject to the fees, provisions, conditions, prohibitions and penalties applicable to a Class C **driver** license.

(3) The following apply to an emergency driver permit:

(a) The department may issue an emergency driver permit to a person 14 years of age or older.

(b) The department shall place restrictions on the permit that designate the routes over which the permit is valid. The department shall designate routes it determines necessary from the facts creating the emergency.

(c) The permit shall only be issued if the department is satisfied that an emergency exists that requires operation of a motor vehicle by the applicant.

(d) The department may establish a form for the permit that differs from the form required for a license.

(e) The only fee required for issuance of the permit is the emergency driver permit fee under ORS 807.370.

(f) The department may establish a period for the expiration of the permit that coincides with the end of the emergency that is the basis for the permit.

(g) The department shall cancel the permit if the department determines that the holder of the permit has operated a motor vehicle over any highway or for any purpose other than one approved under the permit.

(h) If an emergency driver permit is canceled, the person issued the permit is ineligible to be issued another emergency driver permit for a period of one year.

(i) In addition to any other application requirements for the emergency driver permit, the applicant must obtain the [endorsement on the application] **approval** of the sheriff of the county in which the applicant resides.

(4) The department may issue an emergency driver permit, if the person qualifies for the permit, to a person whose driving privileges are suspended under ORS 809.280 because the department has received an order suspending driving privileges under ORS 809.260. In addition to other emergencies, a situation that leaves the applicant with no alternative means to travel to and from school is an emergency for purposes of a permit issued under this subsection.

**SECTION 11.** ORS 807.230 is amended to read:

807.230. The Department of Transportation shall provide for issuance of special student driver permits in a manner consistent with this section. A special student driver permit grants the driving privileges provided in this section or under the permit. Except as otherwise provided in this section, a special student driver permit is subject to the fees, provisions, conditions, prohibitions and penalties applicable to a Class C **driver** license. The following apply to a special student driver permit:

(1) The department may issue a special student driver permit to a person 14 years of age or older.

(2) The department shall place restrictions on the permit to limit operation of a vehicle under the permit to operation necessary as a means of transportation to or from the school, college or other educational institution attended by the person to whom the driver permit is issued.

(3) The permit shall only be issued if the applicant has no other available means of transportation by which to continue the applicant's education.

(4) The permit shall only be issued if the department is satisfied that the applicant has had sufficient experience in the operation of motor vehicles to operate a motor vehicle without endangering the safety of the public.

(5) The department may establish a form for the permit that differs from the form required for a license that is issued.

(6) The only fee required for issuance of the permit is the special student driver permit fee under ORS 807.370.

(7) The department shall cancel the permit if the department determines that the holder of the permit has operated a motor vehicle over any highway or for any purpose other than as approved under the permit.

(8) If a special student driver permit is canceled, the person issued the permit is ineligible to be issued any license or driver permit until the person is old enough to be eligible for a license.

(9) In addition to any other application requirements for the special student driver permit, the applicant must:

(a) Certify that the applicant has no other available means of transportation that would enable the applicant to continue the applicant's education;

(b) Specify the road or highway over which the applicant desires to operate motor vehicles;

(c) Obtain the [endorsement] **approval** of the sheriff of the county in which the applicant resides and of the principal of the school the applicant attends; and

(d) Provide any other information required by the department.

**SECTION 12.** ORS 807.310 is amended to read:

807.310. (1) The Department of Transportation shall provide for the issuance of applicant temporary driver permits in a manner consistent with this section.

(2) The department may issue an applicant temporary driver permit to an applicant for a **Class C** driver license or for a **noncommercial** driver permit while the department is determining all facts relative to application for the **Class C** driver license or **noncommercial** driver permit. The department shall set forth on the applicant temporary driver permit the driving privileges granted under the permit.

(3) The holder of an applicant temporary driver permit must have the temporary driver permit on the holder's person while operating a motor vehicle. The holder of an applicant temporary driver permit must operate within the driving privileges granted under the temporary driver permit.

(4) An applicant temporary driver permit is valid for a period of 30 days from the date issued. The department may extend the term of the permit for sufficient cause. An extension of the term of the permit may not exceed an additional 30 days.

(5) An applicant temporary driver permit automatically becomes invalid if the applicant's license or permit is issued or refused for good cause.

(6) The department may not charge a fee for issuance of an applicant temporary driver permit under this section.

**(7) The department may, by rule, establish when an applicant may be issued a temporary driver permit for commercial driving privileges.**

**SECTION 13.** ORS 809.520, as amended by sections 107 and 108, chapter 630, Oregon Laws 2021, is amended to read:

809.520. (1) Notwithstanding ORS 809.510 (1) to (5) and (7), the Department of Transportation shall permanently suspend a person's commercial driving privileges for the lifetime of the person if the department receives a record of conviction for a crime punishable as a felony in which a motor vehicle was used and that involved the manufacturing, distributing or dispensing of a controlled substance, as defined in ORS 475.005. The department may not reinstate commercial driving privileges of a person whose commercial driving privileges are suspended under this subsection.

(2) Notwithstanding ORS 809.510 (1) to (5) and (7), the department shall permanently suspend a person's commercial driving privileges for the lifetime of the person if the department receives a record of conviction for a crime in which a commercial motor vehicle was used and that involved an act or practice of severe forms of trafficking in persons as defined by the department by rule. The department may not reinstate commercial driving privileges of a person whose commercial driving privileges are suspended under this subsection.

(3)(a) Notwithstanding ORS 809.510 (1) to (5) and (7), the department shall suspend a person's commercial driving privileges for the lifetime of the person if the department receives a second or subsequent record, report or notice described in ORS 809.510 (1) to (5) and (7) that does not arise out of the same incident and that would be grounds for suspension of the person's commercial driving privileges under ORS 809.510 (1) to (5) and (7).

(b) The department may adopt rules providing for the reinstatement of commercial driving privileges suspended under this subsection. The department may not reinstate commercial driving privilege suspensions under this subsection earlier than 10 years after the date that the person's commercial driving privileges are suspended under paragraph (a) of this subsection.

(c) The department shall permanently suspend a person's commercial driving privileges for the lifetime of the person if the department receives a record, report or notice described in paragraph (a) of this subsection that relates to conduct that occurred after the person's commercial driving privileges were reinstated under paragraph (b) of this subsection. The department may not reinstate the commercial driving privileges of a person whose commercial driving privileges are suspended under this paragraph.

(4) A suspension imposed under this section is consecutive to any other suspension imposed under ORS 809.510, 809.525, 809.530 or 809.535, if the suspensions do not arise out of the same incident.

**SECTION 14.** ORS 820.110 is amended to read:

820.110. (1) The State Board of Education shall adopt and enforce rules to establish requirements of operation, qualifications or special training of drivers and special accident reports for school buses and school activity vehicles.

(2) The governing board of a public university listed in ORS 352.002 may adopt and enforce separate standards of the type described under this section for school buses and school activity vehicles that are under its jurisdiction.

(3) The rules and standards adopted under this section:

(a) Are subject to ORS 820.190 and 820.200 and to any other statute or regulation relating to the operation of vehicles, qualifications of drivers and accident reports.



(b) Must be consistent with requirements established by statute or by rule adopted under statutory authority that relate to the same subject.

(c) May include different requirements for different classes or types of school buses or school activity vehicles.

(d) May include any exemptions determined appropriate under ORS 820.150.

(4) If the Department of Transportation suspends, cancels or revokes any driving privileges of a person who holds a school bus endorsement [*under ORS 807.035 (5)*], the Department of Transportation shall notify the Department of Education of the suspension, cancellation or revocation.

## WEIGHMASTER AUTHORITY

**SECTION 15.** ORS 153.083, as amended by section 4, chapter 64, Oregon Laws 2022, is amended to read:

153.083. (1) Notwithstanding ORS 9.160 and 9.320, in any trial of a violation, whether created by ordinance or statute, in which a city attorney or district attorney does not appear, the peace officer who issued the citation for the offense may present evidence, examine and cross-examine witnesses and make arguments relating to:

- (a) The application of statutes and rules to the facts in the case;
- (b) The literal meaning of the statutes or rules at issue in the case;
- (c) The admissibility of evidence; and
- (d) Proper procedures to be used in the trial.

(2) Notwithstanding ORS 9.160 and 9.320, in any trial of a violation, whether created by ordinance or statute, in which a city attorney or district attorney does not appear, the duly authorized traffic enforcement agent who issued the citation for the offense may present the evidence reviewed by the agent as the basis for issuing a citation under ORS 810.436, 810.437 or 810.444.

**(3) Notwithstanding ORS 9.160 and 9.320, in any trial of a violation, whether created by ordinance or statute, in which a city attorney or district attorney does not appear, the weighmaster or motor carrier enforcement officer who issued the citation for the offense may present the evidence reviewed by the weighmaster or motor carrier enforcement officer as the basis for issuing a citation listed under ORS 810.530.**

[*(3)(a)*] (4)(a) As used in this section, “duly authorized traffic enforcement agent” means an individual who:

(A) Is employed, appointed and duly sworn in by the governing body of the incorporated city in which the agent performs the agent’s duties; and

(B) Has completed all necessary technical, administrative and other training to review photographs and issue citations under ORS 810.436, 810.437 or 810.444.

(b) Duly authorized traffic enforcement agents are not police officers as defined in ORS 801.395.

## VEHICLE DEALERS

**SECTION 16.** ORS 822.035 is amended to read:

822.035. The Department of Transportation:

(1) Upon receipt of an application for a vehicle dealer certificate, shall examine the application and may make an individual investigation relative to statements contained in the application.

(2) Upon being satisfied that an applicant is entitled to a vehicle dealer certificate and that the proper fees have been paid for the certificate, shall assign the vehicle dealer a distinctive dealer number that allows the dealer to conduct business under the certificate and shall forward to the dealer a vehicle dealer certificate stating thereon the dealer’s number.

(3) Has authority to determine whether or not an applicant for a vehicle dealer certificate is a vehicle dealer.

(4) Has authority to make suitable rules for the issuance of vehicle dealer certificates to expire consistently with ORS [*822.040*] **822.020**.

(5) May make inspections of any vehicle dealer records required under ORS 822.045 and of any vehicles included in a vehicle dealer's inventory or located on the vehicle dealer's premises. Inspections authorized by this subsection may be conducted by the department at reasonable intervals[, *during normal business hours,*] and may not exceed a scope of inspection necessary for the department to determine the following:

(a) A vehicle dealer's compliance with statutes regulating vehicle dealers under the vehicle code;

(b) A vehicle dealer's compliance with those provisions of the vehicle code regulating the titling and registration of vehicles;

(c) A vehicle dealer's compliance with rules adopted by the department relating to the regulation of vehicle dealers and the registration and titling of vehicles; and

(d) The identification of stolen vehicles.

**(6) May make inspections during the normal business hours of the department, from Monday through Friday.**

[(6)] (7) Shall provide a vehicle dealer with plates or devices authorized under ORS 805.200 to allow the exercise of the privileges granted under ORS 822.040.

[(7)] (8) May provide a vehicle dealer with identification cards in the names of the owners of the business or in the names of authorized employees of the business.

[(8)] (9) May not issue a vehicle dealer certificate under ORS 822.020 to an applicant who has been issued a similar certificate from another jurisdiction that has been revoked or is currently suspended unless the applicant possesses a current, valid vehicle dealer certificate issued under ORS 822.020.

[(9)] (10) May not use the revocation or suspension by another [*state*] **jurisdiction** of a vehicle dealer certificate or similar certificate as a basis for refusing to allow a vehicle dealer holding a current, valid vehicle dealer certificate issued under ORS 822.020 to obtain a vehicle dealer certificate under ORS 822.020 or a supplemental certificate under ORS 822.040 [*or to renew a certificate under ORS 822.040*].

[(10)] (11) May adopt any reasonable rules necessary for the administration of the laws relating to the regulation of vehicle dealers, the issuance of vehicle dealer certificates, the issuance of vehicle dealer identification cards, regulation of vehicle dealers designated as agents under ORS 802.031 and the issuance of vehicle dealer plates. The rules adopted under this subsection must be consistent with the statutory provisions of the vehicle code. The rules may include, but are not limited to, grounds and procedures for the revocation, denial, probation or suspension of vehicle dealer certificates or of a vehicle dealer's designation to act as an agent of the department.

**SECTION 17.** ORS 822.020 is amended to read:

822.020. (1) Except as provided in ORS 822.022 and 822.035 [(8)] (9), the Department of Transportation shall issue a vehicle dealer certificate to any person if the person meets all of the following requirements:

[(1)] (a) The person must complete the application for a dealer certificate described under ORS 822.025.

[(2)] (b) The person must deliver to the department a bond or letter of credit that meets the requirements under ORS 822.030.

[(3)] (c) The person must deliver to the department a certificate of insurance that meets the requirements established by ORS 822.033.

[(4)] (d) The person must pay the fee required under ORS 822.700 for issuance of a vehicle dealer certificate.

[(5)] (e) The person must certify completion of the precertification education and test requirements of ORS 822.027 (1)(a) if the person is a dealer subject to the education and test requirements.

**(2) A vehicle dealer certificate issued or renewed under this section expires three years after the date of issuance or renewal.**

**(3) A vehicle dealer certificate may be renewed if the applicant for renewal does all of the following:**

- (a) Pays the required fee for renewal under ORS 822.700.
- (b) Delivers to the department a bond that meets the requirements under ORS 822.030.
- (c) Delivers to the department a certificate of insurance that meets the requirements under ORS 822.033.

(d) Provides the names of all partners or corporate officers.

(e) Certifies completion of the continuing education requirements of ORS 822.027 (1)(b) if the person is a dealer subject to the education requirements.

(f) If the dealer offers new recreational vehicles for sale under the certificate, certifies that the dealer maintains a recreational vehicle service facility as listed in the dealer certificate application described in ORS 822.025.

(4) If a civil penalty assessed under ORS 822.009 remains unpaid after the date of issuance of the final order, the department may refuse to issue or renew a vehicle dealer certificate under this section, until the civil penalty is paid in full or until six years have passed since the date of issuance of the final order, whichever occurs first.

(5) The department may adopt rules for the issuance and renewal of vehicle dealer certificates under this section.

**SECTION 18.** ORS 822.040 is amended to read:

822.040. (1) The holder of a current, valid vehicle dealer certificate issued under ORS 822.020 may exercise the following privileges under the certificate:

(a) **Subject to ORS 822.045**, a dealer is authorized, without violating ORS 803.025 or 803.300, to use and operate over and along the highways of this state *[all]* vehicles displaying the dealer's plates whether registered or not or whether or not a title is issued for the vehicle~~].~~ **if the vehicle:**

(A) **Is owned or controlled by the dealer;**

(B) **Is used by the dealer, members of the dealer's firm, any salesperson thereof or any person authorized by the dealer;**

(C) **Indicates it is offered for sale; and**

(D) **When offered for sale, is available for display during the vehicle dealer's normal business hours.** *[This paragraph does not authorize dealers to use or operate vehicles under dealer plates unless the vehicles are actually owned or controlled by the dealer and in actual use by the dealer, members of the dealer's firm, any salesperson thereof or any person authorized by the dealer. Vehicles operated under dealer plates may be used for the same purposes as are any other vehicles registered in this state that are registered by payment of the fee under ORS 803.420. This paragraph is subject to the limitations under ORS 822.045.]*

(b) A dealer is entitled to receive dealer plates or devices and replacement or additional dealer plates or devices. As many additional dealer plates as may be desired may be obtained upon the filing of a formal application for additional plates with the Department of Transportation. The plates issued to dealers shall require the payment of fees as provided under ORS 805.250.

(c) The person is not subject to the prohibitions and penalties under ORS 822.005 as long as the holder's vehicle dealer business is conducted in a location approved under the certificate.

(d) The dealer shall be considered the owner of vehicles manufactured or dealt in by the dealer, before delivery and sale of the vehicles, and of all vehicles in the dealer's possession and operated or driven by the dealer or the dealer's employees.

(e) Notwithstanding ORS 825.474, in lieu of paying the weight-mile tax imposed under ORS 825.474, the dealer may pay the fuel taxes imposed under ORS 319.020 and 319.530, when the vehicle:

(A) Displays the dealer's plates;

(B) Is actually owned or controlled by the dealer and in actual use by the dealer, members of the dealer's firm, any salesperson of the dealer or any person authorized by the dealer;

(C) Is operated on the highway for the purpose of test driving the vehicle; and

(D) Is unloaded.

(2) The holder of a vehicle dealer certificate may open additional places of business under the same business name by obtaining a supplemental certificate from the department under this subsection. The following all apply to a supplemental certificate issued under this subsection:

(a) The department may not issue a supplemental certificate under this subsection if the additional place of business opened will be operated under a different business name than that indicated on the current certificate. Any business that a vehicle dealer operates under a separate business name must be operated under a separate certificate and the dealer must apply for and pay the fees for a regular dealer certificate for the business.

(b) A supplemental certificate issued under this subsection is subject to the fee for supplemental certificate under ORS 822.700.

(3) The holder of a vehicle dealer certificate may move a place of business or change a business name by obtaining a corrected certificate from the department. For purposes of this subsection, "place of business" includes a recreational vehicle service facility as defined in ORS 822.082. The following apply to a corrected certificate issued under this subsection:

(a) The department shall prescribe the form for application for a corrected certificate.

(b) A person applying for a corrected certificate shall pay the fee for the corrected certificate established in ORS 822.700.

(4) The department may establish by rule the requirements a holder of a vehicle dealer certificate must meet to display a vehicle at a location other than the dealer's place of business for the purpose of advertising without first obtaining a supplemental certificate from the department. In addition to any requirements established by the department by rule, all of the following apply:

(a) The dealer must have a signed agreement with the owner of the property or the person using the property where the vehicle is to be displayed stating that the vehicle is for an advertising promotion only and that the processing of any documents or other activities required to purchase a vehicle must be done at the dealer's place of business.

(b) The vehicle on display must be clearly marked with the dealer's name and contact information and a notice that the vehicle is displayed only for the purpose of advertising and may be purchased only at the dealer's place of business.

(c) Displaying the vehicle must not violate any zoning laws or ordinances.

(d) The dealer or the dealer's employees may not remain with the vehicle except for the purpose of moving the vehicle in or out of the display area.

*[(5) A vehicle dealer certificate is valid for a three-year period and may be renewed as provided by the department. The department shall only renew a certificate if the applicant for renewal does all of the following:]*

*[(a) Pays the required fee for renewal under ORS 822.700.]*

*[(b) Delivers to the department a bond that meets the requirements under ORS 822.030.]*

*[(c) Delivers to the department a certificate of insurance that meets the requirements under ORS 822.033.]*

*[(d) Provides the names of all partners or corporate officers.]*

*[(e) Certifies completion of the continuing education requirements of ORS 822.027 (1)(b) if the person is a dealer subject to the education requirements.]*

*[(f) If the dealer offers new recreational vehicles for sale under the certificate, certifies that the dealer maintains a recreational vehicle service facility as listed in the dealer certificate application described in ORS 822.025.]*

*[(6) The department may adopt suitable rules for the issuance and renewal of certificates under this section and ORS 822.020.]*

**SECTION 19.** ORS 822.050 is amended to read:

822.050. (1) The Department of Transportation may revoke, suspend or place on probation a vehicle dealer if the department determines at any time for due cause that the dealer has done any of the following:

(a) Violated any grounds for revocation, suspension or probation adopted by the department by rule under ORS 822.035.

(b) Failed to comply with the requirements of the vehicle code with reference to notices or reports of the transfer of vehicles or campers.

(c) Caused or suffered or is permitting the unlawful use of any certificate or registration plates.

- (d) Violated or caused or permitted to be violated ORS 815.410, 815.415, 815.425 or 815.430.
- (e) Falsely certified under ORS 822.033 that the dealer is exempt from the requirement under ORS 822.020 [or 822.040] to file a certificate of insurance.
- (f) Continued to fail to provide clear title or repeatedly failed to provide clear title in violation of ORS 822.045.
- (g) Knowingly certified false information required by the department on an application for a vehicle dealer certificate, supplemental certificate or corrected certificate.
- (h) Failed to pay a civil penalty assessed under ORS 822.009 and the amount of penalty was not paid within 10 days after the order becomes final.**
  - (i) Displayed dealer plates on vehicles unless the vehicle was offered for sale.**
- (2) The department shall cancel a vehicle dealer certificate 45 days after receipt of legal notice that the bond described under ORS 822.030 is canceled, unless the department receives proof from the vehicle dealer that the dealer has obtained another bond. Between the day that the department receives notice that the bond is canceled and the day the vehicle dealer presents proof of another bond, the vehicle dealer may not act as a vehicle dealer.
- (3) The department shall cancel a vehicle dealer certificate 45 days after receipt of notice that the certificate of insurance required under ORS 822.033 is canceled, unless the department receives proof from the vehicle dealer that the dealer has obtained another certificate of insurance. Between the day that the department receives notice that the certificate of insurance is canceled and the day the vehicle dealer presents proof of another certificate of insurance, the vehicle dealer may not act as a vehicle dealer.
- (4) The department shall cancel a vehicle dealer certificate immediately upon receipt of notice that zoning approval for the business has been revoked.
- (5) Upon revocation, cancellation or suspension of a vehicle dealer certificate under this section, the department shall recall and demand the return of the certificate and any vehicle dealer plates issued.

## VEHICLE REGISTRATION PLATES

**SECTION 20.** ORS 805.210 is amended to read:

805.210. (1) The owner of a vehicle of special interest may apply to the Department of Transportation for permission to use special interest registration plates. To receive permission to use special interest registration plates the person must:

- (a) Maintain the vehicle of special interest as a collectors' item and use the vehicle only for exhibitions, parades, club activities and similar uses but not use the vehicle primarily for the transportation of persons or property;
- (b) Supply the special interest registration plates which the person desires to use; and
- (c) Include the plates with the application for permission to use them.

**(2) The department shall determine which special interest plates are available for issuance under this section.**

[2] (3) The department, prior to approval of an application under this section, shall determine that the special interest registration plates meet the following requirements:

- (a) The plates shall be issued by the State of Oregon for use on vehicles in this state.
- (b) The numbers and characters on the plate shall be distinctive.
- (c) The plates shall be legible, durable and otherwise of a size, shape, color and design that will serve the purposes of safety and identification.

(d) If the plates are from a series of plates in current use, the plates shall be from the same year or period of issue in which the vehicle was manufactured.

[3] (4) If the special interest registration plate offered for approval was issued in a year in which single registration plates only were required, the department shall grant permission for use of that registration plate alone if it is otherwise acceptable.

[4] (5) If the special interest registration plates offered for approval are from a series of plates in current use, as described in subsection [(2)(d)] (3)(d) of this section, the department may affix a distinctive sticker to each plate at the time of approval. Stickers shall be of a size, color and design determined by the department and shall be displayed on plates in the manner determined by the department.

[5] (6) The department may approve plates issued by the state that have been restored to their original color and design provided that if the plate was reflectorized when originally issued, it must be fully reflectorized when restored.

**SECTION 21.** ORS 803.530 is amended to read:

803.530. (1) Registration plates assigned to a vehicle by the Department of Transportation shall remain with the vehicle to which the plates are assigned and are valid only during the registration period for which the plates are issued except as provided in this section.

(2) The department may allow registration plates to be transferred to another vehicle if:

- (a) The department receives an application;
- (b) The applicant pays the plate transfer fee under ORS 803.575; and
- (c) The applicant complies with the registration qualifications described in ORS 803.350.

(3) The department shall transfer registration plates under this section if the applicant and the vehicle qualify for the plates and the plates are:

- (a) Legible and capable of being used for identification purposes; and
- (b) Any of the following:

- (A) From a current issue of registration plates;
- (B) Customized registration plates described under ORS 805.240;
- (C) Oregon Trail commemorative registration plates issued under section 113, chapter 741, Oregon Laws 1993;

- (D) Special registration plates issued under ORS 805.255, 805.260, 805.263, 805.266, 805.278 or 805.283;

- (E) Group registration plates issued under ORS 805.205;

- (F) Veterans' recognition registration plates issued under ORS 805.105;

- (G) Pacific Wonderland registration plates issued under ORS 805.287; or

- (H) Registration plates issued through the special registration program under ORS 805.222.

- (I) **Registration plates that are no longer currently issued that the department determines may still be transferred.**

(4) Notwithstanding ORS 803.400, when registration plates are transferred from one vehicle to another vehicle owned by the same person, the registration period represented by the plates also transfers with the plates. When registration plates are transferred from one vehicle to another vehicle not owned by the same person, the remaining registration period represented by the transferred plates ceases for both the vehicle receiving the transferred plates and the vehicle from which the plates were removed.

(5) The owner of a registered vehicle to which a plate is assigned may replace a registration plate. The following apply to this subsection:

(a) To replace a plate under this subsection, the owner must apply to the department for replacement of the plate in a form prescribed by the department and pay the replacement plate fee established under ORS 803.575.

(b) The department, in lieu of replacement, may issue duplicate plates for the same fee as charged for replacements.

(c) The plates issued under this subsection are valid only for the period of the plates replaced.

(d) The replaced plates may not be considered customized plates when they are replaced, if:

- (A) The original plates were from plates currently issued;

- (B) The original plates were not customized plates; and

- (C) The replacement plates are a duplicate of the original plates.

(e) When a vehicle is assigned a pair of plates and the owner wishes to replace a single plate, the department may replace a single plate rather than replace both plates.

(6) A county may replace a registration plate that is from a specially designed government series with a registration plate that is from a regular series. The following apply to this subsection:

(a) To replace a plate under this subsection, the county must apply to the department for replacement of the plate in a form prescribed by the department and pay the replacement plate fee established under ORS 803.575.

(b) The plates issued under this subsection are valid only for the period of the plates replaced.

(7) If the department retired the vehicle's registration under ORS 819.030 because the vehicle is totaled or substantially altered, a person may apply under subsection (2) of this section to transfer the registration plates to another vehicle.

(8) Subject to subsections (2) and (4) of this section, after the department authorizes the use of special interest plates under ORS 805.210, a person may apply to transfer the plates to either:

(a) A vehicle that was previously determined by the department to qualify as a vehicle of special interest; or

(b) A vehicle approved by the department as a vehicle of special interest at the time of application.

(9) If a person described in subsection (8) of this section provides the department with only one special interest registration plate for transfer and the department's vehicle records show the special interest registration plate belongs to a vehicle record with no owner matching an applicant, the applicant shall provide proof, as determined by the department by rule, that the plate is no longer used on the vehicle it is currently showing being registered to in the department's vehicle records.

**SECTION 22.** ORS 805.103 is amended to read:

805.103. (1) The Department of Transportation shall provide for issuance of registration plates for a motor vehicle registered under ORS 803.420 (6)(a), in a manner consistent with this section, to motor vehicle owners who qualify for the plates as Congressional Medal of Honor recipients under subsection (2) this section.

(2) A person who is a Congressional Medal of Honor recipient qualifies for registration plates under this section if the person provides the department with a certificate from the United States Department of Veterans Affairs attesting to the person's status as a Congressional Medal of Honor recipient.

(3) Registration plates issued under this section shall be considered customized registration plates for purposes of the fee required in ORS 805.250. The department may waive the fee required in ORS 805.250.

(4) The department may not issue registration plates for a motor vehicle under this section if another motor vehicle owned by the applicant has been issued registration plates under this section.

(5) The registration plates issued under this section shall:

(a) Be issued with a unique background design determined by the department;

(b) Be issued with a specific configuration as determined by the department;

(c) Contain the words "Medal of Honor";

(d) Contain the image of the Congressional Medal of Honor; and

(e) Meet the requirements for registration plates under ORS 803.535.

(6) If there is a transfer of interest in the motor vehicle to which the registration plate under this section is assigned, or if the motor vehicle is totaled and not reconstructed, the motor vehicle owner shall remove the registration plate. The Congressional Medal of Honor recipient may retain the registration plate, but the registration plate may not be placed on any other motor vehicle unless the registration plate is transferred as set forth in subsection (7) of this section.

(7) If the motor vehicle owner qualifies for the registration plates under subsection (2) of this section, the department may transfer registration plates issued under this section to another motor vehicle registered under ORS 803.420 (6)(a), as set forth in ORS [805.242] **803.530**.

(8) The department shall cancel any registration plates issued under this section if the department determines that the motor vehicle is owned by a person who does not qualify for the registration plates under subsection (2) of this section or that the motor vehicle is not registered under ORS 803.420 (6)(a).

(9) The department may adopt rules necessary to carry out the provisions of this section.

## **VEHICLE IDENTIFICATION NUMBERS**

**SECTION 23.** ORS 803.212 is amended to read:

803.212. (1) The Department of Transportation, or persons or agencies authorized to do so by the department, shall conduct a physical inspection of the vehicle identification number or numbers of each vehicle located in this state and required by ORS 803.210 to be inspected. The department may designate certified dealers **and law enforcement agencies, by rule**, to perform the inspection and may enter into agreements with the Oregon State Police or other law enforcement agencies of this state to perform inspections **for compensation**. The inspection shall determine whether the vehicle identification number or numbers match those on the records of the department, on the title or primary ownership record or contained in other information received by the department.

(2) If a vehicle that is required by ORS 803.210 to be inspected is located in another jurisdiction, the department may designate a person or agency in such jurisdiction to perform the physical inspection and may waive the inspection fee.

(3) Except as provided in subsection (4) of this section, the department shall check the vehicle identification number or numbers of all vehicles required by ORS 803.210 to be inspected against those listed as stolen at the National Crime Information Center. If the check indicates the vehicle is stolen, the department:

(a) Shall immediately notify the Oregon State Police or, if the department determines it would be appropriate to do so, notify another law enforcement agency; and

(b) Shall not issue title within 30 days of giving the notice required by paragraph (a) of this subsection unless the department is notified before the end of the 30 days that the vehicle is not stolen. After the passage of the 30-day period, the department may issue the title.

(4) The department may refer a vehicle to the Oregon State Police or other appropriate law enforcement agency for a vehicle identification number or product identification number inspection if:

(a) Inspection of the vehicle under this section reveals that the vehicle identification number or product identification number on the vehicle is different from the number provided to the department or appears to have been tampered with, altered or defaced; or

(b) The vehicle is a reconstructed or assembled vehicle or has been reported destroyed or totaled under ORS 819.012, 819.014 or 819.030 or is any other salvaged vehicle from another jurisdiction. This subsection does not apply to a vehicle that has been reported totaled to the department because of theft and has subsequently been recovered.

(5) If the department refers a vehicle to a law enforcement agency under subsection (4) of this section, the law enforcement agency shall inspect the vehicle. If the law enforcement agency determines that there is reason to believe that the identification number of the vehicle has been tampered with, altered or forged or that the vehicle is stolen, the law enforcement agency may seize the vehicle and may hold the vehicle until completing an investigation to establish the origin and ownership of the vehicle. The department shall reimburse the Department of State Police, and may reimburse any other law enforcement agency, for any inspections conducted under this subsection in an amount agreed upon by the department and the Department of State Police or other law enforcement agency.

## **ODOMETER DISCLOSURE**

**SECTION 24.** ORS 803.102 is amended to read:

803.102. (1) As used in this section:

(a) "Transferee" means any person to whom ownership of a motor vehicle is transferred by purchase, gift or any other means other than by creation of a security interest and any person who, as an agent, signs an odometer disclosure statement for the transferee.



(b) "Transferor" means any person who transfers ownership of a motor vehicle by sale, gift or any means other than by creation of a security interest and any person who, as an agent, signs an odometer disclosure statement for the transferor.

(2) Except as otherwise provided in this section, upon transfer of any interest in a motor vehicle, an odometer disclosure statement shall be made by the transferor to the transferee. The disclosure shall be in a form that complies with the provisions of ORS 803.120 and shall contain the information required under ORS 803.122.

(3) If a transfer requiring a disclosure statement involves a leased vehicle, the lessor shall notify the lessee that the lessee is required to provide odometer disclosure. The lessee shall furnish the lessor with a form that complies with the requirements of ORS 803.120 and shall provide the information required by ORS 803.122 except that for purposes of the required information, the lessee shall be considered the transferor, the lessor shall be considered the transferee and the date shall be the date of the disclosure statement.

(4) Where an interest in a vehicle is transferred by operation of law, the Department of Transportation shall determine by rule whether an odometer disclosure statement is required and if so, who is required to provide it.

(5) The department, by rule, may exempt vehicles from the odometer disclosure requirements of this section in accordance with federal laws, rules or regulations pertaining to odometer disclosure requirements.

*[(6) A person may provide an odometer reading to the department, in the manner prescribed by the department by rule, for a vehicle that is 10 years old or older.]*

**SECTION 24a.** ORS 803.120 is amended to read:

803.120. (1) When an odometer disclosure is required by statute or by the Department of Transportation, *[or when an odometer reading is provided under ORS 803.102 (6),]* the disclosure or reading shall be provided in a form required by the department by rule. The department may require different forms for different situations and may require different information to be disclosed for different purposes.

(2) Any form authorized by the department for use as an odometer disclosure upon transfer of an interest in a vehicle shall refer to the federal law requiring disclosure of odometer information and shall state that failure to complete the disclosure form, or providing false information on the form, may result in a fine or imprisonment.

(3) Any form authorized by the department for use as an odometer disclosure upon transfer of an interest in a vehicle shall provide a way for the transferor to indicate, to the best of the transferor's knowledge, which of the following is true:

(a) That the odometer reading reflects the actual mileage of the vehicle;

(b) That the odometer reading reflects an amount of mileage in excess of the designed mechanical odometer limit; or

(c) That the odometer reading does not reflect actual mileage and should not be relied on.

(4) An odometer disclosure required upon transfer of an interest in a vehicle shall be made on the vehicle title unless the department provides otherwise by rule.

## COMMERCIAL DRIVER TRAINING SCHOOLS

**SECTION 25.** ORS 822.505, 822.510, 822.520, 822.525, 822.530 and 822.535 are repealed.

**SECTION 26.** ORS 822.515 is amended to read:

822.515. (1) A person who holds a valid, current commercial driver training school certificate issued under this section is not subject to the prohibitions or penalties under ORS 822.500.

(2) The Department of Transportation shall adopt rules to provide for the issuance of commercial driver training school certificates under this section **and driver training instructor certificates**. *[Rules adopted by the department under this section shall provide requirements for all of the following:]*

*[(a) Requirements for a certificate under this section including requirements concerning manner and form of application, location, place of business, facilities, records, equipment, courses and standards of instruction, instructors, previous records of the school and instructors, financial statements, schedule of fees and charges, character of school operators and instructors, vehicle equipment and condition and inspection during reasonable business hours.]*

*[(b) Any other matters the department may prescribe for the protection of the public.]*

*[(3) The department:]*

*[(a) May refuse to issue or renew or may suspend or revoke any certificate issued under this section in any case where the department finds that the applicant or certificate holder has violated or failed to comply with any rules adopted under this section or any provision of this section, ORS 822.500 to 822.510, 822.525 or 822.530.]*

*[(b) Shall cancel immediately any certificate if a bond described under ORS 822.505 is canceled by legal notice.]*

*[(4) Commercial driver training school certificates issued under this section are subject to the following:]*

*[(a) A certificate shall expire on the last day of each calendar year.]*

**(3) The rules adopted under this section related to commercial driver training schools may prescribe, but need not be limited to:**

**(a) The form and manner of the application;**

**(b) The minimum qualifications for the commercial driver training school certificate;**

**(c) Grounds and procedures for the denial of a certificate;**

**(d) Requirements for the location of the place of business and location of facilities;**

**(e) Requirements for records retention;**

**(f) Vehicle equipment standards;**

**(g) Courses and standards of instruction;**

**(h) Fee schedules;**

**(i) Requirements for character of school operators and instructors; and**

**(j) Any other matters the department considers necessary for the protection of the public.**

**(4) The rules related to driver training instructors may prescribe, but need not be limited to:**

**(a) The form and manner of the application;**

**(b) The minimum qualifications for the driver training instructor certificate;**

**(c) Grounds and procedures for the denial of a certificate; and**

**(d) Any other matters the department considers necessary for the protection of the public.**

**(5) The department may suspend, revoke or cancel a certificate issued under this section if the department finds that the person has failed to comply with a rule adopted by the department pursuant to this section.**

**(6) A person subject to discipline under this section is entitled to a contested case hearing in accordance with ORS chapter 183.**

**(7) Commercial driver training school certificates issued under this section expire two years from the date of issuance.**

**(8) Driver training instructor certificates issued under this section expire on the date the certificate of the commercial driver training school that employs the instructor expires.**

**(9) Commercial driver training school certificates and driver training instructor certificates issued under this section are subject to the following:**

*[(b)]* **(a)** The department *[shall]* **may** not issue a certificate to a person until the fee for issuance of the certificate under ORS 822.700 is paid.

*[(c)]* **(b)** The department *[shall]* **may** not renew a certificate until the fee for renewal of the certificate under ORS 822.700 has been paid.

[(d)] (c) A fee for a certificate may not be refunded in the event any certificate is refused, suspended, **canceled** or revoked.

[(e)] *The department shall not issue or renew a certificate unless the applicant or certificate holder maintains a bond that meets the requirements under ORS 822.505.*

[(f)] *The department shall not issue or renew a certificate unless the applicant or certificate holder maintains proof of insurance that meets the requirements under ORS 822.510.*

**SECTION 27.** ORS 822.700 is amended to read:

822.700. (1) Fee for issuance or renewal of dismantler certificates covering a single place of business, or a supplemental certificate for each additional place of business to be covered by that certificate and operated under the same name, \$500.

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

(3) Fee for original issuance **or renewal** of vehicle dealer certificate under ORS 822.020 [*or renewal under ORS 822.040*] of a vehicle dealer certificate:

(a) \$1,100, for a certificate covering a single place of business; and

(b) \$350, for each additional place of business to be covered by the certificate and operated under the same name.

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

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

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

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

(8) Fee for issuance or renewal of vehicle transporter certificate under ORS 822.310, [*\$150*] **\$450**.

(9) Fee for issuance or renewal of driver training instructor certificate under ORS [*822.530*] **822.515**, [*\$100*] **\$200**.

(10) Fee for issuance or renewal of commercial driver training school certificate under ORS 822.515, [*\$200*] **\$400**.

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

**SECTION 28.** ORS 822.990 is amended to read:

822.990. (1) The Department of Transportation may levy and collect a civil penalty in the amount of \$1,000 for each violation against any person who violates ORS 822.500 [*or 822.525*].

(2) Civil penalties under this section shall be imposed in the manner provided in ORS 183.745.

**SECTION 29.** (1) **The amendments to ORS 822.515 and 822.700 by sections 26 and 27 of this 2023 Act and the repeal of ORS 822.505, 822.510, 822.520, 822.525, 822.530 and 822.535 by section 25 of this 2023 Act apply to driver training instructor certificates and commercial driver training school certificates issued or renewed on or after the operative date specified in section 52 of this 2023 Act.**

(2) **The amendments to ORS 822.700 by section 27 of this 2023 Act apply to fees imposed on or after the operative date specified in section 52 of this 2023 Act.**

## VEHICLE TRANSPORTERS

**SECTION 30.** ORS 822.310 is amended to read:

822.310. (1) The holder of a current, valid vehicle transporter certificate issued under this section may exercise the following privileges under this certificate:

(a) The person is not subject to the prohibitions and penalties under ORS 822.300 while transporting vehicles as provided under this section.

(b) The person is entitled to apply for and receive [*a sufficient number of*] **no more than 10** special vehicle transporter plates or devices and may transport vehicles as provided under this section **in this state** while displaying the plate or device. Only one plate or device shall be displayed on a vehicle. The plates or devices shall require a fee for issuance as provided in ORS

805.250. A plate or device issued under this paragraph may be used on any vehicle transported by the person.

(c) The person may drive or tow on its own wheels over the highways of this state any unregistered vehicle or manufactured structure from outside this state or from manufacturers or dealers within this state to a prospective purchaser, manufacturer or dealer in this or any other state, territory or foreign country. This paragraph only permits the person to transport manufactured structures from the place of manufacture to the place of business of a manufactured structure dealer holding a license under ORS 446.691 or 446.696 or a temporary manufactured structure dealer license under ORS 446.701 or to a place outside of Oregon. Any other movement of a manufactured structure by the person must be under a trip permit issued by a county as agent for the Department of Consumer and Business Services.

(2) The Department of Transportation shall provide for the issuance and renewal of vehicle transporter certificates under this section to persons regularly engaged in businesses that require the certificates.

(3) Vehicle transporter certificates issued under this section are subject to all of the following:

(a) A certificate described in this section is valid for a [one-year] **three-year** period and shall be renewed as provided by the department.

(b) The department [shall] **may** not issue a certificate to a person until the fee for issuance of the certificate under ORS 822.700 is paid.

(4) The department may adopt necessary rules for the administration of the laws relating to the regulation of vehicle transporters, the issuance and renewal of vehicle transporter certificates, the issuance of vehicle transporter identification cards and the issuance of vehicle transporter plates. The rules adopted under this subsection must be consistent with any rules regarding vehicle transporters that are adopted under ORS chapter 825. The rules may include, but are not limited to, grounds and procedures for the revocation, denial or suspension of vehicle transporter certificates and for placing vehicle transporters on probationary status.

(5) A person issued a certificate under this section is subject to regulation under ORS chapter 825.

**SECTION 31. The amendments to ORS 822.310 by section 30 of this 2023 Act apply to vehicle transporter certificates and vehicle transporter plates issued on or after January 1, 2024. Vehicle transporter certificates and vehicle transporter plates issued before January 1, 2024, shall continue to be governed by ORS 822.310 as in effect immediately before January 1, 2024.**

**SECTION 32.** ORS 822.315 is amended to read:

822.315. (1) A person commits the offense of improperly using a vehicle transporter plate if the person is the holder of a vehicle transporter certificate and the person does any of the following:

(a) Exercises privileges granted under ORS 822.310 for vehicles with special vehicle transporter plates issued under ORS 822.310 without conspicuously displaying the plates on the rear of each vehicle.

(b) Uses a special vehicle transporter plate to transport a manufactured structure to a situs not permitted under the privileges granted under ORS 822.310.

(c) Allows any person other than the transporter or transporter's employee to use the special vehicle transporter plates issued to the transporter under ORS 822.310.

**(d) Uses the plate outside of the State of Oregon.**

(2) The offense described in this section, improper use of vehicle transporter plates, is a Class D traffic violation.

**SECTION 33. The amendments to ORS 822.315 by section 32 of this 2023 Act apply to offenses committed on or after the operative date specified in section 52 of this 2023 Act.**

## **DRIVE TEST PROVIDERS**

**SECTION 34.** ORS 802.600 is amended to read:

802.600. (1) The Department of Transportation may enter into an agreement with any *[person who is not an employee of the department, including but not limited to an integrator, enabling the person]* **qualified provider** to transact on behalf of the department the following functions of the department:

- (a) Any vehicle-related transaction for which the department is responsible.
- (b) Processing of fees or taxes for a vehicle-related transaction for which the department is responsible.
- (c) Written and skills testing for driver licenses and permits, including commercial driver licenses.

(2) An agreement described in subsection (1) of this section may be in any form and may contain any provisions that the department determines to be in the best interests of the public and convenient for the department, including but not necessarily limited to provisions that allow the department to:

- (a) Ensure product quality control.
- (b) Audit activities of the *[person]* **qualified provider** entering into the agreement to ensure compliance with the agreement.
- (c) Impose sanctions on a *[person]* **qualified provider** for violation of the agreement.

(3) A *[person]* **qualified provider** authorized to transact business for the department under this section, including but not limited to a *[person]* **qualified provider** who transacts business under contract with an integrator, may charge a fee for the services provided. Fees authorized under this subsection are in addition to any charges or fees that the department is authorized by statute to collect for the transaction.

(4)(a) The department may adopt such rules as are necessary to carry out the provisions of this section, including but not limited to rules that:

- (A) Specify criteria for eligibility of a *[person]* **qualified provider** to enter into an agreement with the department under this section.
- (B) Specify the manner in which fees authorized by this section will be collected and establish any notification the *[person]* **qualified provider** is required to give the public about the fees.
- (C) Require a bond in an amount determined by the department from a *[person]* **qualified provider** acting under an agreement described in this section.
- (D) Prohibit disclosure of personal information from driver or vehicle records except in accordance with applicable laws.

(b) The department may not adopt rules establishing the amount of a fee to be charged by a *[person]* **qualified provider** acting under this section.

(c) Rules adopted under this subsection shall be developed in consultation with persons who might enter into agreements with the department under this section, including but not limited to integrators and vehicle dealers.

(5) As used in this section[,]:

(a) “Integrator” means a person who enters into a contract with the Department of Transportation:

[(a)] (A) To provide information and supplies to a *[person]* **qualified provider** who transacts business for the department under an agreement described in this section; and

[(b)] (B) To collect moneys due from *[persons]* **qualified providers** who transact the business and remit the moneys to the department.

(b) “Qualified provider” means:

(A) Community college operated under ORS chapter 341;

(B) Education service district; or

(C) Person who is not an employee of the department, including but not limited to an integrator.

## REMOVAL OF PERSONAL PROPERTY ON HIGHWAY RIGHT OF WAY

**SECTION 35.** (1) The Department of Transportation may enter into an intergovernmental agreement with a city that has a population of 500,000 or more for the removal, storage and disposition of personal property deposited, left or displayed on property that is owned by the department. The city shall prioritize removal of personal property that is within the right of way of a highway under the jurisdiction of the department as a road authority pursuant to ORS 810.010.

(2) Notwithstanding ORS 377.650, 377.653 and 377.655, an intergovernmental agreement entered into under this section may provide alternative provisions related to the removal, storage and disposition of personal property if the alternative provisions conform with the requirements for local government policy for removal of homeless individuals and personal property under ORS 195.505.

(3) In addition to the requirements described in subsection (2) of this section, an intergovernmental agreement entered into under this section must include the following:

(a) Requirements for posting notice before the removal of personal property, including but not limited to the following:

(A) That the notice is created using durable materials and securely posted within 30 feet of the personal property to be removed;

(B) That the notice must provide the date the notice begins and the date upon which the city or department may begin removing personal property; and

(C) That the notice must provide a description of:

(i) How an individual may access personal property that is removed and stored; and

(ii) The length of time the city or department will store personal property before the city or department disposes of it.

(b) A requirement that the notice expires 10 days after the city or department posts the notice.

(c) A severe weather protocol regarding the weather conditions under which the city or department will not remove personal property.

(d) Provisions related to inventorying and storing the personal property to be removed.

(e) Provisions related to the city or department relinquishing unclaimed personal property after the storage period to the city's or department's designated agent.

(f) Provisions related to when the city will provide impact reduction services, including but not limited to trash collection.

(g) A provision providing that if the department requests city services under the intergovernmental agreement, but the city is unable or unwilling to provide services as requested, the department or the department's contractor may perform the requested services consistent with the terms of the agreement, including but not limited to posting notice.

(4) The 72-hour notice under ORS 195.505 required under subsection (2) of this section does not apply:

(a) When there are grounds for law enforcement officials to believe that illegal activities other than camping are occurring;

(b) Where there is an exceptional emergency, such as possible site contamination by hazardous materials; or

(c) When there is immediate danger to human life or safety.

(5) Before the city adopts an intergovernmental agreement under this section or changes to the agreement, the city shall invite public comment on the proposed agreement or the proposed changes to the agreement.

## CONFORMING AMENDMENTS

**SECTION 36.** ORS 87.152 is amended to read:

87.152. (1) Except as provided in subsections (2) and (3) of this section, a person that makes, alters, repairs, transports, stores, pastures, cares for, provides services for, supplies materials for

or performs labor on a chattel at the request of the owner or lawful possessor of the chattel has a lien on the chattel in the possession of the person for the reasonable or agreed charges for labor, materials or services of the person, and the person may retain possession of the chattel until the charges are paid.

(2)(a) Except as provided in subsection (3) of this section, a person may not create, attach, assert or claim a possessory lien on a motor vehicle, as defined in ORS 801.360, unless the person performs a service that complies with ORS 646A.480 to 646A.495 and that involves making, altering, repairing, transporting, storing, providing services for, supplying material for or performing labor in connection with the motor vehicle and the person:

(A) Is a franchised motor vehicle dealership, as defined in ORS 650.120 (5), or a manufacturer, as defined in ORS 650.120, of the motor vehicle;

(B) Holds a towing business certificate that the Department of Transportation issued under ORS 822.205, provided that the person creates, attaches, asserts or claims a possessory lien only for transporting or storing the motor vehicle; or

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

(b) A person, other than a person that is described in paragraph (a)(A), (B) or (C) of this subsection, shall have in effect a surety bond or irrevocable letter of credit in the amount of \$20,000 before, and shall maintain the surety bond or irrevocable letter of credit during, any period in which the person creates, attaches, asserts or claims a possessory lien on a motor vehicle after making, altering, repairing, transporting, storing, performing services for, supplying materials for or performing labor in connection with the motor vehicle.

(c)(A) The surety bond and the irrevocable letter of credit described in paragraph (b) of this subsection must be issued, respectively, by a corporate surety that is authorized to transact business in this state and by a financial institution, as defined in ORS 706.008. The corporate surety or the financial institution, as appropriate, shall notify the Department of Transportation of any cancellation of the surety bond or irrevocable letter of credit. The corporate surety remains liable under the surety bond and the financial institution remains obligated under the irrevocable letter of credit until the department receives the notice or until the date of cancellation specified in the notice, whichever is later.

(B) A surety bond or irrevocable letter of credit described in paragraph (b) of this subsection must be:

(i) Executed to the State of Oregon;

(ii) Approved by the Attorney General as to form;

(iii) Filed with and held by the department; and

(iv) Conditioned such as to compensate parties damaged as a result of a use of a possessory lien in connection with a misrepresentation, a fraud or a violation of a duty set forth in ORS 646A.480 to 646A.495.

(C) The person described in paragraph (b) of this subsection as subject to the requirement to have in effect a surety bond or irrevocable letter of credit must certify in writing to the department each year that the surety bond or irrevocable letter of credit remains in effect. If another person obtains a recovery against the surety bond or irrevocable letter of credit, the person shall file with the department not later than three business days after the date of the recovery a new surety bond or irrevocable letter of credit in the amount specified in paragraph (b) of this subsection.

(3)(a) As used in this subsection:

(A) "Auction company" means an entity:

(i) That operates throughout the United States;

(ii) That holds a vehicle dealer certificate that the Department of Transportation issued [*or renewed*] under ORS 822.020 [*or 822.040*], or a dismantler certificate that the department issued or renewed under ORS 822.110 or 822.125; and

(iii) The primary activity of which, in this state, consists of disposing of totaled motor vehicles.

(B) "Motor vehicle" has the meaning given that term in ORS 801.360.

(b) An auction company has a lien on a motor vehicle that the auction company possesses and stored on premises the auction company owns or controls. The auction company may title the motor vehicle in the name of:

(A) The auction company, if the motor vehicle has remained unclaimed on the auction company's premises for more than 30 days;

(B) The insurance company that directed the auction company to take possession of the motor vehicle; or

(C) An organization with an exemption from taxation under section 501(c)(3) of the Internal Revenue Code that directed the auction company to take possession of the motor vehicle.

(c) ORS 87.166 and 87.172 to 87.212 do not apply to chattel that is subject to this subsection.

(4)(a) The owner of a motor vehicle may bring an action to recover from a person that refuses, at the owner's demand and without a valid possessory lien created and attached as provided in subsection (2) or (3) of this section, to release the owner's motor vehicle or restore to the owner title to the owner's motor vehicle if the person changed the title:

(A) The greater of \$2,000 or an amount equivalent to twice the value of the motor vehicle, up to a maximum amount of \$20,000; and

(B) The owner's reasonable costs and attorney fees.

(b) In addition to the recovery described in paragraph (a) of this subsection, the owner may obtain:

(A) A judgment that:

(i) Directs the Department of Transportation to restore title to the motor vehicle to the owner and to invalidate the title the person obtained; or

(ii) Extinguishes the person's interest in the motor vehicle and directs the department to issue title in the name of the plaintiff in the action;

(B) A judgment that declares that the person's lien is invalid if the person obtained title to the motor vehicle without complying with this section; and

(C) Reimbursement for any fees the owner pays to the department to reissue the title.

**SECTION 37.** ORS 646A.090 is amended to read:

646A.090. (1) As used in this section:

(a) "Buyer" means a person that purchases or leases a motor vehicle.

(b) "Final approval of funding" means a lender's irrevocable agreement to purchase a retail installment contract or lease agreement from a seller according to the exact terms that the seller and buyer have negotiated.

(c) "Lender" means a person that purchases a retail installment contract or lease agreement for a motor vehicle.

(d) "Motor vehicle" means a motor vehicle, as defined in ORS 801.360, that is sold or leased in this state for personal, family or household purposes.

(e) "Seller" means a person that holds a current, valid vehicle dealer certificate issued under ORS 822.020 [or renewed under ORS 822.040].

(2) A seller may offer to sell or lease a motor vehicle to a buyer or prospective buyer under a retail installment contract or lease agreement that is subject to a lender's agreement to purchase the retail installment contract or lease agreement into which the buyer enters.

(3) In any transaction described in subsection (2) of this section:

(a) If, within 14 days after a buyer takes possession of a motor vehicle, a lender does not agree to purchase a retail installment contract or lease agreement on the exact terms that the seller and the buyer negotiate and the seller does not receive final approval of funding from the lender, the seller shall return to the buyer all items of value the seller received from the buyer as part of the transaction; and

(b) If the seller has accepted a trade-in motor vehicle from the buyer, the seller may not sell or lease the buyer's trade-in motor vehicle before the seller receives final approval of funding from the lender.



(4) In any transaction described in subsection (2) of this section, if the buyer has accepted a motor vehicle from the seller that is subject to a retail installment contract or lease agreement, and a lender does not agree to purchase the retail installment contract or lease agreement on the exact terms the seller and the buyer negotiated, the buyer shall return to the seller all items of value the buyer received from the seller as part of the transaction. The seller may charge the buyer only for amounts that the retail installment contract or lease agreement provides in writing that the seller may charge. The retail installment contract or lease agreement may provide only for these amounts:

(a) The fair market value of damage to, excessive wear and tear on or loss of the motor vehicle that occurs between the date the buyer takes possession of the motor vehicle and the date the buyer returns the motor vehicle to the seller's custody; and

(b) If, within 14 days after the date on which the buyer takes possession of the motor vehicle, the seller sends notice to the buyer by first class mail or written electronic communication that a lender has not agreed to purchase the retail installment contract or lease agreement, a reasonable charge per mile for the use of the motor vehicle. The charge may not exceed the rate per mile allowed under federal law as a deduction for federal income tax purposes for an ordinary and necessary business expense.

(5) If the buyer makes a reasonable attempt to return the vehicle within five days after the seller sends a notice under subsection (4)(b) of this section, but the seller is not available to accept the return, the seller may not charge the buyer under subsection (4)(b) of this section.

(6)(a) Subject to paragraph (b) of this subsection, a seller has an affirmative defense to a claim or charge of violating subsection (3)(a) of this section by showing that the buyer failed to return the motor vehicle after the seller sent the notice described in subsection (4)(b) of this section.

(b) A seller shall retain proof of the date on which the seller sent to the buyer the notice described in subsection (4)(b) of this section.

**SECTION 38.** ORS 802.031 is amended to read:

802.031. (1) Nothing in ORS 802.600 prohibits the Department of Transportation from adopting rules to:

(a) Authorize persons to act as agents for the department for the purpose of issuing winter recreation parking permits.

(b) Designate vehicle dealers holding a valid certificate issued under ORS 822.020 [or 822.040] to act as agents of the department for purposes of accepting documents and fees necessary to title and register any vehicle the vehicle dealer sells, or to perform other duties the department may authorize. Other duties may include, but need not be limited to:

(A) Issuing permits under ORS 803.600 and 803.625; and

(B) Performing vehicle identification number inspections.

(2) A vehicle dealer designated under this section shall:

(a) Transmit title and registration documents with all required fees to the department within the time specified in ORS 822.042 and in accordance with any other applicable statutes or applicable rules adopted by the department.

(b) Maintain records as determined by the department to show compliance with this section and any rules adopted by the department.

**SECTION 39.** ORS 803.552 is amended to read:

803.552. (1) As used in this section:

(a) "Car rental company" has the meaning given that term in ORS 803.219.

(b) "Integrator" has the meaning given that term in ORS 802.600.

(2) If the Department of Transportation receives an application for vehicle registration from a car rental company that was submitted to an integrator and the application does not include the primary ownership record for the motor vehicle, the department may issue registration plates for the vehicle if the conditions described in subsection (3) of this section are met.

(3) Before the department may issue registration plates under subsection (2) of this section, a car rental company must:

(a) Possess a valid Oregon vehicle dealer certificate issued [*or renewed*] under ORS 822.020 [*or 822.040*];

(b) Certify that the car rental company has not received the primary ownership record for the vehicle as of the date the application is submitted; and

(c) Meet any other requirements adopted by the department by rule.

(4) In addition to any fee for registration or issuance of registration plates, the department may charge a fee for providing the services authorized by this section. The department shall establish the amount of the fee by rule.

(5) The department shall adopt rules to carry out the provisions of this section.

**SECTION 40.** ORS 805.250 is amended to read:

805.250. This section establishes fees for issuance of registration plates authorized under ORS 805.200. If a fee for plates authorized in ORS 805.200 is not established in this section, the fee is the same fee as established under ORS 803.570. Where a fee is established under this section, the fee is in addition to the fee established under ORS 803.570 unless otherwise provided in the following:

(1) Amateur radio operator registration plates issued under ORS 805.230, \$5.

(2) Customized registration plates issued under ORS 805.240:

(a) For original issuance or renewal, \$50 annual fee.

(b) For issuance of a duplicate or replacement plate, \$5 when the plate is issued at the time of renewal of registration or \$10 when the plate is issued at any other time.

(3) Special interest registration plates approved under ORS 805.210 are approved without cost except as provided in this subsection, including without payment of the fee established under ORS 803.570. If identifying stickers are required, \$1 per sticker or pair of stickers.

(4) Dealer plates issued under ORS [*822.020 and*] 822.040 are as follows:

(a) For the original dealer plate, no fee except the fee established under ORS 803.570.

(b) For replacement dealer plates, \$10 for each plate except that persons dealing exclusively in motorcycles, mopeds, snowmobiles or any combination of those vehicles shall pay only \$3 for each replacement plate.

(c) For additional plates, or for renewal of registration, \$42, except that persons dealing exclusively in motorcycles, mopeds or snowmobiles or any combination of those vehicles shall pay only \$9 for each additional plate, or for renewal of registration.

(5) Special vehicle transporter plates or devices issued under ORS 822.310, \$5 for each plate or device.

**SECTION 41.** ORS 819.482 is amended to read:

819.482. (1) A person commits the offense of acting as a vehicle appraiser without a certificate if the person does not hold a vehicle appraiser certificate issued under ORS 819.480 and the person, for consideration, issues an opinion as to the value of a vehicle.

(2) This section does not apply to:

(a) A person who holds a vehicle dealer certificate issued [*or renewed*] under ORS 822.020 [*or 822.040*] and who appraises vehicles in the operation of the vehicle dealer's business;

(b) A person from another jurisdiction who holds a vehicle appraiser certificate requiring qualifications substantially similar to qualifications required for the certification of a vehicle appraiser in this state;

(c) An insurance adjuster authorized to do business under ORS 744.515 or 744.521; or

(d) A person licensed or certified to appraise real estate under ORS 674.310 and who appraises the value of manufactured structures.

(3) The offense described in this section, acting as a vehicle appraiser without a certificate, is a Class A violation.

**SECTION 42.** ORS 822.015 is amended to read:

822.015. (1) In addition to any exemptions from the vehicle code under ORS 801.026, ORS 822.005 does not apply to the following vehicles or persons:

(a) Road rollers, farm tractors, farm trailers, trolleys, implements of husbandry, emergency vehicles, well-drilling machinery and boat or utility trailers with a gross weight of 1,800 pounds or less.

(b) The owner of a vehicle as shown by the vehicle title issued by any jurisdiction if the person owned the vehicle primarily for personal, family or household purposes. If the person has sold, traded, displayed or offered for sale, trade or exchange more than five vehicles in one calendar year, the person shall have the burden of proving that the person owned the vehicles primarily for personal, family or household purposes or for other purposes that the Department of Transportation, by rule, defines as constituting an exemption under this section.

(c) A receiver, trustee, personal representative or public officer while performing any official duties.

(d) The lessor or security interest holder of a vehicle as shown by the vehicle title issued by any jurisdiction.

(e) Except as otherwise provided in this paragraph, a manufacturer who sells vehicles the manufacturer has manufactured in Oregon. Nothing in this paragraph prevents any manufacturer from obtaining a vehicle dealer certificate under ORS 822.020. This paragraph does not exempt a manufacturer who sells or trades campers or travel trailers.

(f) An insurance adjuster authorized to do business under ORS 744.515 or 744.521 who is disposing of vehicles for salvage.

(g) Except as otherwise provided in this paragraph, a person who sells or trades or offers to sell or trade a vehicle that has been used in the operation of the person's business. This paragraph does not exempt a person who is in the business of selling, trading, displaying, rebuilding, renting or leasing vehicles from any requirement to obtain a certificate for dealing in those vehicles.

(h) A person who receives no money, goods or services, either directly or indirectly, for displaying a vehicle or acting as an agent in the buying or selling of a vehicle.

(i) A person who collects, purchases, acquires, trades or disposes of vehicles and vehicle parts for the person's own use in order to preserve, restore and maintain vehicles for the person's own use or for hobby or historical purposes.

(j) A manufactured structure dealer subject to the licensing requirement of ORS 446.671 or a person exempt from licensing under ORS 446.676 when selling a vehicle, trailer or semitrailer accepted in trade as part of a manufactured structure transaction. A manufactured structure dealership or exempt person may not directly sell more than three vehicles per calendar year under authority of this paragraph, but by consignment with a dealer certified under ORS 822.020 [or 822.040] may sell an unlimited number of vehicles acquired as described in this paragraph.

(k) A lien claimant who sells vehicles in order to foreclose possessory liens.

(L) A lien claimant who, in a 12-month period, sells 12 or fewer vehicles that the lien claimant acquired through possessory liens if the vehicles are sold at the business location of the lien claimant.

(m) Electric personal assistive mobility devices.

(n) A tower that received title for a vehicle under ORS 822.235.

(2) Notwithstanding ORS 822.005, the following may participate with other dealers in a display of vehicles, including but not limited to an auto show, if the display is an event that lasts for 10 days or less and is an event for which the public is charged admission:

(a) A person who is licensed as a vehicle dealer in another jurisdiction; or

(b) Any employee of a person who is licensed as a vehicle dealer in another jurisdiction.

(3) Notwithstanding ORS 822.005, a person who is licensed as a vehicle dealer in another jurisdiction or an employee of a person who is certified or licensed as a vehicle dealer may participate in a vehicle auction if the vehicle auction is:

(a) Conducted by a vehicle dealer who holds a vehicle dealer certificate issued [or renewed] under ORS 822.020 [or 822.040]; and

(b) Open only to certified or licensed vehicle dealers or their employees.

(4) The department shall adopt rules to carry out the provisions of this section, including but not limited to specifying which dealers may take vehicles on consignment from other jurisdictions.

**SECTION 43.** ORS 822.025 is amended to read:

822.025. An application for a vehicle dealer certificate issued by the Department of Transportation under ORS 822.020 shall be in a form prescribed by the department and shall contain all of the following:

(1) The names and residence addresses of the persons applying, as follows:

(a) If the applicant is a firm or partnership, the name of the firm or partnership with the names and residence addresses of all members thereof.

(b) If the applicant is a corporation, the name of the corporation with the names of the principal officers and their residence addresses and the name of the state under whose laws the corporation is organized.

(2) The name under which the business will be conducted.

(3) The street address, including city and county in Oregon, where the business will be conducted.

(4) Whether or not used vehicles are handled.

(5) A certificate from the applicant showing that the applicant will act as a vehicle dealer and will conduct business at the location given on the application.

(6) A certificate signed by a person authorized by the local governing body to do so, stating that the location of the business as given in the application for a certificate complies with any land use ordinances or business regulatory ordinances of the city or county. The provisions of this subsection do not apply to renewal of a vehicle dealer certificate under ORS [822.040] **822.020** unless the location of the business is being changed at the time of renewal.

(7) Any information required by the department to efficiently administer the registration of vehicles and regulation of dealers or other relevant information required by the department.

(8) If the applicant is a dealer subject to the education and test requirements under ORS 822.027 (1)(a), a certificate from the provider of each precertification education program listing the courses that the applicant has completed and the tests that the applicant has passed in the precertification education program.

(9) If the applicant will offer new recreational vehicles for sale, a certificate from the applicant stating that the applicant will maintain a recreational vehicle service facility at the street address provided by the applicant pursuant to subsection (3) of this section.

**SECTION 44.** ORS 822.027 is amended to read:

822.027. (1) Except as provided in subsections (2) and (3) of this section, the following education requirements apply to an applicant for a vehicle dealer certificate under ORS 822.020 [or 822.040]:

(a) An applicant for a vehicle dealer certificate under ORS 822.020 must complete a minimum of eight hours of courses in any approved precertification education program described in subsection (4) of this section and pass the tests required under paragraph (c) of this subsection within one year prior to submitting an application for the certificate;

(b) An applicant for a renewal certificate under ORS [822.040] **822.020** must, for each year of a certification period, complete a minimum of four hours of courses in any approved continuing education program described in subsection (4) of this section and pass the tests required under paragraph (c) of this subsection prior to submitting an application for the renewal certificate. An applicant may not repeat a course in an approved continuing education program for which the applicant previously obtained credit within the same certification period; and

(c) For each course hour required under paragraphs (a) and (b) of this subsection, the provider shall administer a test and the applicant must pass each test with a score of at least 70 percent in order to receive credit for the course hour. Each test must contain at least 10 questions.

(2) The precertification education requirements in subsection (1)(a) of this section do not apply to an applicant for a vehicle dealer certificate under ORS 822.020 [or 822.040] if, at the time of application, the applicant holds another certificate issued under ORS 822.020 [or 822.040].

(3) The continuing education requirements of subsection (1)(b) of this section do not apply to an applicant for renewal of a vehicle dealer certificate under ORS [822.040] **822.020** if the applicant is:

(a) A dealer having a franchise in this state for nationally advertised and recognized motor vehicles;

(b) A dealer having a franchise in this state for new recreational vehicles;

(c) A motor vehicle rental company having a national franchise under the ownership of a corporation that operates throughout the United States; or

(d) A national auction company that holds a vehicle dealer certificate and a dismantler certificate whose primary activity in this state is the sale or disposition of totaled vehicles.

(4) Precertification and continuing education programs and the tests required in subsection (1) of this section may be developed by any motor vehicle industry organization including, but not limited to, the Oregon Independent Auto Dealers Association. Each education program shall be submitted to the advisory committee established under ORS 802.370 for approval every two years. The committee shall vote to approve or deny approval of each program. A program that is approved must cover state and federal law in at least the following areas:

(a) Motor vehicle advertising;

(b) Odometer laws and regulations;

(c) Vehicle licensing and registration;

(d) Unlawful dealer activities;

(e) Environmental rules and regulations;

(f) Oregon and industry standard motor vehicle forms;

(g) Truthful lending practices;

(h) Motor vehicle financing;

(i) Service and warranty contracts; and

(j) Land use regulations governing motor vehicle dealers.

(5) Precertification and continuing education programs required in subsection (1) of this section may be provided by accredited educational institutions, private vocational schools, correspondence schools or trade associations if the education programs have been approved by the advisory committee established under ORS 802.370 as required in subsection (4) of this section.

(6) The approval of an education program under subsection (4) of this section expires two years from the date of the approval.

**SECTION 45.** ORS 822.030 is amended to read:

822.030. (1) A bond or letter of credit required to qualify for a vehicle dealer certificate under ORS 822.020 [or to qualify for renewal of a certificate under ORS 822.040] must comply with all of the following:

(a) The bond shall have a corporate surety licensed to do business within this state. A letter of credit shall be an irrevocable letter of credit issued by an insured institution, as defined in ORS 706.008. The surety or institution shall notify the Department of Transportation if the bond or letter of credit is canceled for any reason. The surety or institution shall continue to be liable under the bond or letter of credit until the department receives the notice required by this paragraph, or until the cancellation date specified in the notice, whichever is later.

(b) The bond or letter of credit shall be executed to the State of Oregon.

(c) Except as otherwise provided in this paragraph, the bond or letter of credit shall be in the following sum:

(A) If the person holds a certificate to be a dealer exclusively in motorcycles, mopeds, Class I all-terrain vehicles or snowmobiles or any combination of those vehicles, the bond or letter of credit shall be for \$10,000.

(B) Except as provided in subparagraph (A) of this paragraph, if the applicant is seeking a certificate to be a vehicle dealer, the bond or letter of credit shall be for \$50,000 for each year the certificate is valid.

(d) The bond or letter of credit described in this subsection shall be approved as to form by the Attorney General.

(e) The bond or letter of credit must be conditioned that the person issued the certificate shall conduct business as a vehicle dealer without fraud or fraudulent representation and without violating any provisions of the vehicle code relating to vehicle registration, vehicle permits, the transfer or alteration of vehicles or the regulation of vehicle dealers.

(f) The bond or letter of credit must be filed and held in the office of the department.

(g) The vehicle dealer shall purchase a bond or letter of credit under this subsection annually on or before each anniversary of the issuance of the vehicle dealer's certificate.

(2) Any person shall have a right of action against a vehicle dealer, against the surety on the vehicle dealer's bond and against the letter of credit in the person's own name if the person suffers any loss or damage by reason of the vehicle dealer's fraud, fraudulent representations or violations of provisions of the vehicle code relating to:

(a) Vehicle registration;

(b) Vehicle permits;

(c) The transfer or alteration of vehicles; or

(d) The regulation of vehicle dealers.

(3) Notwithstanding subsection (2) of this section, the maximum amount available under a bond or letter of credit described in subsection (1)(c)(B) of this section for the payment of claims to persons other than retail customers of the dealer is \$10,000.

(4) Notwithstanding subsection (2) of this section, a person other than a retail customer of the vehicle dealer may not make a claim under subsection (2) of this section against the surety on the vehicle dealer's bond, or against the vehicle dealer's letter of credit, if the vehicle dealer holds a vehicle dealer certificate to deal exclusively in motorcycles, mopeds, Class I all-terrain vehicles or snowmobiles or any combination of those vehicles.

(5) If the certificate of a vehicle dealer is not renewed or is voluntarily or involuntarily canceled, the sureties on the bond and the issuer of the letter of credit are relieved from liability that accrues after the department cancels the certificate.

**SECTION 46.** ORS 822.033 is amended to read:

822.033. A certificate of insurance required to qualify for a vehicle dealer certificate under ORS 822.020 or to qualify for renewal of a certificate under ORS [822.040] **822.020** must comply with all of the following:

(1) The certificate shall:

(a) Be issued by an insurance carrier licensed to do business within this state;

(b) Show that the dealer is insured by a policy that provides the minimum limits of coverage required under ORS 806.070;

(c) Show that the dealer is insured by a policy that provides for payment of judgments of the type described in ORS 806.040;

(d) Show that the dealer is insured by a policy covering all vehicles manufactured, owned, operated, used or maintained by or under the control of the dealer;

(e) Show that the dealer is insured by a policy that also covers all other persons who, with the consent of the dealer, use or operate vehicles manufactured, owned or maintained by or under the control of the dealer;

(f) Be dated as of the date of the motor vehicle policy for which it is given;

(g) Contain the policy number; and

(h) Provide that the insurer shall give the Department of Transportation written notice of any cancellation of the policy and that the insurer shall continue to be liable under the policy until the department receives the notice required by this paragraph or until the cancellation date specified in the notice, whichever is later.

(2) The certificate of insurance must be filed and held in the office of the department.

(3) A dealer is exempt from the requirement to file the certificate of insurance described in this section if the dealer certifies, in such form as may be required by the department, that the dealer will be dealing exclusively in one or more of the following:

- (a) Antique vehicles issued permanent registration under ORS 805.010;
- (b) Farm trailers;
- (c) Farm tractors;
- (d) Implements of husbandry; or
- (e) Snowmobiles, Class I or Class III all-terrain vehicles.

**SECTION 47.** ORS 822.045 is amended to read:

822.045. (1) A vehicle dealer improperly conducts a vehicle dealer business and is subject to the penalties under this section if the vehicle dealer commits any of the following offenses:

(a) A vehicle dealer commits the offense of failure to obtain a supplemental vehicle dealer certificate if the vehicle dealer opens any additional place of business using the same business name as a place of business approved under a vehicle dealer certificate without first obtaining a supplemental dealer certificate under ORS 822.040.

(b) A vehicle dealer commits the offense of failure to obtain a corrected vehicle dealer certificate if the dealer moves a place of business or changes the business name without first obtaining a corrected dealer certificate under ORS 822.040.

(c) A vehicle dealer commits the offense of failure to maintain proper vehicle dealer records if the dealer does not keep records or books with all of the following information concerning any used or secondhand vehicles or campers the dealer deals with:

- (A) A record of the purchase, sale or exchange or of the dealer's receipt for purpose of sale.
- (B) A description of the vehicle or camper.

(C) The name and address of the seller, the purchaser and the alleged owner or other person from whom the vehicle or camper was purchased or received or to whom it was sold or delivered.

(D) For motor vehicles, the vehicle identification number and any other numbers or identification marks as may be thereon and a statement that a number has been obliterated, defaced or changed, if such is a fact.

(E) For trailers and campers, the vehicle identification number and any other numbers or identification marks as may be thereon.

(F) A duly assigned certificate of title or other primary ownership record or a bill of sale from the registered owner of the vehicle or camper from the time of delivery to the dealer until the dealer disposes of the vehicle or camper. If title is issued for the vehicle in a form other than a certificate, or if the primary ownership record is in a form other than a document, a dealer shall keep records in accordance with rules adopted by the Department of Transportation for the purpose of complying with this subparagraph.

(d) A vehicle dealer commits the offense of failure to allow administrative inspection if the dealer refuses to allow the department to conduct an inspection under ORS 822.035 at any time during normal business hours.

(e) A vehicle dealer commits the offense of failure to allow police inspection if the dealer refuses to allow any police officer to conduct an inspection under ORS 810.480 at any time during normal business hours.

(f) A vehicle dealer commits the offense of illegal use of dealer vehicle for hire if the dealer allows any vehicle operated under vehicle dealer registration to be loaned or rented with or without driver for hire or direct compensation.

(g) A vehicle dealer commits the offense of improper use of dealer plates or devices if the dealer or employee of the dealer causes or permits the display or use of any special vehicle dealer registration plate or device on any vehicle not owned or controlled by the dealer.

(h) A person commits the offense of improper display of dealer plates if the person operates over and along the highways of this state any unregistered vehicle owned or controlled by the dealer and any dealer plates issued are not displayed in the manner provided in ORS 803.540 for the display of registration plates.

(i) A vehicle dealer commits the offense of failure to exhibit the dealer certificate if the dealer fails to permanently exhibit the certificate at the place of business of the person at all times while the certificate is in force.

(j) Except as provided in subsection (2) of this section, a vehicle dealer commits the offense of failure to provide clear title if:

(A) Within 15 days of transfer of any interest in a vehicle or camper to the dealer by a consumer, the dealer fails to satisfy:

(i) The interest of any person from whom the dealer purchased or obtained the vehicle or camper;

(ii) The interest of any person from whom the person described in sub-subparagraph (i) of this subparagraph leased the vehicle or camper; and

(iii) All security interests in the vehicle or camper entered into prior to the time of transfer.

(B) Within 15 days of receiving clear title to a vehicle or camper from another dealer, the purchasing dealer fails to satisfy the interest of the dealer from which the purchasing dealer received the certificate of title or other primary ownership document. For purposes of this subparagraph, a purchasing dealer receives a certificate of title or other primary ownership document from a dealer on the date:

(i) The purchasing dealer or the Department of Transportation takes physical possession of the certificate or document; or

(ii) A written notice is mailed by certified or registered mail, return receipt requested, to the purchasing dealer from the dealer, stating that the certificate or document is available to be picked up at a place and time prearranged by both parties. The written notice must be mailed to a business address of the purchasing dealer that is on file with the department. Service by mail under this sub-subparagraph is effective on the date of mailing.

(k) Except as provided in subsection (3) of this section, a vehicle dealer commits the offense of failure to furnish certificate of title or application for title if, within 90 calendar days of transfer of any interest in a vehicle or camper by the dealer, the dealer has failed to:

(A) Furnish the certificate of title or other primary ownership record for the vehicle or camper and any release thereon or, if title has been issued or is to be issued in a form other than a certificate, any information or documents required by rule of the department, to the security interest holder next named, if any, otherwise to the lessor or, if none, to the purchaser; or

(B) Submit to the department in a manner that complies with any applicable statutes and rules, an application for title on behalf of the person to whom the title is to be furnished or whose name is to be shown on the title record.

(L) A vehicle dealer commits the offense of failure to maintain bond or letter of credit coverage if the dealer permits a bond or letter of credit to lapse during the period that the bond or letter of credit is required under ORS 822.020 [or 822.040] or if the dealer fails to purchase a bond or letter of credit required by ORS 822.030.

(m) A person commits the offense of acting as a vehicle dealer while under revocation, cancellation or suspension if the person conducts business as a vehicle dealer in this state and the person's vehicle dealer certificate is revoked, canceled or suspended, regardless of whether the person is licensed as a vehicle dealer in another jurisdiction. This paragraph does not apply if the person has other current, valid dealer certificates issued in this state.

(n) A vehicle dealer commits the offense of improper display of a vehicle for advertising purposes if the dealer displays a vehicle at a location other than the dealer's place of business for the purpose of advertising and the dealer does not comply with the provisions of ORS 822.040 (4).

(2) A dealer is not considered to have committed the offense described in subsection (1)(j)(A) of this section if the dealer fails to satisfy an interest in a vehicle or camper that arises from an inventory financing security interest for which the dealer is the debtor.

(3) A dealer is not considered to have committed the offense described in subsection (1)(k) of this section if the dealer demonstrates that:

(a) The dealer has made a good faith effort to comply; and



- (b) The dealer's inability to provide title is due to circumstances beyond the dealer's control.
- (4) The offenses described in this section are subject to the following penalties:
  - (a) The offense described in this section, failure to obtain a supplemental vehicle dealer certificate, is a Class A misdemeanor.
  - (b) The offense described in this section, failure to obtain a corrected vehicle dealer certificate, is a Class A misdemeanor.
  - (c) The offense described in this section, failure to maintain proper vehicle dealer records, is a Class A misdemeanor.
  - (d) The offense described in this section, failure to allow administrative inspection, is a Class A misdemeanor.
  - (e) The offense described in this section, failure to allow police inspection, is a Class A misdemeanor.
  - (f) The offense described in this section, illegal use of dealer vehicle for hire, is a Class B traffic violation.
  - (g) The offense described in this section, improper use of dealer plates or devices, is a Class D traffic violation.
  - (h) The offense described in this section, improper display of dealer plates, is a Class B traffic violation.
  - (i) The offense described in this section, failure to exhibit the dealer certificate, is a Class A misdemeanor.
  - (j) The offense described in this section, failure to provide clear title, is a Class A misdemeanor.
  - (k) The offense described in this section, failure to furnish certificate of title or application for title, is a Class A misdemeanor.
  - (L) The offense described in this section, failure to maintain bond or letter of credit coverage, is a Class A misdemeanor.
  - (m) The offense described in this section, acting as a vehicle dealer while under revocation, cancellation or suspension, is a Class A misdemeanor.
  - (n) The offense described in this section, improper display of a vehicle for advertising purposes, is a Class A misdemeanor.

**SECTION 48.** ORS 822.060 is amended to read:

822.060. (1) Except as provided in subsection (2) of this section, a person who holds a vehicle dealer certificate issued [*or renewed*] under ORS 822.020 [*or 822.040*] commits the offense of illegal consignment practices if the person does any of the following:

- (a) Takes a vehicle on consignment from a person who does not hold a vehicle dealer certificate issued [*or renewed*] under ORS 822.020 [*or 822.040*], or who is not licensed as a vehicle dealer in another jurisdiction, and who does not have proof that the consignor is the registered owner, a security interest holder or lessor of the vehicle.
- (b) Takes a vehicle on consignment from a security interest holder without the security interest holder first completing a repossession action prior to consigning the vehicle and providing the dealer with proper documentary proof of the repossession action.
- (c) Takes a vehicle on consignment and does not have the terms of the consignment agreement in writing and provide a copy of the agreement to the consignor. The agreement shall include a provision stating that if the terms of the agreement are not met, the consignor may file a complaint in writing with the Department of Transportation, Salem, Oregon.
- (d) Sells a vehicle that the dealer has on consignment and does not pay the consignor within 10 days of the sale.
- (e) Sells a vehicle that the dealer has on consignment and does not either provide the purchaser with a certificate of title to the vehicle or with other primary ownership records in the form of documents or apply to the department in the purchaser's name for title to the vehicle within 30 days of the sale in a manner provided by the department by rule.
- (f) Does not allow the department or any duly authorized representative to inspect and audit any records of any separate accounts into which the dealer deposits any funds received or handled

by the dealer or in the course of business as a dealer from consignment sale of vehicles at such times as the department may direct.

(g) Takes any part of any money paid to the dealer in connection with any consignment transaction as part or all of the dealer's commission or fee until the transaction has been completed or terminated.

(h) Does not make arrangement for the disposition of money from a consignment transaction with the seller at the time of establishing a consignment agreement.

(i) Sells a vehicle that the dealer has taken on consignment without first giving the purchaser the following disclosure in writing:

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**DISCLOSURE REGARDING  
CONSIGNMENT SALE**

\_\_\_\_\_ (Name of Dealer) is selling the following described vehicle:  
\_\_\_\_\_ (Year) \_\_\_\_\_ (Make) \_\_\_\_\_ (Model) \_\_\_\_\_ (Vehicle Identification Number) on consignment.

There is a security interest in this vehicle.

There is not a security interest in this vehicle.

YOU SHOULD TAKE ACTION TO ENSURE THAT ANY SECURITY INTERESTS ARE RELEASED AND THAT THE TITLE TO THE VEHICLE IS TRANSFERRED TO YOU. OTHERWISE, YOU MAY TAKE TITLE SUBJECT TO ANY UNSATISFIED SECURITY INTERESTS.

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(2) The offense described in this section does not apply if the person takes a vehicle on consignment from an entity other than a retail customer and the person holds a vehicle dealer certificate issued [or renewed] under ORS 822.020 [or 822.040] and operates a:

(a) Wholesale vehicle auction company; or

(b) National auction company whose primary activity in this state is the sale or disposition of totaled vehicles.

(3) The offense described in this section, illegal consignment practices, is a Class A misdemeanor.

(4) The department shall adopt rules to carry out the provisions of this section, including but not limited to rules to specify which persons may take and sell vehicles on consignment and to regulate the taking and selling of vehicles on consignment from other jurisdictions.

**GENERAL REPEALS**

**SECTION 49. ORS 805.242 is repealed.**

**SECTION 50. ORS 805.117 is repealed.**

**SECTION 51. The repeal of ORS 805.117 by section 50 of this 2023 Act applies to registration plates issued, renewed or replaced on or after the effective date of this 2023 Act. Consular corps registration plates issued before the effective date of this 2023 Act shall continue to be governed by ORS 805.117 as in effect immediately before the effective date of this 2023 Act.**

**DELAYED OPERATIVE DATE**

**SECTION 52. (1) The amendments to ORS 87.152, 319.550, 319.520, 319.530, 646A.090, 802.031, 803.530, 803.552, 805.103, 805.210, 805.250, 807.080, 819.482, 822.015, 822.020, 822.025,**

822.027, 822.030, 822.033, 822.035, 822.040, 822.045, 822.050, 822.060, 822.310, 822.315, 822.515, 822.700 and 822.990 by sections 3 to 5, 9, 16 to 22, 26 to 28, 30, 32 and 36 to 48 of this 2023 Act and the repeal of ORS 805.242, 822.505, 822.510, 822.520, 822.525, 822.530 and 822.535 by sections 25 and 49 of this 2023 Act become operative January 1, 2024.

(2) The Department of Transportation may adopt rules or take any actions before the operative date specified in subsection (1) of this section that are necessary to enable the department, on and after the operative date specified in subsection (1) of this section, to carry out the amendments to ORS 87.152, 319.550, 319.520, 319.530, 646A.090, 802.031, 803.530, 803.552, 805.103, 805.210, 805.250, 807.080, 819.482, 822.015, 822.020, 822.025, 822.027, 822.030, 822.033, 822.035, 822.040, 822.045, 822.050, 822.060, 822.310, 822.315, 822.515, 822.700 and 822.990 by sections 3 to 5, 9, 16 to 22, 26 to 28, 30, 32 and 36 to 48 of this 2023 Act and the repeal of ORS 805.242, 822.505, 822.510, 822.520, 822.525, 822.530 and 822.535 by sections 25 and 49 of this 2023 Act.

**CAPTIONS**

**SECTION 53.** The unit captions used in this 2023 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2023 Act.

**EFFECTIVE DATE**

**SECTION 54.** This 2023 Act takes effect on the 91st day after the date on which the 2023 regular session of the Eighty-second Legislative Assembly adjourns sine die.

Passed by House May 31, 2023

.....  
Timothy G. Sekerak, Chief Clerk of House

.....  
Dan Rayfield, Speaker of House

Passed by Senate June 22, 2023

.....  
Rob Wagner, President of Senate

Received by Governor:

.....M.,....., 2023

Approved:

.....M.,....., 2023

.....  
Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M.,....., 2023

.....  
Secretary of State