

# House Bill 2819

Sponsored by Representative EVANS (at the request of Oregon Vehicle Dealer Association) (Pre-session filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Permits vehicle dealer to issue temporary registration permits for motor vehicles that do not have proof of compliance with pollution control equipment requirements. Requires dealer to give written notice to purchaser that Department of Transportation will not issue stickers, registration or plates unless proof of compliance is provided.

Modifies trip permit issuance by Department of Transportation.

## A BILL FOR AN ACT

1  
2 Relating to motor vehicles; amending ORS 803.350, 803.600 and 803.625.

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

4 **SECTION 1.** ORS 803.350 is amended to read:

5 803.350. This section establishes the requirements for qualification for registration. The De-  
6 partment of Transportation may not issue registration to a vehicle if the requirements under this  
7 section are not met. The department, in the absence of just cause for refusing to register a vehicle  
8 upon application, shall assign a distinctive number or other distinctive means of identification and  
9 shall issue registration for a vehicle if all of the following requirements are met:

10 (1) The applicant applies for and is granted title in the applicant's name at the same time the  
11 person makes application for registration, or presents satisfactory evidence that title covering the  
12 vehicle has been previously issued to the applicant.

13 (2) The applicant completes an application described under ORS 803.370. If the vehicle is a re-  
14 constructed or assembled vehicle or a replica, the person must indicate that fact in the application  
15 or be subject to ORS 803.225.

16 (3) The applicant pays the department the registration fee established under ORS 803.420 and  
17 803.422 and any applicable fees for issuance of registration plates.

18 (4) For motor vehicles, proof of compliance with pollution control equipment requirements is  
19 provided to the department **before the department issues stickers, registration and**  
20 **plates. Nothing in this subsection prohibits a vehicle dealer from issuing a temporary regis-**  
21 **tration permit for a vehicle that does not have proof of compliance at the time the vehicle**  
22 **is sold. The dealer shall provide the purchaser with a written notice that the department**  
23 **will not issue stickers, registration and plates unless proof of compliance is provided before**  
24 **the expiration of the temporary registration permit.** Proof required to comply with this sub-  
25 section is described under ORS 815.310. This subsection does not apply if the vehicle is exempt from  
26 the requirements for proof of compliance under ORS 815.300.

27 (5) The applicant is domiciled in this state, as described in ORS 803.355, if required by ORS  
28 803.360 to be domiciled in the state in order to register a vehicle. If the department has reason to  
29 believe that the applicant is not domiciled in this state and is required to be in order to register a  
30 vehicle, the department may require the person to submit proof of domicile. The department shall

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 determine by rule what constitutes proof of domicile.

2 (6) The applicant owns a vehicle that qualifies under ORS 803.360 (2) for registration in this  
 3 state, if the owner is not domiciled in this state and is not required by ORS 803.200, or any other  
 4 provision of law, to register the vehicle in this state.

5 (7) The applicant surrenders all evidence of any former registration or title as required by ORS  
 6 803.380.

7 (8)(a) Beginning with 2009 model year new motor vehicles, the applicant provides proof of com-  
 8 pliance with low emission motor vehicle standards adopted pursuant to ORS 468A.360. The depart-  
 9 ment shall determine by rule what constitutes proof of compliance with low emission motor vehicle  
 10 standards.

11 (b) The department shall determine by rule which new motor vehicles are exempt from the re-  
 12 quirements of this subsection. Any rules adopted pursuant to this paragraph shall be consistent with  
 13 the Environmental Quality Commission standards adopted pursuant to ORS 468A.360.

14 (c) For purposes of this subsection, “new motor vehicle” means a motor vehicle with 7,500 miles  
 15 or less on the odometer when the vehicle is initially registered under ORS 803.420 (6)(a), 805.100,  
 16 805.110 or 805.120.

17 (9) If required to do so by the department, the applicant provides the department with satisfac-  
 18 tory proof that the vehicle was designed to be operated on highways and meets equipment require-  
 19 ments imposed by statute or rule for the lawful operation of a vehicle on highways. The department  
 20 may adopt rules specifying the kinds of vehicles that are subject to this subsection and what con-  
 21 stitutes satisfactory proof under this subsection.

22 **SECTION 2.** ORS 803.625 is amended to read:

23 803.625. (1) The holder of a current, valid vehicle dealer certificate issued under ORS 822.020  
 24 may issue temporary **registration** permits for the operation of vehicles or the transporting of a  
 25 camper pending the receipt of permanent registration from the department.

26 (2) Forms for temporary **registration** permits issued under this section shall be furnished and,  
 27 subject to ORS 803.640, prescribed by the department.

28 **(3) A vehicle dealer may issue a temporary registration permit for motor vehicles that**  
 29 **do not have proof of compliance with pollution control equipment requirements. The dealer**  
 30 **shall provide the purchaser with a written notice that the department will not issue stickers,**  
 31 **registration and plates unless proof of compliance is provided before the expiration of the**  
 32 **temporary registration permit.**

33 [(3)] (4) The department shall specify, by rule, the procedures to be followed by persons issuing  
 34 and using temporary **registration** permits issued under this section. Persons violating rules estab-  
 35 lished by the department under this subsection are subject to penalty under ORS 803.630 and  
 36 803.635.

37 **SECTION 3.** ORS 803.600 is amended to read:

38 803.600. A trip permit grants authority to temporarily operate a vehicle on the highways of this  
 39 state under circumstances where the operation would not otherwise be legal because the vehicle is  
 40 not registered by this state or because provisions relating to the vehicle’s registration do not allow  
 41 the operation. The Department of Transportation shall provide for the issuance of trip permits in a  
 42 manner consistent with this section. All of the following apply to permits issued under this section:

43 (1) The department shall issue the following types of trip permits to authorize the described type  
 44 of operation and, except as provided in subsection (2) of this section, may not issue trip permits for  
 45 any other purpose:

1 (a) A heavy motor vehicle trip permit may be issued for the following vehicles that are not  
2 registered in this state:

- 3 (A) Motor vehicles with a combined weight or loaded weight of more than 10,000 pounds;
- 4 (B) Truck tractors that are more than 8,000 pounds; or
- 5 (C) Fixed load motor vehicles.

6 (b) A permit described in paragraph (a) of this subsection is valid for 10 consecutive days.

7 (c) A heavy trailer trip permit may be issued for a trailer that will be operated on the highways  
8 at a loaded weight of more than 8,000 pounds or that is a fixed load vehicle, and that is not regis-  
9 tered to allow operation of the vehicle in this state. A permit described in this paragraph is valid  
10 for 10 consecutive days. This paragraph does not apply to travel trailers.

11 *[(d) A light vehicle trip permit may be issued for a vehicle with a combined weight or loaded  
12 weight of less than 10,001 pounds that is not a fixed load vehicle and that is not registered to allow  
13 operation of the vehicle in this state. Permits described in this paragraph may be issued for a period  
14 of 21 consecutive days. The department may not issue more than two permits under this paragraph in  
15 a 12-month period for any one vehicle unless all registered owners of the vehicle are replaced by new  
16 owners. If there is a complete change in ownership of the vehicle, as shown by the registration records  
17 for the vehicle, a new owner may receive permits for the vehicle under this paragraph as if no permits  
18 had been issued for the vehicle. This paragraph does not apply to campers, travel trailers or motor  
19 homes, which are eligible for recreational vehicle trip permits under paragraph (e) of this subsection.]*

20 *[(e) A recreational vehicle trip permit may be issued for a period of up to 10 consecutive days for  
21 a camper, travel trailer or motor home that is not registered for operation in this state. A person  
22 buying a recreational vehicle trip permit must show proof satisfactory to the department that the person  
23 is the owner of the camper, travel trailer or motor home for which the permit will be granted. A person  
24 may not receive recreational vehicle trip permits authorizing more than 10 days of operation in any  
25 12-month period. The department may determine by rule the method for ensuring a person has not ex-  
26 ceeded the maximum number of days of operation allowed by the permit.]*

27 **(d) A trip permit may be issued for a period of 10 consecutive days for the following ve-**  
28 **hicles that are not registered to allow operation of the vehicle in this state:**

29 **(A) A camper, travel trailer or a motor home; or**

30 **(B) A vehicle with a combined weight or loaded weight of less than 10,001 pounds that is**  
31 **not a fixed load vehicle.**

32 **(e) The department may not issue more than three trip permits under paragraph (d) of**  
33 **this subsection in a 12-month period for any one vehicle unless all registered owners of the**  
34 **vehicle are replaced by new owners. If there is a complete change in ownership of the vehi-**  
35 **cle, as shown by the registration records for the vehicle, a new owner may receive trip per-**  
36 **mits for the vehicle under this paragraph as if no permits had been issued for the vehicle.**

37 (f) A registration weight trip permit may be issued for a vehicle that is registered in this state,  
38 to allow the vehicle to be operated with a greater combined weight or loaded weight than is per-  
39 mitted by the registration weight established for the vehicle or at a greater combined weight or  
40 loaded weight than is otherwise permitted under the registration for the vehicle if the vehicle is not  
41 required to establish a registration weight. A permit issued under this paragraph does not authorize  
42 movements or operations for which a variance permit is required under ORS 818.200. A permit is-  
43 sued under this paragraph shall show the maximum registration weight allowed for operation under  
44 the permit. A permit issued under this paragraph is valid for 10 consecutive days.

45 (g) A registered vehicle trip permit may be issued for a vehicle that is registered in this state

1 to allow the vehicle to operate under conditions or in ways not permitted by the terms of the vehicle  
 2 registration. The department shall determine by rule the kinds of operation for which permits may  
 3 be issued under this paragraph. A permit issued under this paragraph is valid for 10 consecutive  
 4 days.

5 (2) The department shall allow a person issued a vehicle dealer certificate under ORS 822.020  
 6 or a towing business certificate under ORS 822.205 to issue a 10-day trip permit to a person who  
 7 buys a motor vehicle from the person with the certificate if the registration stickers are removed  
 8 in accordance with ORS 803.565. The following apply to trip permits issued under this subsection:

9 (a) A permit issued under this subsection allows operation of the motor vehicle in this state for  
 10 the purpose of registering the vehicle.

11 (b) A permit issued under this subsection is valid for a period of 10 consecutive days.

12 (c) A person with a vehicle dealer certificate or a towing business certificate may not issue  
 13 more than two permits under this subsection for the same motor vehicle.

14 (3) The following requirements for records are established concerning permits issued under this  
 15 section:

16 (a) Any carrier regulated by the department shall maintain records of heavy motor vehicle and  
 17 heavy trailer trip permits and registration weight trip permits issued to the carrier as required by  
 18 the department by rule.

19 (b) Requirements for the department to maintain records concerning trip permits are established  
 20 under ORS 802.200.

21 (4) An owner or operator of a vehicle may obtain a trip permit. The fees for issuance of trip  
 22 permits are as provided under ORS 803.645.

23 (5) The department shall make the trip permits available to all field offices and agents main-  
 24 tained by the department and may make arrangements for the issuance of the permits by designated  
 25 individuals, firms or associations for the convenience of the motoring public. This subsection does  
 26 not require the department to make trip permits described in subsection (2) of this section available  
 27 to anyone other than persons with vehicle dealer certificates or towing business certificates.

28 (6) The department may also sell heavy motor vehicle, heavy trailer and registration weight trip  
 29 permits in advance of issuance to contractors, transportation companies and other users for issuance  
 30 to their own vehicles or vehicles under their control.

31 (7) The department shall adopt rules for the issuance, sale and control of trip permits.

32 (8) Trip permits are not required for the operation of unregistered vehicles where such operation  
 33 is permitted as follows:

34 (a) By vehicle dealers as permitted under ORS 822.040.

35 (b) By vehicle transporters as permitted under ORS 822.310.

36 (c) By towing businesses as permitted under ORS 822.210.

37 (9) Trip permits are not required for the operation of unregistered vehicles where such operation  
 38 is permitted under ORS 803.305.

39 (10) Unregistered vehicles that are operated without a trip permit are subject to the prohibitions  
 40 and penalties for operation of unregistered vehicles under ORS 803.300 or 803.315, as appropriate.

41 (11) A trip permit may be issued to a school vehicle registered under ORS 805.050 for use of the  
 42 vehicle for purposes not permitted under ORS 805.050.