

HB 2099-3
(LC 2935)
4/28/23 (HE/ps)

Requested by JOINT COMMITTEE ON TRANSPORTATION (at the request of Department of Transportation)

**PROPOSED AMENDMENTS TO
HOUSE BILL 2099**

1 In line 2 of the printed bill, after “transportation” insert “; creating new
2 provisions; amending ORS 87.152, 153.083, 184.742, 319.520, 319.530, 319.550,
3 366.805, 367.081, 646A.090, 802.031, 802.600, 803.102, 803.120, 803.212, 803.530,
4 803.552, 805.103, 805.210, 805.250, 807.080, 807.220, 807.230, 807.310, 809.520,
5 819.482, 820.110, 822.015, 822.020, 822.025, 822.027, 822.030, 822.033, 822.035,
6 822.040, 822.045, 822.050, 822.060, 822.310, 822.315, 822.515, 822.700, 822.990 and
7 825.480; repealing ORS 805.117, 805.242, 822.505, 822.510, 822.520, 822.525,
8 822.530 and 822.535; prescribing an effective date; and providing for revenue
9 raising that requires approval by a three-fifths majority”.

10 Delete lines 4 through 11 and insert:

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12

“SAFE ROUTES TO SCHOOL

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

15 “184.742. (1) The Oregon Transportation Commission may provide match-
16 ing grants under this section for safety improvement projects near schools.

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

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

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

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

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

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

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

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

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

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

18 “(a) Improve sidewalks;

19 “(b) Reduce vehicle speeds;

20 “(c) Improve pedestrian and bicycle crossings; or

21 “(d) Create or improve bicycle lanes.

22 “(6) The commission may adopt rules specifying the application process
23 and the selection criteria that will be used in awarding matching grants.

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25 **“CONNECT OREGON**

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27 **“SECTION 2.** ORS 367.081 is amended to read:

28 “367.081. (1) Each biennium, the Department of Transportation may pro-
29 vide grants for transportation projects under ORS 367.080 only if the de-
30 partment determines that \$50 million or more will be available in the

1 Connect Oregon Fund for [*the biennium in which the grants are provided*]
2 **grants awarded under ORS 367.080 to 367.086.**

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

6 “(3) Each biennium, the department shall transfer seven percent of the
7 moneys in the Connect Oregon Fund to the Multimodal Active Transporta-
8 tion Fund established under ORS 367.091 for the purpose of providing grants
9 for bicycle and pedestrian transportation projects.

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“USE FUEL

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13 **“SECTION 3.** ORS 319.550 is amended to read:

14 “319.550. (1) Except as provided in this section, a person may not use fuel
15 in a motor vehicle in this state unless the person holds a valid user’s license.

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

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

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

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

1 ORS 319.530.

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

3 “(A) Motor homes as defined in ORS 801.350.

4 “(B) Recreational vehicles as defined in ORS 174.101.

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

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

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

10 “[6] (7) A user’s license is not required for a person who uses fuel in a
11 motor vehicle on which an emblem issued for the motor vehicle pursuant to
12 ORS 319.535 is displayed.

13 **“SECTION 4.** ORS 319.520 is amended to read:

14 “319.520. As used in ORS 319.510 to 319.880, unless the context clearly
15 indicates a different meaning:

16 “(1) ‘Cardlock card’ means a fuel card:

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

20 “(b) Issued for a specific vehicle, a specific piece of equipment or a group
21 of equipment;

22 “(c) That includes the qualifying information, as designated by the De-
23 partment of Transportation by rule, that is printed on the electronic invoice
24 or electronic statement;

25 “(d) That allows the tax status of the cardlock card to be indicated on the
26 electronic invoice or electronic statement and includes state tax as a sepa-
27 rate item on the invoice or statement; and

28 “(e) That allows a cardlock card issuer to generate a statement recording,
29 by fuel type, gallons of fuel purchased for domestic and foreign customers
30 each month.

1 “(2) ‘Combined weight’ means the total empty weight of all vehicles in a
2 combination plus the total weight of the load carried on that combination
3 of vehicles.

4 “(3) ‘Delinquent’ means having failed to pay a tax or penalty within the
5 time provided by law.

6 “(4) ‘Department’ means the Department of Transportation.

7 “(5) ‘Domestic customer’ means a customer making a purchase at a
8 nonretail facility owned by the cardlock card issuer.

9 “(6) ‘Foreign customer’ means a customer making a purchase at a
10 nonretail facility owned by a seller other than the cardlock card issuer.

11 “(7) ‘Fuel’ means any combustible gas, liquid or material of a kind used
12 for the generation of power to propel a motor vehicle on the highways except
13 motor vehicle fuel as defined in ORS 319.010.

14 “(8) ‘Highway’ means every way, thoroughfare and place, of whatever
15 nature, open to the use of the public for the purpose of vehicular travel.

16 “(9) ‘Light weight’ means the weight of a vehicle when fully equipped for
17 moving over the highway.

18 “(10) **‘Liquefied petroleum gas’ includes propane, pentane and any**
19 **mixture of propane and pentane.**

20 “[10] (11) ‘Motor vehicle’ means every self-propelled vehicle operated on
21 the highway, except an implement of husbandry used in agricultural oper-
22 ations and only incidentally operated or moved upon the highway.

23 “[11] (12) ‘Nonretail facility’ means:

24 “(a) An unattended facility accessible only by cardlock card and not as-
25 sociated with a retail facility; or

26 “(b) An unattended portion of a retail facility separate from the retail
27 operations and accessible only by cardlock card.

28 “[12] (13) ‘Person’ means any individual, firm, copartnership, joint ven-
29 ture, association, corporation, trust, receiver or any group or combination
30 acting as a unit.

1 “[(13)] (14) ‘Seller’ means:

2 “(a) A person that sells fuel to a user; or

3 “(b) If the fuel is dispensed at a nonretail facility, the person that owns
4 the user’s accounts and bills the user for fuel purchased at a nonretail fa-
5 cility.

6 “[14] (15) ‘To sell fuel for use in a motor vehicle’ means to dispense or
7 place fuel for a price into a receptacle on a motor vehicle, from which re-
8 ceptacle the fuel is supplied to propel the motor vehicle.

9 “[15] (16) ‘To use fuel in a motor vehicle’ means to receive into any re-
10 ceptacle on a motor vehicle, fuel to be consumed in propelling the motor
11 vehicle on the highways of this state; and, if the fuel is received into the
12 receptacle outside the taxing jurisdiction of the state, ‘to use fuel in a motor
13 vehicle’ means to consume in propelling the motor vehicle on the highways
14 of this state.

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

16 “319.530. (1) To compensate this state partially for the use of its highways,
17 an excise tax hereby is imposed at the rate of 34 cents per gallon on the use
18 of fuel in a motor vehicle.

19 “(2) Except as otherwise provided in subsections (3) [*and (4)*] **to (6)** of this
20 section, 100 cubic feet of fuel used or sold in a gaseous state, measured at
21 14.73 pounds per square inch of pressure at 60 degrees Fahrenheit, is taxable
22 at the same rate as a gallon of liquid fuel.

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

27 “[4] *One and three-tenths liquid gallons of propane at 60 degrees*
28 *Fahrenheit is taxable at the same rate as a gallon of other liquid fuel.*]

29 “(4) **1.353 gallons, or 5.75 pounds, of liquefied petroleum gas is tax-**
30 **able at the same rate as one gasoline gallon.**

1 shall be [*allotted*] **allocated** each year.

2 “(c) Subject to paragraph (d) of this subsection, the department shall de-
3 termine [*the distribution of the expenditures after considering applications*
4 *from the cities submitted to the department*] **annual allocation after con-**
5 **sidering applications, including project budgets, submitted by the**
6 **cities to the department.**

7 “(d) The department may enter into agreements with cities upon the ad-
8 vice and counsel of **the small city advisory committee to establish the**
9 **method used to review and rank applications and determine allocation**
10 **based on those applications** [*organizations representing cities to establish:*]

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

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

14 “(3) The Director of Transportation shall establish a small city advisory
15 committee. The **small city** advisory committee shall review applications
16 submitted by small cities and shall recommend [*applications for approval*]
17 **ranked applications** to the director. In consultation with the League of
18 Oregon Cities, the director shall appoint to the **small city** advisory com-
19 mittee one representative of a small city in each of the five regions of this
20 state.

21 “(4) For purposes of this section:

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

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

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

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

30 “(e) Region five consists of Baker, Grant, Harney, Malheur, Morrow,

1 Umatilla, Union and Wallowa Counties.

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“DRIVING PRIVILEGES

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

7 **“SECTION 8. (1) The Department of Transportation shall adopt**
8 **rules necessary to administer the federal Drug and Alcohol Clearing-**
9 **house.**

10 **“(2) The department may not issue or renew commercial driving**
11 **privileges and may cancel or suspend commercial driving privileges if**
12 **a person has not complied with the rules established under this sec-**
13 **tion.**

14 **“(3) A person is entitled to an administrative review under ORS**
15 **809.440 when the department does not issue or renew commercial**
16 **driving privileges under this section or cancels or suspends commer-**
17 **cial driving privileges under this section.**

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

19 *“807.080. [(1) The Department of Transportation, by rule, shall provide for*
20 *the following in a manner consistent with this section:]*

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

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

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

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

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

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

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

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

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

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

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

14 “[(b) Provide for the issuance of certifications allowing the holder to certify
15 competency in several classes or types of driving privileges or limiting the
16 classes or types of driving privileges for which the holder may certify compe-
17 tency.]

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

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

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

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

26 “[(g) Issue certificates to employers to allow the employers to establish
27 programs primarily for the certification of employees’ competency. The depart-
28 ment may provide that programs established under this paragraph may be op-
29 erated without driver training school certificates under ORS 822.500 and
30 without driver training instructor certificates under ORS 822.525.]

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

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

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

10 **“(a) Establishing methods and procedures for the testing of com-**
11 **petency to operate different types of motor vehicles.**

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

14 **“(c) Establishing reasonable fees as part of any program for regu-**
15 **lation created by the department under this section.**

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

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

20 **“(f) Establishing requirements for inspections of premises, investi-**
21 **gations and monitoring, including covert monitoring, to ensure that**
22 **testing is conducted in strict accord with rules adopted under this**
23 **section.**

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

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

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

28 **“807.220. (1) The Department of Transportation shall provide for the is-**
29 **suance of emergency driver permits in a manner consistent with this section.**

30 **“(2) Except as otherwise provided in this section an emergency driver**

1 permit is subject to the fees, provisions, conditions, prohibitions and penal-
2 ties applicable to a Class C **driver** license.

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

4 “(a) The department may issue an emergency driver permit to a person
5 14 years of age or older.

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

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

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

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

15 “(f) The department may establish a period for the expiration of the per-
16 mit that coincides with the end of the emergency that is the basis for the
17 permit.

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

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

24 “(i) In addition to any other application requirements for the emergency
25 driver permit, the applicant must obtain the [*endorsement on the*
26 *application*] **approval** of the sheriff of the county in which the applicant re-
27 sides.

28 “(4) The department may issue an emergency driver permit, if the person
29 qualifies for the permit, to a person whose driving privileges are suspended
30 under ORS 809.280 because the department has received an order suspending

1 driving privileges under ORS 809.260. In addition to other emergencies, a
2 situation that leaves the applicant with no alternative means to travel to
3 and from school is an emergency for purposes of a permit issued under this
4 subsection.

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

6 “807.230. The Department of Transportation shall provide for issuance of
7 special student driver permits in a manner consistent with this section. A
8 special student driver permit grants the driving privileges provided in this
9 section or under the permit. Except as otherwise provided in this section,
10 a special student driver permit is subject to the fees, provisions, conditions,
11 prohibitions and penalties applicable to a Class C **driver** license. The fol-
12 lowing apply to a special student driver permit:

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

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

19 “(3) The permit shall only be issued if the applicant has no other avail-
20 able means of transportation by which to continue the applicant’s education.

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

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

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

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

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

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

6 “(a) Certify that the applicant has no other available means of transpor-
7 tation that would enable the applicant to continue the applicant’s education;

8 “(b) Specify the road or highway over which the applicant desires to op-
9 erate motor vehicles;

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

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

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

15 “807.310. (1) The Department of Transportation shall provide for the is-
16 suance of applicant temporary driver permits in a manner consistent with
17 this section.

18 “(2) The department may issue an applicant temporary driver permit to
19 an applicant for a **Class C** driver license or for a **noncommercial** driver
20 permit while the department is determining all facts relative to application
21 for the **Class C** driver license or **noncommercial** driver permit. The de-
22 partment shall set forth on the applicant temporary driver permit the driving
23 privileges granted under the permit.

24 “(3) The holder of an applicant temporary driver permit must have the
25 temporary driver permit on the holder’s person while operating a motor ve-
26 hicle. The holder of an applicant temporary driver permit must operate
27 within the driving privileges granted under the temporary driver permit.

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

1 additional 30 days.

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

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

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

8 “**SECTION 13.** ORS 809.520, as amended by sections 107 and 108, chapter
9 630, Oregon Laws 2021, is amended to read:

10 “809.520. (1) Notwithstanding ORS 809.510 **(1) to (5) and (7)**, the Depart-
11 ment of Transportation shall permanently suspend a person’s commercial
12 driving privileges for the lifetime of the person if the department receives a
13 record of conviction for a crime punishable as a felony in which a motor
14 vehicle was used and that involved the manufacturing, distributing or dis-
15 pensing of a controlled substance, as defined in ORS 475.005. The department
16 may not reinstate commercial driving privileges of a person whose commer-
17 cial driving privileges are suspended under this subsection.

18 “(2) Notwithstanding ORS 809.510 **(1) to (5) and (7)**, the department shall
19 permanently suspend a person’s commercial driving privileges for the lifetime
20 of the person if the department receives a record of conviction for a crime
21 in which a commercial motor vehicle was used and that involved an act or
22 practice of severe forms of trafficking in persons as defined by the depart-
23 ment by rule. The department may not reinstate commercial driving privi-
24 leges of a person whose commercial driving privileges are suspended under
25 this subsection.

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

1 person's commercial driving privileges under ORS 809.510 (1) to (5) and
2 (7).

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

8 “(c) The department shall permanently suspend a person's commercial
9 driving privileges for the lifetime of the person if the department receives a
10 record, report or notice described in paragraph (a) of this subsection that
11 relates to conduct that occurred after the person's commercial driving priv-
12 ileges were reinstated under paragraph (b) of this subsection. The department
13 may not reinstate the commercial driving privileges of a person whose com-
14 mercial driving privileges are suspended under this paragraph.

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

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

19 “820.110. (1) The State Board of Education shall adopt and enforce rules
20 to establish requirements of operation, qualifications or special training of
21 drivers and special accident reports for school buses and school activity ve-
22 hicles.

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

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

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

30 “(b) Must be consistent with requirements established by statute or by

1 rule adopted under statutory authority that relate to the same subject.

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

4 “(d) May include any exemptions determined appropriate under ORS
5 820.150.

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

10

11 **“WEIGHMASTER AUTHORITY**

12

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

15 “153.083. (1) Notwithstanding ORS 9.160 and 9.320, in any trial of a vio-
16 lation, whether created by ordinance or statute, in which a city attorney or
17 district attorney does not appear, the peace officer who issued the citation
18 for the offense may present evidence, examine and cross-examine witnesses
19 and make arguments relating to:

20 “(a) The application of statutes and rules to the facts in the case;

21 “(b) The literal meaning of the statutes or rules at issue in the case;

22 “(c) The admissibility of evidence; and

23 “(d) Proper procedures to be used in the trial.

24 “(2) Notwithstanding ORS 9.160 and 9.320, in any trial of a violation,
25 whether created by ordinance or statute, in which a city attorney or district
26 attorney does not appear, the duly authorized traffic enforcement agent who
27 issued the citation for the offense may present the evidence reviewed by the
28 agent as the basis for issuing a citation under ORS 810.436, 810.437 or
29 810.444.

30 **“(3) Notwithstanding ORS 9.160 and 9.320, in any trial of a violation,**

1 **whether created by ordinance or statute, in which a city attorney or**
2 **district attorney does not appear, the weighmaster or motor carrier**
3 **enforcement officer who issued the citation for the offense may pres-**
4 **ent the evidence reviewed by the weighmaster or motor carrier**
5 **enforcement officer as the basis for issuing a citation listed under ORS**
6 **810.530.**

7 “[3)(a)] (4)(a) As used in this section, ‘duly authorized traffic enforce-
8 ment agent’ means an individual who:

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

11 “(B) Has completed all necessary technical, administrative and other
12 training to review photographs and issue citations under ORS 810.436,
13 810.437 or 810.444.

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

16

17 **“VEHICLE DEALERS**

18

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

20 “822.035. The Department of Transportation:

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

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

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

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

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

9 “(a) A vehicle dealer’s compliance with statutes regulating vehicle dealers
10 under the vehicle code;

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

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

16 “(d) The identification of stolen vehicles.

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

19 “[6] (7) Shall provide a vehicle dealer with plates or devices authorized
20 under ORS 805.200 to allow the exercise of the privileges granted under ORS
21 822.040.

22 “[7] (8) May provide a vehicle dealer with identification cards in the
23 names of the owners of the business or in the names of authorized employees
24 of the business.

25 “[8] (9) May not issue a vehicle dealer certificate under ORS 822.020 to
26 an applicant who has been issued a similar certificate from another juris-
27 diction that has been revoked or is currently suspended unless the applicant
28 possesses a current, valid vehicle dealer certificate issued under ORS 822.020.

29 “[9] (10) May not use the revocation or suspension by another [*state*]
30 **jurisdiction** of a vehicle dealer certificate or similar certificate as a basis

1 for refusing to allow a vehicle dealer holding a current, valid vehicle dealer
2 certificate issued under ORS 822.020 to obtain a vehicle dealer certificate
3 under ORS 822.020 or a supplemental certificate under ORS 822.040 [*or to*
4 *renew a certificate under ORS 822.040*].

5 “[~~(10)~~] **(11)** May adopt any reasonable rules necessary for the adminis-
6 tration of the laws relating to the regulation of vehicle dealers, the issuance
7 of vehicle dealer certificates, the issuance of vehicle dealer identification
8 cards, regulation of vehicle dealers designated as agents under ORS 802.031
9 and the issuance of vehicle dealer plates. The rules adopted under this sub-
10 section must be consistent with the statutory provisions of the vehicle code.
11 The rules may include, but are not limited to, grounds and procedures for
12 the revocation, denial, probation or suspension of vehicle dealer certificates
13 or of a vehicle dealer’s designation to act as an agent of the department.

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

15 “822.020. **(1)** Except as provided in ORS 822.022 and 822.035 [~~(8)~~] **(9)**, the
16 Department of Transportation shall issue a vehicle dealer certificate to any
17 person if the person meets all of the following requirements:

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

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

22 “[~~(3)~~] **(c)** The person must deliver to the department a certificate of in-
23 surance that meets the requirements established by ORS 822.033.

24 “[~~(4)~~] **(d)** The person must pay the fee required under ORS 822.700 for is-
25 suance of a vehicle dealer certificate.

26 “[~~(5)~~] **(e)** The person must certify completion of the precertification edu-
27 cation and test requirements of ORS 822.027 (1)(a) if the person is a dealer
28 subject to the education and test requirements.

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

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

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

4 **“(b) Delivers to the department a bond that meets the requirements**
5 **under ORS 822.030.**

6 **“(c) Delivers to the department a certificate of insurance that**
7 **meets the requirements under ORS 822.033.**

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

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

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

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

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

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

24 **“822.040. (1) The holder of a current, valid vehicle dealer certificate issued**
25 **under ORS 822.020 may exercise the following privileges under the certif-**
26 **icate:**

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

1 **“(A) Is owned or controlled by the dealer;**
2 **“(B) Is used by the dealer, members of the dealer’s firm, any**
3 **salesperson thereof or any person authorized by the dealer;**
4 **“(C) Indicates it is offered for sale; and**
5 **“(D) When offered for sale, is available for display during the vehi-**
6 **cle dealer’s normal business hours.** *[This paragraph does not authorize*
7 *dealers to use or operate vehicles under dealer plates unless the vehicles are*
8 *actually owned or controlled by the dealer and in actual use by the dealer,*
9 *members of the dealer’s firm, any salesperson thereof or any person authorized*
10 *by the dealer. Vehicles operated under dealer plates may be used for the same*
11 *purposes as are any other vehicles registered in this state that are registered*
12 *by payment of the fee under ORS 803.420. This paragraph is subject to the*
13 *limitations under ORS 822.045.]*
14 “(b) A dealer is entitled to receive dealer plates or devices and replace-
15 ment or additional dealer plates or devices. As many additional dealer plates
16 as may be desired may be obtained upon the filing of a formal application
17 for additional plates with the Department of Transportation. The plates is-
18 sued to dealers shall require the payment of fees as provided under ORS
19 805.250.
20 “(c) The person is not subject to the prohibitions and penalties under ORS
21 822.005 as long as the holder’s vehicle dealer business is conducted in a lo-
22 cation approved under the certificate.
23 “(d) The dealer shall be considered the owner of vehicles manufactured
24 or dealt in by the dealer, before delivery and sale of the vehicles, and of all
25 vehicles in the dealer’s possession and operated or driven by the dealer or
26 the dealer’s employees.
27 “(e) Notwithstanding ORS 825.474, in lieu of paying the weight-mile tax
28 imposed under ORS 825.474, the dealer may pay the fuel taxes imposed under
29 ORS 319.020 and 319.530, when the vehicle:
30 “(A) Displays the dealer’s plates;

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

4 “(C) Is operated on the highway for the purpose of test driving the vehi-
5 cle; and

6 “(D) Is unloaded.

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

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

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

19 “(3) The holder of a vehicle dealer certificate may move a place of busi-
20 ness or change a business name by obtaining a corrected certificate from the
21 department. For purposes of this subsection, ‘place of business’ includes a
22 recreational vehicle service facility as defined in ORS 822.082. The following
23 apply to a corrected certificate issued under this subsection:

24 “(a) The department shall prescribe the form for application for a cor-
25 rected certificate.

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

28 “(4) The department may establish by rule the requirements a holder of
29 a vehicle dealer certificate must meet to display a vehicle at a location other
30 than the dealer’s place of business for the purpose of advertising without

1 first obtaining a supplemental certificate from the department. In addition
2 to any requirements established by the department by rule, all of the fol-
3 lowing apply:

4 “(a) The dealer must have a signed agreement with the owner of the
5 property or the person using the property where the vehicle is to be dis-
6 played stating that the vehicle is for an advertising promotion only and that
7 the processing of any documents or other activities required to purchase a
8 vehicle must be done at the dealer’s place of business.

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

13 “(c) Displaying the vehicle must not violate any zoning laws or ordi-
14 nances.

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

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

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

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

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

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

26 “[e) *Certifies completion of the continuing education requirements of ORS*
27 *822.027 (1)(b) if the person is a dealer subject to the education requirements.]*

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

1 “[6] *The department may adopt suitable rules for the issuance and renewal*
2 *of certificates under this section and ORS 822.020.*]

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

4 “822.050. (1) The Department of Transportation may revoke, suspend or
5 place on probation a vehicle dealer if the department determines at any time
6 for due cause that the dealer has done any of the following:

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

9 “(b) Failed to comply with the requirements of the vehicle code with ref-
10 erence to notices or reports of the transfer of vehicles or campers.

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

13 “(d) Violated or caused or permitted to be violated ORS 815.410, 815.415,
14 815.425 or 815.430.

15 “(e) Falsely certified under ORS 822.033 that the dealer is exempt from
16 the requirement under ORS 822.020 [*or 822.040*] to file a certificate of insur-
17 ance.

18 “(f) Continued to fail to provide clear title or repeatedly failed to provide
19 clear title in violation of ORS 822.045.

20 “(g) Knowingly certified false information required by the department on
21 an application for a vehicle dealer certificate, supplemental certificate or
22 corrected certificate.

23 **“(h) Failed to pay a civil penalty assessed under ORS 822.009 and the**
24 **amount of penalty was not paid within 10 days after the order becomes**
25 **final.**

26 **“(i) Displayed dealer plates on vehicles unless the vehicle was of-**
27 **fered for sale.**

28 “(2) The department shall cancel a vehicle dealer certificate 45 days after
29 receipt of legal notice that the bond described under ORS 822.030 is canceled,
30 unless the department receives proof from the vehicle dealer that the dealer

1 has obtained another bond. Between the day that the department receives
2 notice that the bond is canceled and the day the vehicle dealer presents proof
3 of another bond, the vehicle dealer may not act as a vehicle dealer.

4 “(3) The department shall cancel a vehicle dealer certificate 45 days after
5 receipt of notice that the certificate of insurance required under ORS 822.033
6 is canceled, unless the department receives proof from the vehicle dealer that
7 the dealer has obtained another certificate of insurance. Between the day
8 that the department receives notice that the certificate of insurance is can-
9 celed and the day the vehicle dealer presents proof of another certificate of
10 insurance, the vehicle dealer may not act as a vehicle dealer.

11 “(4) The department shall cancel a vehicle dealer certificate immediately
12 upon receipt of notice that zoning approval for the business has been re-
13 voked.

14 “(5) Upon revocation, cancellation or suspension of a vehicle dealer cer-
15 tificate under this section, the department shall recall and demand the return
16 of the certificate and any vehicle dealer plates issued.

17

18 “VEHICLE REGISTRATION PLATES

19

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

21 “805.210. (1) The owner of a vehicle of special interest may apply to the
22 Department of Transportation for permission to use special interest regis-
23 tration plates. To receive permission to use special interest registration
24 plates the person must:

25 “(a) Maintain the vehicle of special interest as a collectors’ item and use
26 the vehicle only for exhibitions, parades, club activities and similar uses but
27 not use the vehicle primarily for the transportation of persons or property;

28 “(b) Supply the special interest registration plates which the person de-
29 sires to use; and

30 “(c) Include the plates with the application for permission to use them.

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

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

6 “(a) The plates shall be issued by the State of Oregon for use on vehicles
7 in this state.

8 “(b) The numbers and characters on the plate shall be distinctive.

9 “(c) The plates shall be legible, durable and otherwise of a size, shape,
10 color and design that will serve the purposes of safety and identification.

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

14 “[(3)] (4) If the special interest registration plate offered for approval was
15 issued in a year in which single registration plates only were required, the
16 department shall grant permission for use of that registration plate alone if
17 it is otherwise acceptable.

18 “[(4)] (5) If the special interest registration plates offered for approval are
19 from a series of plates in current use, as described in subsection [(2)(d)]
20 (3)(d) of this section, the department may affix a distinctive sticker to each
21 plate at the time of approval. Stickers shall be of a size, color and design
22 determined by the department and shall be displayed on plates in the manner
23 determined by the department.

24 “[(5)] (6) The department may approve plates issued by the state that have
25 been restored to their original color and design provided that if the plate
26 was reflectorized when originally issued, it must be fully reflectorized when
27 restored.

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

29 “803.530. (1) Registration plates assigned to a vehicle by the Department
30 of Transportation shall remain with the vehicle to which the plates are as-

1 signed and are valid only during the registration period for which the plates
2 are issued except as provided in this section.

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

5 “(a) The department receives an application;

6 “(b) The applicant pays the plate transfer fee under ORS 803.575; and

7 “(c) The applicant complies with the registration qualifications described
8 in ORS 803.350.

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

11 “(a) Legible and capable of being used for identification purposes; and

12 “(b) Any of the following:

13 “(A) From a current issue of registration plates;

14 “(B) Customized registration plates described under ORS 805.240;

15 “(C) Oregon Trail commemorative registration plates issued under section
16 113, chapter 741, Oregon Laws 1993;

17 “(D) Special registration plates issued under ORS 805.255, 805.260, 805.263,
18 805.266, 805.278 or 805.283;

19 “(E) Group registration plates issued under ORS 805.205;

20 “(F) Veterans’ recognition registration plates issued under ORS 805.105;

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

22 “(H) Registration plates issued through the special registration program
23 under ORS 805.222.

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

26 “(4) Notwithstanding ORS 803.400, when registration plates are trans-
27 ferred from one vehicle to another vehicle owned by the same person, the
28 registration period represented by the plates also transfers with the plates.
29 When registration plates are transferred from one vehicle to another vehicle
30 not owned by the same person, the remaining registration period represented

1 by the transferred plates ceases for both the vehicle receiving the transferred
2 plates and the vehicle from which the plates were removed.

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

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

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

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

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

14 “(A) The original plates were from plates currently issued;

15 “(B) The original plates were not customized plates; and

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

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

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

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

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

28 “(7) If the department retired the vehicle’s registration under ORS 819.030
29 because the vehicle is totaled or substantially altered, a person may apply
30 under subsection (2) of this section to transfer the registration plates to an-

1 other vehicle.

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

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

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

9 “(9) If a person described in subsection (8) of this section provides the
10 department with only one special interest registration plate for transfer and
11 the department’s vehicle records show the special interest registration plate
12 belongs to a vehicle record with no owner matching an applicant, the appli-
13 cant shall provide proof, as determined by the department by rule, that the
14 plate is no longer used on the vehicle it is currently showing being regis-
15 tered to in the department’s vehicle records.

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

17 “805.103. (1) The Department of Transportation shall provide for issuance
18 of registration plates for a motor vehicle registered under ORS 803.420 (6)(a),
19 in a manner consistent with this section, to motor vehicle owners who
20 qualify for the plates as Congressional Medal of Honor recipients under
21 subsection (2) this section.

22 “(2) A person who is a Congressional Medal of Honor recipient qualifies
23 for registration plates under this section if the person provides the depart-
24 ment with a certificate from the United States Department of Veterans Af-
25 fairs attesting to the person’s status as a Congressional Medal of Honor
26 recipient.

27 “(3) Registration plates issued under this section shall be considered
28 customized registration plates for purposes of the fee required in ORS
29 805.250. The department may waive the fee required in ORS 805.250.

30 “(4) The department may not issue registration plates for a motor vehicle

1 under this section if another motor vehicle owned by the applicant has been
2 issued registration plates under this section.

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

4 “(a) Be issued with a unique background design determined by the de-
5 partment;

6 “(b) Be issued with a specific configuration as determined by the depart-
7 ment;

8 “(c) Contain the words ‘Medal of Honor’;

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

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

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

18 “(7) If the motor vehicle owner qualifies for the registration plates under
19 subsection (2) of this section, the department may transfer registration plates
20 issued under this section to another motor vehicle registered under ORS
21 803.420 (6)(a), as set forth in ORS [805.242] **803.530**.

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

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

29

30

“VEHICLE IDENTIFICATION NUMBERS

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

2 “803.212. (1) The Department of Transportation, or persons or agencies
3 authorized to do so by the department, shall conduct a physical inspection
4 of the vehicle identification number or numbers of each vehicle located in
5 this state and required by ORS 803.210 to be inspected. The department may
6 designate certified dealers **and law enforcement agencies, by rule,** to
7 perform the inspection and may enter into agreements with the Oregon State
8 Police or other law enforcement agencies of this state to perform inspections
9 **for compensation.** The inspection shall determine whether the vehicle
10 identification number or numbers match those on the records of the depart-
11 ment, on the title or primary ownership record or contained in other infor-
12 mation received by the department.

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

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

22 “(a) Shall immediately notify the Oregon State Police or, if the depart-
23 ment determines it would be appropriate to do so, notify another law
24 enforcement agency; and

25 “(b) Shall not issue title within 30 days of giving the notice required by
26 paragraph (a) of this subsection unless the department is notified before the
27 end of the 30 days that the vehicle is not stolen. After the passage of the
28 30-day period, the department may issue the title.

29 “(4) The department may refer a vehicle to the Oregon State Police or
30 other appropriate law enforcement agency for a vehicle identification number

1 or product identification number inspection if:

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

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

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

22

23 **“ODOMETER DISCLOSURE**

24

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

26 “803.102. (1) As used in this section:

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

1 “(b) ‘Transferor’ means any person who transfers ownership of a motor
2 vehicle by sale, gift or any means other than by creation of a security in-
3 terest and any person who, as an agent, signs an odometer disclosure state-
4 ment for the transferor.

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

10 “(3) If a transfer requiring a disclosure statement involves a leased vehi-
11 cle, the lessor shall notify the lessee that the lessee is required to provide
12 odometer disclosure. The lessee shall furnish the lessor with a form that
13 complies with the requirements of ORS 803.120 and shall provide the infor-
14 mation required by ORS 803.122 except that for purposes of the required in-
15 formation, the lessee shall be considered the transferor, the lessor shall be
16 considered the transferee and the date shall be the date of the disclosure
17 statement.

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

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

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

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

28 “803.120. (1) When an odometer disclosure is required by statute or by the
29 Department of Transportation, [*or when an odometer reading is provided un-*
30 *der ORS 803.102 (6),*] the disclosure or reading shall be provided in a form

1 required by the department by rule. The department may require different
2 forms for different situations and may require different information to be
3 disclosed for different purposes.

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

9 “(3) Any form authorized by the department for use as an odometer dis-
10 closure upon transfer of an interest in a vehicle shall provide a way for the
11 transferor to indicate, to the best of the transferor’s knowledge, which of the
12 following is true:

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

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

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

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

21

22 **“COMMERCIAL DRIVER TRAINING SCHOOLS**

23

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

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

27 “822.515. (1) A person who holds a valid, current commercial driver
28 training school certificate issued under this section is not subject to the
29 prohibitions or penalties under ORS 822.500.

30 “(2) The Department of Transportation shall adopt rules to provide for the

1 issuance of commercial driver training school certificates under this section
2 **and driver training instructor certificates.** [*Rules adopted by the depart-*
3 *ment under this section shall provide requirements for all of the following:*]

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

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

12 “[*(3) The department:*]

13 “[*(a) May refuse to issue or renew or may suspend or revoke any certificate*
14 *issued under this section in any case where the department finds that the ap-*
15 *plicant or certificate holder has violated or failed to comply with any rules*
16 *adopted under this section or any provision of this section, ORS 822.500 to*
17 *822.510, 822.525 or 822.530.*]

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

20 “[*(4) Commercial driver training school certificates issued under this sec-*
21 *tion are subject to the following:*]

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

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

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

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

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

29 **“(d) Requirements for the location of the place of business and lo-**
30 **cation of facilities;**

1 **“(e) Requirements for records retention;**
2 **“(f) Vehicle equipment standards;**
3 **“(g) Courses and standards of instruction;**
4 **“(h) Fee schedules;**
5 **“(i) Requirements for character of school operators and instructors;**
6 **and**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 “[(e) *The department shall not issue or renew a certificate unless the ap-*
8 *plicant or certificate holder maintains a bond that meets the requirements un-*
9 *der ORS 822.505.*]

10 “[(f) *The department shall not issue or renew a certificate unless the ap-*
11 *plicant or certificate holder maintains proof of insurance that meets the re-*
12 *quirements under ORS 822.510.*]

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

14 “822.700. (1) Fee for issuance or renewal of dismantler certificates cover-
15 ing a single place of business, or a supplemental certificate for each addi-
16 tional place of business to be covered by that certificate and operated under
17 the same name, \$500.

18 “(2) Fee for each duplicate dismantler certificate issued under ORS
19 822.110, \$40.

20 “(3) Fee for original issuance **or renewal** of vehicle dealer certificate
21 under ORS 822.020 [*or renewal under ORS 822.040*] of a vehicle dealer cer-
22 tificate:

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

24 “(b) \$350, for each additional place of business to be covered by the cer-
25 tificate and operated under the same name.

26 “(4) Fee for each corrected vehicle dealer certificate issued under ORS
27 822.040, \$30.

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

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

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

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

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

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

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

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

14 “822.990. (1) The Department of Transportation may levy and collect a
15 civil penalty in the amount of \$1,000 for each violation against any person
16 who violates ORS 822.500 [~~or 822.525~~].

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

19 **“SECTION 29.** The amendments to ORS 822.515 and 822.700 by
20 sections 26 and 27 of this 2023 Act and the repeal of ORS 822.505,
21 822.510, 822.520, 822.525, 822.530 and 822.535 by section 25 of this 2023 Act
22 apply to driving training instructor certificates and commercial driver
23 training school certificates issued or renewed on or after the operative
24 date specified in section 53 of this 2023 Act.

25

26 **“VEHICLE TRANSPORTERS**

27

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

29 “822.310. (1) The holder of a current, valid vehicle transporter certificate
30 issued under this section may exercise the following privileges under this

1 certificate:

2 “(a) The person is not subject to the prohibitions and penalties under ORS
3 822.300 while transporting vehicles as provided under this section.

4 “(b) The person is entitled to apply for and receive [*a sufficient number*
5 *of*] **no more than ten** special vehicle transporter plates or devices and may
6 transport vehicles as provided under this section **in this state** while dis-
7 playing the plate or device. Only one plate or device shall be displayed on
8 a vehicle. The plates or devices shall require a fee for issuance as provided
9 in ORS 805.250. A plate or device issued under this paragraph may be used
10 on any vehicle transported by the person.

11 “(c) The person may drive or tow on its own wheels over the highways
12 of this state any unregistered vehicle or manufactured structure from outside
13 this state or from manufacturers or dealers within this state to a prospective
14 purchaser, manufacturer or dealer in this or any other state, territory or
15 foreign country. This paragraph only permits the person to transport man-
16 ufactured structures from the place of manufacture to the place of business
17 of a manufactured structure dealer holding a license under ORS 446.691 or
18 446.696 or a temporary manufactured structure dealer license under ORS
19 446.701 or to a place outside of Oregon. Any other movement of a manufac-
20 tured structure by the person must be under a trip permit issued by a county
21 as agent for the Department of Consumer and Business Services.

22 “(2) The Department of Transportation shall provide for the issuance and
23 renewal of vehicle transporter certificates under this section to persons reg-
24 ularly engaged in businesses that require the certificates.

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

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

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

1 “(4) The department may adopt necessary rules for the administration of
2 the laws relating to the regulation of vehicle transporters, the issuance and
3 renewal of vehicle transporter certificates, the issuance of vehicle transpor-
4 ter identification cards and the issuance of vehicle transporter plates. The
5 rules adopted under this subsection must be consistent with any rules re-
6 garding vehicle transporters that are adopted under ORS chapter 825. The
7 rules may include, but are not limited to, grounds and procedures for the
8 revocation, denial or suspension of vehicle transporter certificates and for
9 placing vehicle transporters on probationary status.

10 “(5) A person issued a certificate under this section is subject to regu-
11 lation under ORS chapter 825.

12 **“SECTION 31. The amendments to ORS 822.310 by section 30 of this**
13 **2023 Act apply to vehicle transporter certificates and vehicle trans-**
14 **porter plates issued on or after January 1, 2024. Vehicle transporter**
15 **certificates and vehicle transporter plates issued before January 1,**
16 **2024, shall continue to be governed by ORS 822.310 as in effect imme-**
17 **diately before January 1, 2024.**

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

19 “822.315. (1) A person commits the offense of improperly using a vehicle
20 transporter plate if the person is the holder of a vehicle transporter certifi-
21 cate and the person does any of the following:

22 “(a) Exercises privileges granted under ORS 822.310 for vehicles with
23 special vehicle transporter plates issued under ORS 822.310 without conspic-
24 uously displaying the plates on the rear of each vehicle.

25 “(b) Uses a special vehicle transporter plate to transport a manufactured
26 structure to a situs not permitted under the privileges granted under ORS
27 822.310.

28 “(c) Allows any person other than the transporter or transporter’s em-
29 ployee to use the special vehicle transporter plates issued to the transporter
30 under ORS 822.310.

1 agreement.

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

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

10 “(A) Specify criteria for eligibility of a *[person]* **qualified provider** to
11 enter into an agreement with the department under this section.

12 “(B) Specify the manner in which fees authorized by this section will be
13 collected and establish any notification the *[person]* **qualified provider** is
14 required to give the public about the fees.

15 “(C) Require a bond in an amount determined by the department from a
16 *[person]* **qualified provider** acting under an agreement described in this
17 section.

18 “(D) Prohibit disclosure of personal information from driver or vehicle
19 records except in accordance with applicable laws.

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

22 “(c) Rules adopted under this subsection shall be developed in consulta-
23 tion with persons who might enter into agreements with the department un-
24 der this section, including but not limited to integrators and vehicle dealers.

25 “(5) As used in this section[,]:

26 “(a) ‘Integrator’ means a person who enters into a contract with the De-
27 partment of Transportation:

28 “[a] (A) To provide information and supplies to a *[person]* **qualified
29 provider** who transacts business for the department under an agreement de-
30 scribed in this section; and

1 posted within 30 feet of the personal property to be removed;

2 “(B) That the notice must provide the date the notice begins and
3 the date upon which the city or department may begin removing per-
4 sonal property; and

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

6 “(i) How an individual may access personal property that is re-
7 moved and stored; and

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

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

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

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

16 “(e) Provisions related to the city or department relinquishing un-
17 claimed personal property after the storage period to the city’s or
18 department’s designated agent.

19 “(f) Provisions related to when the city will provide impact re-
20 duction services, including but not limited to trash collection.

21 “(g) A provision providing that if the department requests city ser-
22 vices under the intergovernmental agreement, but the city is unable
23 or unwilling to provide services as requested, the department or the
24 department’s contractor may perform the requested services consist-
25 ent with the terms of the agreement, including but not limited to
26 posting notice.

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

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

1 not operated for the month.

2 “(3)(a) In lieu of the fees provided in ORS 825.470 to 825.474, motor vehi-
3 cles described in ORS 825.024 with a combined weight of less than 46,000
4 pounds that are being operated under a permit issued under ORS 825.102 may
5 pay annual fees for such operation computed at the rate of \$9.60 for each 100
6 pounds of declared combined weight.

7 “(b) The annual fees provided in this subsection shall be paid in advance
8 but may be paid on a monthly basis on or before the first day of the month.
9 A carrier may be relieved from the fees due for any month during which the
10 motor vehicle is not operated for hire if a statement to that effect is filed
11 with the Department of Transportation on or before the fifth day of the first
12 month for which relief is sought.

13 “(4)(a) In lieu of other fees provided in ORS 825.474, carriers engaged in
14 the operation of motor vehicles equipped with dump bodies and used in the
15 transportation of sand, gravel, rock, dirt, debris, cinders, asphaltic concrete
16 mix, metallic ores and concentrates or raw nonmetallic products, whether
17 crushed or otherwise, moving from mines, pits or quarries may pay annual
18 fees for such operation computed at the rate of [~~\$11.50~~] **\$19.52** for each 100
19 pounds of declared combined weight.

20 “(b) Any carrier electing to pay fees under this method may, as to vehicles
21 otherwise exempt for taxation, elect to be taxed on the mileage basis for
22 movements of such empty vehicles over public highways whenever operations
23 are for the purpose of repair, maintenance, servicing or moving from one
24 exempt highway operation to another.

25 “(5)(a) In lieu of other fees provided in ORS 825.474, carriers engaged in
26 operating motor vehicles in the transportation of wood chips, sawdust,
27 barkdust, hog fuel or shavings may pay annual fees for such operation com-
28 puted at the rate of \$47 for each 100 pounds of declared combined weight.

29 “(b) Any carrier electing to pay under this method may, as to vehicles
30 otherwise exempt from taxation, elect to be taxed on the mileage basis for

1 movement of such empty vehicles over public highways whenever operations
2 are for the purpose of repair, maintenance, service or moving from one ex-
3 empt highway operation to another.

4
5 **“CONFORMING AMENDMENTS**

6
7 **“SECTION 37.** ORS 87.152 is amended to read:

8 “87.152. (1) Except as provided in subsections (2) and (3) of this section,
9 a person that makes, alters, repairs, transports, stores, pastures, cares for,
10 provides services for, supplies materials for or performs labor on a chattel
11 at the request of the owner or lawful possessor of the chattel has a lien on
12 the chattel in the possession of the person for the reasonable or agreed
13 charges for labor, materials or services of the person, and the person may
14 retain possession of the chattel until the charges are paid.

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

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

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

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

29 “(b) A person, other than a person that is described in paragraph (a)(A),
30 (B) or (C) of this subsection, shall have in effect a surety bond or irrevocable

1 letter of credit in the amount of \$20,000 before, and shall maintain the surety
2 bond or irrevocable letter of credit during, any period in which the person
3 creates, attaches, asserts or claims a possessory lien on a motor vehicle after
4 making, altering, repairing, transporting, storing, performing services for,
5 supplying materials for or performing labor in connection with the motor
6 vehicle.

7 “(c)(A) The surety bond and the irrevocable letter of credit described in
8 paragraph (b) of this subsection must be issued, respectively, by a corporate
9 surety that is authorized to transact business in this state and by a financial
10 institution, as defined in ORS 706.008. The corporate surety or the financial
11 institution, as appropriate, shall notify the Department of Transportation of
12 any cancellation of the surety bond or irrevocable letter of credit. The cor-
13 porate surety remains liable under the surety bond and the financial insti-
14 tution remains obligated under the irrevocable letter of credit until the
15 department receives the notice or until the date of cancellation specified in
16 the notice, whichever is later.

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

19 “(i) Executed to the State of Oregon;

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

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

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

25 “(C) The person described in paragraph (b) of this subsection as subject
26 to the requirement to have in effect a surety bond or irrevocable letter of
27 credit must certify in writing to the department each year that the surety
28 bond or irrevocable letter of credit remains in effect. If another person ob-
29 tains a recovery against the surety bond or irrevocable letter of credit, the
30 person shall file with the department not later than three business days after

1 the date of the recovery a new surety bond or irrevocable letter of credit in
2 the amount specified in paragraph (b) of this subsection.

3 “(3)(a) As used in this subsection:

4 “(A) ‘Auction company’ means an entity:

5 “(i) That operates throughout the United States;

6 “(ii) That holds a vehicle dealer certificate that the Department of
7 Transportation issued [*or renewed*] under ORS 822.020 [*or 822.040*], or a
8 dismantler certificate that the department issued or renewed under ORS
9 822.110 or 822.125; and

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

12 “(B) ‘Motor vehicle’ has the meaning given that term in ORS 801.360.

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

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

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

20 “(C) An organization with an exemption from taxation under section
21 501(c)(3) of the Internal Revenue Code that directed the auction company to
22 take possession of the motor vehicle.

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

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

30 “(A) The greater of \$2,000 or an amount equivalent to twice the value of

1 the motor vehicle, up to a maximum amount of \$20,000; and

2 “(B) The owner’s reasonable costs and attorney fees.

3 “(b) In addition to the recovery described in paragraph (a) of this sub-
4 section, the owner may obtain:

5 “(A) A judgment that:

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

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

10 “(B) A judgment that declares that the person’s lien is invalid if the
11 person obtained title to the motor vehicle without complying with this sec-
12 tion; and

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

15 **“SECTION 38.** ORS 646A.090 is amended to read:

16 “646A.090. (1) As used in this section:

17 “(a) ‘Buyer’ means a person that purchases or leases a motor vehicle.

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

21 “(c) ‘Lender’ means a person that purchases a retail installment contract
22 or lease agreement for a motor vehicle.

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

25 “(e) ‘Seller’ means a person that holds a current, valid vehicle dealer
26 certificate issued under ORS 822.020 [*or renewed under ORS 822.040*].

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

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

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

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

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

21 “(a) The fair market value of damage to, excessive wear and tear on or
22 loss of the motor vehicle that occurs between the date the buyer takes pos-
23 session of the motor vehicle and the date the buyer returns the motor vehicle
24 to the seller’s custody; and

25 “(b) If, within 14 days after the date on which the buyer takes possession
26 of the motor vehicle, the seller sends notice to the buyer by first class mail
27 or written electronic communication that a lender has not agreed to pur-
28 chase the retail installment contract or lease agreement, a reasonable charge
29 per mile for the use of the motor vehicle. The charge may not exceed the rate
30 per mile allowed under federal law as a deduction for federal income tax

1 purposes for an ordinary and necessary business expense.

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

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

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

12 **“SECTION 39.** ORS 802.031 is amended to read:

13 “802.031. (1) Nothing in ORS 802.600 prohibits the Department of Trans-
14 portation from adopting rules to:

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

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

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

23 “(B) Performing vehicle identification number inspections.

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

25 “(a) Transmit title and registration documents with all required fees to
26 the department within the time specified in ORS 822.042 and in accordance
27 with any other applicable statutes or applicable rules adopted by the de-
28 partment.

29 “(b) Maintain records as determined by the department to show compli-
30 ance with this section and any rules adopted by the department.

1 **SECTION 40.** ORS 803.552 is amended to read:

2 “803.552. (1) As used in this section:

3 “(a) ‘Car rental company’ has the meaning given that term in ORS
4 803.219.

5 “(b) ‘Integrator’ has the meaning given that term in ORS 802.600.

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

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

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

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

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

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

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

24 **SECTION 41.** ORS 805.250 is amended to read:

25 “805.250. This section establishes fees for issuance of registration plates
26 authorized under ORS 805.200. If a fee for plates authorized in ORS 805.200
27 is not established in this section, the fee is the same fee as established under
28 ORS 803.570. Where a fee is established under this section, the fee is in
29 addition to the fee established under ORS 803.570 unless otherwise provided
30 in the following:

1 “(1) Amateur radio operator registration plates issued under ORS 805.230,
2 \$5.

3 “(2) Customized registration plates issued under ORS 805.240:

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

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

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

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

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

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

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

22 “(5) Special vehicle transporter plates or devices issued under ORS
23 822.310, \$5 for each plate or device.

24 “**SECTION 42.** ORS 819.482 is amended to read:

25 “819.482. (1) A person commits the offense of acting as a vehicle appraiser
26 without a certificate if the person does not hold a vehicle appraiser certif-
27 icate issued under ORS 819.480 and the person, for consideration, issues an
28 opinion as to the value of a vehicle.

29 “(2) This section does not apply to:

30 “(a) A person who holds a vehicle dealer certificate issued [*or renewed*]

1 under ORS 822.020 [*or 822.040*] and who appraises vehicles in the operation
2 of the vehicle dealer's business;

3 “(b) A person from another jurisdiction who holds a vehicle appraiser
4 certificate requiring qualifications substantially similar to qualifications re-
5 quired for the certification of a vehicle appraiser in this state;

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

8 “(d) A person licensed or certified to appraise real estate under ORS
9 674.310 and who appraises the value of manufactured structures.

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

12 **“SECTION 43.** ORS 822.015 is amended to read:

13 “822.015. (1) In addition to any exemptions from the vehicle code under
14 ORS 801.026, ORS 822.005 does not apply to the following vehicles or persons:

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

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

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

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

30 “(e) Except as otherwise provided in this paragraph, a manufacturer who

1 sells vehicles the manufacturer has manufactured in Oregon. Nothing in this
2 paragraph prevents any manufacturer from obtaining a vehicle dealer certifi-
3 cate under ORS 822.020. This paragraph does not exempt a manufacturer
4 who sells or trades campers or travel trailers.

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

7 “(g) Except as otherwise provided in this paragraph, a person who sells
8 or trades or offers to sell or trade a vehicle that has been used in the oper-
9 ation of the person’s business. This paragraph does not exempt a person who
10 is in the business of selling, trading, displaying, rebuilding, renting or leas-
11 ing vehicles from any requirement to obtain a certificate for dealing in those
12 vehicles.

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

16 “(i) A person who collects, purchases, acquires, trades or disposes of ve-
17 hicles and vehicle parts for the person’s own use in order to preserve, restore
18 and maintain vehicles for the person’s own use or for hobby or historical
19 purposes.

20 “(j) A manufactured structure dealer subject to the licensing requirement
21 of ORS 446.671 or a person exempt from licensing under ORS 446.676 when
22 selling a vehicle, trailer or semitrailer accepted in trade as part of a manu-
23 factured structure transaction. A manufactured structure dealership or ex-
24 empt person may not directly sell more than three vehicles per calendar year
25 under authority of this paragraph, but by consignment with a dealer certified
26 under ORS 822.020 [*or 822.040*] may sell an unlimited number of vehicles ac-
27 quired as described in this paragraph.

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

30 “(L) A lien claimant who, in a 12-month period, sells 12 or fewer vehicles

1 that the lien claimant acquired through possessory liens if the vehicles are
2 sold at the business location of the lien claimant.

3 “(m) Electric personal assistive mobility devices.

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

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

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

11 “(b) Any employee of a person who is licensed as a vehicle dealer in an-
12 other jurisdiction.

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

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

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

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

23 **“SECTION 44.** ORS 822.025 is amended to read:

24 “822.025. An application for a vehicle dealer certificate issued by the De-
25 partment of Transportation under ORS 822.020 shall be in a form prescribed
26 by the department and shall contain all of the following:

27 “(1) The names and residence addresses of the persons applying, as fol-
28 lows:

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

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

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

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

7 “(4) Whether or not used vehicles are handled.

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

11 “(6) A certificate signed by a person authorized by the local governing
12 body to do so, stating that the location of the business as given in the ap-
13 plication for a certificate complies with any land use ordinances or business
14 regulatory ordinances of the city or county. The provisions of this subsection
15 do not apply to renewal of a vehicle dealer certificate under ORS [822.040]
16 **822.020** unless the location of the business is being changed at the time of
17 renewal.

18 “(7) Any information required by the department to efficiently administer
19 the registration of vehicles and regulation of dealers or other relevant in-
20 formation required by the department.

21 “(8) If the applicant is a dealer subject to the education and test re-
22 quirements under ORS 822.027 (1)(a), a certificate from the provider of each
23 precertification education program listing the courses that the applicant has
24 completed and the tests that the applicant has passed in the precertification
25 education program.

26 “(9) If the applicant will offer new recreational vehicles for sale, a cer-
27 tificate from the applicant stating that the applicant will maintain a recre-
28 ational vehicle service facility at the street address provided by the applicant
29 pursuant to subsection (3) of this section.

30 **“SECTION 45.** ORS 822.027 is amended to read:

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

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

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

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

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

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

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

30 “(b) A dealer having a franchise in this state for new recreational vehi-

1 cles;

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

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

8 “(4) Precertification and continuing education programs and the tests re-
9 quired in subsection (1) of this section may be developed by any motor ve-
10 hicle industry organization including, but not limited to, the Oregon
11 Independent Auto Dealers Association. Each education program shall be
12 submitted to the advisory committee established under ORS 802.370 for ap-
13 proval every two years. The committee shall vote to approve or deny ap-
14 proval of each program. A program that is approved must cover state and
15 federal law in at least the following areas:

16 “(a) Motor vehicle advertising;

17 “(b) Odometer laws and regulations;

18 “(c) Vehicle licensing and registration;

19 “(d) Unlawful dealer activities;

20 “(e) Environmental rules and regulations;

21 “(f) Oregon and industry standard motor vehicle forms;

22 “(g) Truthful lending practices;

23 “(h) Motor vehicle financing;

24 “(i) Service and warranty contracts; and

25 “(j) Land use regulations governing motor vehicle dealers.

26 “(5) Precertification and continuing education programs required in sub-
27 section (1) of this section may be provided by accredited educational insti-
28 tutions, private vocational schools, correspondence schools or trade
29 associations if the education programs have been approved by the advisory
30 committee established under ORS 802.370 as required in subsection (4) of this

1 section.

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

4 **“SECTION 46.** ORS 822.030 is amended to read:

5 “822.030. (1) A bond or letter of credit required to qualify for a vehicle
6 dealer certificate under ORS 822.020 [*or to qualify for renewal of a certificate*
7 *under ORS 822.040*] must comply with all of the following:

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

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

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

19 “(A) If the person holds a certificate to be a dealer exclusively in motor-
20 cycles, mopeds, Class I all-terrain vehicles or snowmobiles or any combina-
21 tion of those vehicles, the bond or letter of credit shall be for \$10,000.

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

25 “(d) The bond or letter of credit described in this subsection shall be ap-
26 proved as to form by the Attorney General.

27 “(e) The bond or letter of credit must be conditioned that the person is-
28 sued the certificate shall conduct business as a vehicle dealer without fraud
29 or fraudulent representation and without violating any provisions of the ve-
30 hicle code relating to vehicle registration, vehicle permits, the transfer or

1 alteration of vehicles or the regulation of vehicle dealers.

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

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

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

12 “(a) Vehicle registration;

13 “(b) Vehicle permits;

14 “(c) The transfer or alteration of vehicles; or

15 “(d) The regulation of vehicle dealers.

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

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

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

30 **“SECTION 47.** ORS 822.033 is amended to read:

1 “822.033. A certificate of insurance required to qualify for a vehicle dealer
2 certificate under ORS 822.020 or to qualify for renewal of a certificate under
3 ORS [~~822.040~~] **822.020** must comply with all of the following:

4 “(1) The certificate shall:

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

7 “(b) Show that the dealer is insured by a policy that provides the mini-
8 mum limits of coverage required under ORS 806.070;

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

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

14 “(e) Show that the dealer is insured by a policy that also covers all other
15 persons who, with the consent of the dealer, use or operate vehicles manu-
16 factured, owned or maintained by or under the control of the dealer;

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

19 “(g) Contain the policy number; and

20 “(h) Provide that the insurer shall give the Department of Transportation
21 written notice of any cancellation of the policy and that the insurer shall
22 continue to be liable under the policy until the department receives the no-
23 tice required by this paragraph or until the cancellation date specified in the
24 notice, whichever is later.

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

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

1 “(a) Antique vehicles issued permanent registration under ORS 805.010;

2 “(b) Farm trailers;

3 “(c) Farm tractors;

4 “(d) Implements of husbandry; or

5 “(e) Snowmobiles, Class I or Class III all-terrain vehicles.

6 **“SECTION 48.** ORS 822.045 is amended to read:

7 “822.045. (1) A vehicle dealer improperly conducts a vehicle dealer busi-
8 ness and is subject to the penalties under this section if the vehicle dealer
9 commits any of the following offenses:

10 “(a) A vehicle dealer commits the offense of failure to obtain a supple-
11 mental vehicle dealer certificate if the vehicle dealer opens any additional
12 place of business using the same business name as a place of business ap-
13 proved under a vehicle dealer certificate without first obtaining a supple-
14 mental dealer certificate under ORS 822.040.

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

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

23 “(A) A record of the purchase, sale or exchange or of the dealer’s receipt
24 for purpose of sale.

25 “(B) A description of the vehicle or camper.

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

29 “(D) For motor vehicles, the vehicle identification number and any other
30 numbers or identification marks as may be thereon and a statement that a

1 number has been obliterated, defaced or changed, if such is a fact.

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

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

11 “(d) A vehicle dealer commits the offense of failure to allow administra-
12 tive inspection if the dealer refuses to allow the department to conduct an
13 inspection under ORS 822.035 at any time during normal business hours.

14 “(e) A vehicle dealer commits the offense of failure to allow police in-
15 spection if the dealer refuses to allow any police officer to conduct an in-
16 spection under ORS 810.480 at any time during normal business hours.

17 “(f) A vehicle dealer commits the offense of illegal use of dealer vehicle
18 for hire if the dealer allows any vehicle operated under vehicle dealer reg-
19 istration to be loaned or rented with or without driver for hire or direct
20 compensation.

21 “(g) A vehicle dealer commits the offense of improper use of dealer plates
22 or devices if the dealer or employee of the dealer causes or permits the dis-
23 play or use of any special vehicle dealer registration plate or device on any
24 vehicle not owned or controlled by the dealer.

25 “(h) A person commits the offense of improper display of dealer plates if
26 the person operates over and along the highways of this state any unregis-
27 tered vehicle owned or controlled by the dealer and any dealer plates issued
28 are not displayed in the manner provided in ORS 803.540 for the display of
29 registration plates.

30 “(i) A vehicle dealer commits the offense of failure to exhibit the dealer

1 certificate if the dealer fails to permanently exhibit the certificate at the
2 place of business of the person at all times while the certificate is in force.

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

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

7 “(i) The interest of any person from whom the dealer purchased or ob-
8 tained the vehicle or camper;

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

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

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

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

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

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

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

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

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

15 “(m) A person commits the offense of acting as a vehicle dealer while
16 under revocation, cancellation or suspension if the person conducts business
17 as a vehicle dealer in this state and the person’s vehicle dealer certificate
18 is revoked, canceled or suspended, regardless of whether the person is li-
19 censed as a vehicle dealer in another jurisdiction. This paragraph does not
20 apply if the person has other current, valid dealer certificates issued in this
21 state.

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

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

30 “(3) A dealer is not considered to have committed the offense described

1 in subsection (1)(k) of this section if the dealer demonstrates that:

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

3 “(b) The dealer’s inability to provide title is due to circumstances beyond
4 the dealer’s control.

5 “(4) The offenses described in this section are subject to the following
6 penalties:

7 “(a) The offense described in this section, failure to obtain a supplemental
8 vehicle dealer certificate, is a Class A misdemeanor.

9 “(b) The offense described in this section, failure to obtain a corrected
10 vehicle dealer certificate, is a Class A misdemeanor.

11 “(c) The offense described in this section, failure to maintain proper ve-
12 hicle dealer records, is a Class A misdemeanor.

13 “(d) The offense described in this section, failure to allow administrative
14 inspection, is a Class A misdemeanor.

15 “(e) The offense described in this section, failure to allow police in-
16 spection, is a Class A misdemeanor.

17 “(f) The offense described in this section, illegal use of dealer vehicle for
18 hire, is a Class B traffic violation.

19 “(g) The offense described in this section, improper use of dealer plates
20 or devices, is a Class D traffic violation.

21 “(h) The offense described in this section, improper display of dealer
22 plates, is a Class B traffic violation.

23 “(i) The offense described in this section, failure to exhibit the dealer
24 certificate, is a Class A misdemeanor.

25 “(j) The offense described in this section, failure to provide clear title, is
26 a Class A misdemeanor.

27 “(k) The offense described in this section, failure to furnish certificate of
28 title or application for title, is a Class A misdemeanor.

29 “(L) The offense described in this section, failure to maintain bond or
30 letter of credit coverage, is a Class A misdemeanor.

1 “(m) The offense described in this section, acting as a vehicle dealer while
2 under revocation, cancellation or suspension, is a Class A misdemeanor.

3 “(n) The offense described in this section, improper display of a vehicle
4 for advertising purposes, is a Class A misdemeanor.

5 **“SECTION 49.** ORS 822.060 is amended to read:

6 “822.060. (1) Except as provided in subsection (2) of this section, a person
7 who holds a vehicle dealer certificate issued [*or renewed*] under ORS 822.020
8 [*or 822.040*] commits the offense of illegal consignment practices if the person
9 does any of the following:

10 “(a) Takes a vehicle on consignment from a person who does not hold a
11 vehicle dealer certificate issued [*or renewed*] under ORS 822.020 [*or 822.040*],
12 or who is not licensed as a vehicle dealer in another jurisdiction, and who
13 does not have proof that the consignor is the registered owner, a security
14 interest holder or lessor of the vehicle.

15 “(b) Takes a vehicle on consignment from a security interest holder
16 without the security interest holder first completing a repossession action
17 prior to consigning the vehicle and providing the dealer with proper docu-
18 mentary proof of the repossession action.

19 “(c) Takes a vehicle on consignment and does not have the terms of the
20 consignment agreement in writing and provide a copy of the agreement to
21 the consignor. The agreement shall include a provision stating that if the
22 terms of the agreement are not met, the consignor may file a complaint in
23 writing with the Department of Transportation, Salem, Oregon.

24 “(d) Sells a vehicle that the dealer has on consignment and does not pay
25 the consignor within 10 days of the sale.

26 “(e) Sells a vehicle that the dealer has on consignment and does not ei-
27 ther provide the purchaser with a certificate of title to the vehicle or with
28 other primary ownership records in the form of documents or apply to the
29 department in the purchaser’s name for title to the vehicle within 30 days
30 of the sale in a manner provided by the department by rule.

1 “(f) Does not allow the department or any duly authorized representative
2 to inspect and audit any records of any separate accounts into which the
3 dealer deposits any funds received or handled by the dealer or in the course
4 of business as a dealer from consignment sale of vehicles at such times as
5 the department may direct.

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

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

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

14 “ _____

15 DISCLOSURE REGARDING
16 CONSIGNMENT SALE

17
18 _____ (Name of Dealer) is selling the following described
19 vehicle: _____ (Year) _____ (Make) _____ (Model) _____ (Vehicle
20 Identification Number) on consignment.

21
22 [] There is a security interest in this vehicle.

23 [] There is not a security interest in this vehicle.

24
25 YOU SHOULD TAKE ACTION TO ENSURE THAT ANY SECURITY IN-
26 TERESTS ARE RELEASED AND THAT THE TITLE TO THE VEHICLE IS
27 TRANSFERRED TO YOU. OTHERWISE, YOU MAY TAKE TITLE SUB-
28 JECT TO ANY UNSATISFIED SECURITY INTERESTS.

29 “ _____

30 “(2) The offense described in this section does not apply if the person

1 takes a vehicle on consignment from an entity other than a retail customer
2 and the person holds a vehicle dealer certificate issued [*or renewed*] under
3 ORS 822.020 [*or 822.040*] and operates a:

4 “(a) Wholesale vehicle auction company; or

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

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

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

13

14

“GENERAL REPEALS

15

16 “**SECTION 50. ORS 805.242 is repealed.**

17 “**SECTION 51. ORS 805.117 is repealed.**

18 “**SECTION 52. The repeal of ORS 805.117 by section 51 of this 2023
19 Act applies to registration plates issued, renewed or replaced on or
20 after the effective date of this 2023 Act. Consular corps registration
21 plates issued before the effective date of this 2023 Act shall continue
22 to be governed by ORS 805.117 as in effect immediately before the ef-
23 fective date of this 2023 Act.**

24

25

“DELAYED OPERATIVE DATE

26

27 “**SECTION 53. (1) The amendments to ORS 87.152, 319.550, 319.520,
28 319.530, 646A.090, 802.031, 803.530, 803.552, 805.103, 805.210, 805.250, 807.080,
29 819.482, 822.015, 822.020, 822.025, 822.027, 822.030, 822.033, 822.035, 822.040,
30 822.045, 822.050, 822.060, 822.310, 822.315, 822.515, 822.700, 822.990 and**

1 825.480 by sections 3 to 5, 9, 16 to 22, 26 to 28, 30, 32 and 36 to 49 of this
2 2023 Act and the repeal of ORS 805.242, 822.505, 822.510, 822.520, 822.525,
3 822.530 and 822.535 by sections 25 and 50 of this 2023 Act become oper-
4 ative January 1, 2024.

5 “(2) The Department of Transportation may adopt rules or take any
6 actions before the operative date specified in subsection (1) of this
7 section that are necessary to enable the department, on and after the
8 operative date specified in subsection (1) of this section, to carry out
9 the amendments to ORS 87.152, 319.550, 319.520, 319.530, 646A.090,
10 802.031, 803.530, 803.552, 805.103, 805.210, 805.250, 807.080, 819.482, 822.015,
11 822.020, 822.025, 822.027, 822.030, 822.033, 822.035, 822.040, 822.045, 822.050,
12 822.060, 822.310, 822.315, 822.515, 822.700, 822.990 and 825.480 by sections
13 3 to 5, 9, 16 to 22, 26 to 28, 30, 32 and 36 to 49 of this 2023 Act and the
14 repeal of ORS 805.242, 822.505, 822.510, 822.520, 822.525, 822.530 and 822.535
15 by sections 25 and 50 of this 2023 Act.

16

17

“CAPTIONS

18

19 “SECTION 54. The unit captions used in this 2023 Act are provided
20 only for the convenience of the reader and do not become part of the
21 statutory law of this state or express any legislative intent in the
22 enactment of this 2023 Act.

23

24

“EFFECTIVE DATE

25

26 “SECTION 55. This 2023 Act takes effect on the 91st day after the
27 date on which the 2023 regular session of the Eighty-second Legislative
28 Assembly adjourns sine die.”

29