

Requested by Representative MCLAIN

**PROPOSED AMENDMENTS TO  
HOUSE BILL 3080**

1 On page 1 of the printed bill, line 2, after “vehicles;” insert “creating new  
2 provisions;”.

3 Delete lines 4 through 23 and insert:

4 **“SECTION 1.** ORS 803.206 is amended to read:

5 “803.206. (1) As used in this section, ‘electronic signature’ has the mean-  
6 ing given that term in ORS 84.004.

7 “[*(2) The Department of Transportation may receive electronically trans-*  
8 *mitted documents necessary to:*]

9 **“(2) Subject to rules adopted by the Department of Transportation**  
10 **under this section, entities may submit documents electronically to**  
11 **the department necessary to:**

12 “(a) Issue or transfer [*a certificate of*] title for a vehicle **in paper or**  
13 **electronic form;**

14 “(b) Register a vehicle or transfer registration of a vehicle;

15 “(c) Issue a registration plate; [*or*]

16 “(d) Comply with odometer disclosure requirements[.]; **or**

17 **“(e) Apply for notation of the security interest on the title.**

18 “(3) Except as required in ORS 803.094 and 803.205 for affidavits, an ac-  
19 knowledgement before a notary public is not required when a document or  
20 signature is transmitted electronically under this section. When an affidavit  
21 is required under ORS 803.094 or 803.205, the department may accept a

1 scanned copy of the person's signature and a scanned copy of the notary  
2 public's acknowledgment of the signature, which accurately reproduces the  
3 original signatures and contents of the document.

4 "(4) The department [*may*] **shall** adopt rules relating to the electronic  
5 transmission of documents and the use of electronic signatures on documents  
6 described in subsection (2) of this section.

7 "**(5) The department shall adopt rules permitting a vehicle dealer**  
8 **or a financial institution, as defined in ORS 706.008, to electronically**  
9 **transmit documents necessary to take the actions described in sub-**  
10 **section (2) of this section and may adopt rules to allow additional**  
11 **persons to do so. The department may limit applicability to specific**  
12 **types of titles, including to Oregon titles.**".

13 On page 2, delete lines 7 through 45.

14 On page 3, delete lines 1 through 22 and insert:

15 "**SECTION 3.** ORS 803.092 is amended to read:

16 "803.092. (1) Except as otherwise provided in this section, upon the  
17 transfer of any interest in a vehicle covered by an Oregon title the transferee  
18 shall submit an application for title to the Department of Transportation.  
19 Such application shall be submitted to the department within 30 days of the  
20 date of transfer of interest.

21 "(2) Notwithstanding subsection (1) of this section, application is not re-  
22 quired under this section when:

23 "(a) The change involves only a change in the security interest where the  
24 security interest holder or lessor is a financial institution, a financial hold-  
25 ing company or a bank holding company, as those terms are defined in ORS  
26 706.008, a licensee under ORS chapter 725, or any subsidiary or affiliate of  
27 any of the foregoing and the transfer of the interest of the security interest  
28 holder or lessor:

29 "(A) Results from the merger, conversion, reorganization, consolidation  
30 or acquisition of the security interest holder or lessor;

1 “(B) Is to an entity that is a member of the same affiliated group as the  
2 security holder or lessor; or

3 “(C) Is made in connection with a transfer in bulk.

4 “(b) The vehicle is transferred to a vehicle dealer and the vehicle will  
5 become part of the dealer’s inventory for resale. Upon the transfer of a ve-  
6 hicle to a dealer, however, the dealer shall immediately notify the depart-  
7 ment of such transfer. This exemption from the requirement to apply for title  
8 does not apply if the department determines that application for title is  
9 necessary in order to comply with odometer disclosure requirements. If the  
10 department determines that application for title is not required, it may re-  
11 quire filing of documents under ORS 803.126.

12 “(c) The vehicle is to be titled in another jurisdiction.

13 “(d) The vehicle has been totaled, wrecked, dismantled, disassembled,  
14 substantially altered or destroyed, in which case the provisions of ORS  
15 819.010, 819.012, 819.014 or 822.135 relating to notice and surrender of title  
16 documents shall be complied with.

17 “(e) The transfer involves the creation or termination of a leasehold in-  
18 terest in a vehicle that is proportionally registered under ORS 826.009 or  
19 826.011, if the department is furnished with satisfactory proof of the lease.

20 “(3) Except as provided in subsection (2) of this section, the transferee  
21 shall:

22 “(a) Submit an application that meets requirements for title under ORS  
23 803.045 and 803.050 and any applicable rules of the department.

24 “(b) Submit the title transfer fees as required under ORS 803.090.

25 “(c) Comply with the provisions of ORS 803.065 and any applicable rules  
26 of the department under that statute and submit the duplicate or replacement  
27 title fee as provided under ORS 803.090, if the transfer includes an applica-  
28 tion for duplicate or replacement title and transfer of title.

29 “(d) Submit an odometer disclosure containing information required by  
30 the department for the kind of transaction involved.

1 “(e) Submit any late presentation of certificate of title fee as provided  
2 under ORS 803.090 if such fee is required under ORS 803.105.

3 **“(4)(a) If requested on the application for title, the department shall  
4 provide the primary security interest holder with an electronic title.  
5 If no request is made on the application, the department may issue a  
6 certificate of title.**

7 **“(b) When the primary security interest holder receives an elec-  
8 tronic title, within 30 days of the release of the security interest the  
9 primary security interest holder shall electronically submit the release  
10 of interest to the department in the manner provided by the depart-  
11 ment by rule.**

12 **“(c) A duly certified copy of the department’s electronic record of  
13 the title reflecting the lien is admissible in any civil, criminal or ad-  
14 ministrative proceeding in this state as evidence of the existence of a  
15 lien.**

16 **“(d) The department shall adopt rules related to electronic applica-  
17 tion and the electronic release of liens and notice to lienholders.**

18 “[4] (5) For purposes of this section:

19 “(a) ‘Affiliated group’ has the meaning given to the term in section  
20 1504(a) of the Internal Revenue Code of 1986, as amended (26 U.S.C. 1504(a)).

21 “(b) A ‘transfer in bulk’ is:

22 “(A) The sale or assignment of, the grant of a security interest in, or any  
23 other transfer of either a group of loans secured by vehicles, leases of vehi-  
24 cles or both or a participation or other interest in the group of loans;

25 “(B) The creation of asset-backed securities or other securing of assets  
26 involving the loans or leases; or

27 “(C) Any similar transaction involving the loans or leases.”.

28 On page 6, after line 13, insert:

29 **“SECTION 5. No later than September 15 of each calendar year, the  
30 Department of Transportation shall submit to the Joint Committee on**

1 **Transportation, in the manner prescribed by ORS 192.245, an annual**  
2 **report about the progress made with respect to adopting rules to carry**  
3 **out the amendments to ORS 803.092 and 803.206 by sections 1 and 3 of**  
4 **this 2023 Act.**

5 **“SECTION 6. Section 5 of this 2023 Act is repealed January 2, 2027.**

6 **“SECTION 7. (1) The amendments to ORS 803.092 and 803.206 by**  
7 **sections 1 and 3 of this 2023 Act become operative on January 1, 2027.**

8 **“(2) The Department of Transportation may take any action before**  
9 **the operative date specified in subsection (1) of this section that is**  
10 **necessary to enable the department to exercise, on or after the oper-**  
11 **ative date specified in subsection (1) of this section, all of the duties,**  
12 **functions and powers conferred on the department by the amendments**  
13 **to ORS 803.092 and 803.206 by sections 1 and 3 of this 2023 Act.”.**

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