

House Bill 3177

Sponsored by Representative SOSA; Representatives GOMBERG, LIVELY, Senators CAMPOS, FREDERICK, PATTERSON (at the request of Oregon Consumer Justice) (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: Tells a car seller to check the car's VIN against a federal recall list and do all needed repairs before placing an ad for, or making an offer to sell, the car. (Flesch Readability Score: 60.6).

Requires a motor vehicle seller to check a used motor vehicle's vehicle identification number against the National Highway Traffic Safety Administration's motor vehicle safety recall database and to repair or replace all parts of the motor vehicle that are subject to a safety recall before advertising or offering the motor vehicle for sale or lease.

Takes effect on the 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to offers for used motor vehicles; creating new provisions; amending ORS 646A.092; and
3 prescribing an effective date.

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

5 **SECTION 1.** ORS 646A.092 is amended to read:

6 646A.092. (1) As used in this section:

7 (a) "Advertisement" means any public notice or announcement of a motor vehicle for sale or
8 lease.

9 (b) "Motor vehicle" has the meaning given that term in ORS 801.360, except that "motor
10 vehicle" does not include commercial vehicles, as defined in ORS 801.210, or commercial motor ve-
11 hicles, as defined in ORS 801.208.

12 (c) "Seller" means a person that is engaged in the business of selling or leasing motor vehicles.

13 (d) "Trade publication" means a motor vehicle price guide that is nationally recognized and
14 distributed.

15 (2) An advertisement for the sale or lease of a motor vehicle may not claim that a seller will
16 value property being offered in exchange for payment toward the motor vehicle:

17 (a) At a specific amount;

18 (b) Within a range of specified amounts;

19 (c) At a guaranteed minimum amount; or

20 (d) As a multiple of or an increase in trade-in allowance.

21 (3) **Subsection (2) of** this section does not apply to an advertisement for a used motor vehicle
22 that:

23 (a) References a value cited in a trade publication that is not published by the seller and that
24 is readily accessible by the public;

25 (b) Clearly and conspicuously discloses the name of the trade publication being referenced;

26 (c) Clearly and conspicuously includes the following disclaimer in at least 10-point bold type:
27 "THE VALUE OF USED MOTOR VEHICLES VARIES WITH MILEAGE, USAGE, INCLUDED

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

1 ACCESSORIES AND CONDITION. BOOK VALUES SHOULD BE CONSIDERED ESTIMATES
2 ONLY.”; and

3 (d) If the publisher of the trade publication publishes and distributes separate issues for specific
4 geographic regions, references the value cited for the geographic region in which the motor vehicle
5 is being offered for sale.

6 (4) **A seller may not publish an advertisement or otherwise offer a used motor vehicle for
7 sale or lease until after the seller has:**

8 (a) **Checked the motor vehicle’s vehicle identification number against the list of vehicle
9 identification numbers in the federal National Highway Traffic Safety Administration’s online
10 safety recall database; and**

11 (b) **Repaired or replaced, or had repaired or replaced, all parts of the motor vehicle that
12 are subject to any applicable safety recall notice.**

13 (5) **A violation of this section is an unlawful practice under ORS 646.608.**

14 **SECTION 2. The amendments to ORS 646A.092 by section 1 of this 2025 Act apply to ad-
15 vertisements or offers to sell or lease a motor vehicle that a seller publishes or makes on
16 or after the effective date of this 2025 Act.**

17 **SECTION 3. This 2025 Act takes effect on the 91st day after the date on which the 2025
18 regular session of the Eighty-third Legislative Assembly adjourns sine die.**

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