

Requested by Representative MCLAIN (at the request of Carvana)

**PROPOSED AMENDMENTS TO
SENATE BILL 840**

1 On page 12 of the printed bill, delete lines 26 through 45.

2 On page 13, delete lines 1 through 27 and insert:

3 **SECTION 20.** ORS 822.043 is amended to read:

4 “822.043. (1) As used in this section:

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

6 “(b) ‘Vehicle dealer’ means a person issued a vehicle dealer certificate
7 under ORS 822.020.

8 “(2) A vehicle dealer that the Department of Transportation has desig-
9 nated to act as an agent of the department under ORS 802.031 may elect to
10 prepare, submit, or prepare and submit documents necessary to:

11 “(a) Issue or transfer a certificate of title for a vehicle;

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

13 “(c) Issue a registration plate;

14 “(d) Verify and clear a title;

15 “(e) Perfect, release or satisfy a lien or other security interest;

16 “(f) Comply with federal security requirements; or

17 “(g) Render any other services for the purpose of complying with state
18 and federal laws related to the sale of a vehicle.

19 “(3) A vehicle dealer who prepares any documents described in subsection
20 (2) of this section:

21 “(a) May charge a purchaser of a vehicle a document processing fee for

1 the preparation of those documents.

2 “(b) May not charge a purchaser of a vehicle a document processing fee
3 for the submission of any document or the issuance of a registration plate.

4 “(c) May charge a purchaser of a vehicle a document processing fee for
5 performing any of the services described in subsection (2) of this section in
6 connection with preparing the documents described in subsection (2) of this
7 section.

8 **“(d) Shall conduct a vehicle title search using the National Motor
9 Vehicle Title Information System before finalizing a sales transaction.**

10 **“(4) Other than the portion of the document processing fee a vehicle
11 dealer pays to cover the costs of using an integrator,** a purchaser of a
12 vehicle may negotiate the amount of the document processing fee with a
13 vehicle dealer, but in no case shall the document processing fee charged by
14 a vehicle dealer under this section exceed:

15 “(a) \$250, if the vehicle dealer uses an integrator; or

16 “(b) \$200, if the vehicle dealer does not use an integrator.

17 “(5) If a vehicle dealer charges a document processing fee under sub-
18 section (4)(a) of this section, of the amount collected \$35 shall be paid to the
19 integrator.

20 “(6) Unless otherwise provided by rule, if a vehicle dealer uses an
21 integrator and charges a document processing fee greater than that charged
22 for not using an integrator, the dealer must inform the purchaser of the ve-
23 hicle of the option of using an integrator to prepare the documents. The
24 purchaser may then elect whether or not to have the vehicle dealer use an
25 integrator to prepare the documents.

26 “(7) If the purchaser of a vehicle pays a document processing fee, the ve-
27 hicle dealer shall prepare and submit all documents to complete the trans-
28 action as permitted by law.

29 “(8)(a) A vehicle dealer who collects the privilege tax imposed under ORS
30 320.405 from the purchaser of a taxable motor vehicle may collect the privi-

1 lege tax at the same time and in the same manner as the vehicle dealer
2 collects document processing fees under this section. The amount of the
3 privilege tax shall be in addition to and not in lieu of document processing
4 fees collected under this section.

5 “(b) A vehicle dealer may exclude the amount of the privilege tax from
6 the capitalized cost and offering price of a taxable motor vehicle as those
7 terms are defined by the Department of Justice by rule.”.

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