

Requested by Representative BOSHART DAVIS

**PROPOSED AMENDMENTS TO  
HOUSE BILL 4007**

1 On page 1 of the printed bill, line 4, delete “and 815.281” and insert “,  
2 815.281, 822.125 and 822.140”.

3 On page 18, line 34, delete “26” and insert “26a”.

4 On page 19, after line 44, insert:  
5

6 **“DISMANTLERS**  
7

8 **“SECTION 29.** ORS 822.140 is amended to read:

9 “822.140. (1) To meet the requirement for local government approval of a  
10 dismantler certificate under ORS 822.110 or a supplemental certificate under  
11 ORS 822.125, an applicant must comply with any regulations established by  
12 a city or county under this section and must obtain the approval of the  
13 governing body of the:

14 “(a) City, if the business is or will be carried on within an incorporated  
15 city of less than 100,000 population.

16 “(b) County, if the business is or will be carried on outside of any incor-  
17 porated city.

18 “(2) A city or county governing body shall grant approval of a dismantler  
19 certificate [*or renewal*] **or a supplemental certificate** when requested under  
20 this section if the governing body:

21 “(a) Approves the applicant as being suitable to establish, maintain or

1 operate a motor vehicle dismantling business;

2 “(b) Determines that the location or proposed location meets the require-  
3 ments for location under ORS 822.110;

4 “(c) Determines that the location does not violate any prohibition under  
5 ORS 822.135; and

6 “(d) Approves the location and determines that the location complies with  
7 any regulations adopted by a city or county under this section.

8 “(3) The governing body of a city or county may regulate the expansion  
9 of premises or the establishment of premises at a new location under a  
10 dismantler certificate. An applicant must comply with the regulations before  
11 the Department of Transportation may issue a supplemental dismantler cer-  
12 tificate. In adopting regulations under this subsection, a governing body:

13 “(a) Shall consider the extent of development of surrounding property as  
14 a residential area;

15 “(b) Shall consider the proximity of churches, schools, hospitals, public  
16 buildings or other places of public gathering;

17 “(c) Shall consider the sufficiency in number of other motor vehicle dis-  
18 mantling businesses in the vicinity;

19 “(d) Shall consider the health, safety and general welfare of the public;

20 “(e) May establish zones in which motor vehicle dismantling businesses  
21 are permissible and other zones where they are prohibited; and

22 “(f) May prescribe limitations on the dimensions of the premises on which  
23 motor vehicle dismantling businesses are conducted.

24 “(4) Regulations of a city governing body that are adopted under this  
25 section apply to motor vehicle dismantling businesses located outside of and  
26 within six miles of the boundaries of the city unless the county governing  
27 body in which the area is located has adopted regulations under this section  
28 that are applicable in the area.

29 “(5) Before granting approval for a supplemental dismantler certificate,  
30 the governing body of a city or county shall notify all property owners that

1 are or that will be adjacent to the motor vehicle dismantling business once  
2 the business moves, expands or opens an additional place of business.

3 **“SECTION 30.** ORS 822.125 is amended to read:

4 “822.125. (1) The holder of a current, valid dismantler certificate issued  
5 under ORS 822.110 is not subject to the prohibitions and penalties under ORS  
6 822.100 as long as the holder’s motor vehicle dismantling business is con-  
7 ducted in the location approved under the certificate.

8 “(2) The holder of a dismantler certificate may expand the dimensions or  
9 move a place of business approved under the dismantler certificate or open  
10 an additional place of business under the certificate upon issuance of a  
11 supplemental dismantler certificate by the Department of Transportation.  
12 The following apply to supplemental certificates issued under this subsection:

13 “(a) The department shall grant a supplemental certificate upon request  
14 of an applicant under this subsection if the applicant obtains local govern-  
15 ment permission for the supplemental certificate under ORS 822.140.

16 “[*(b) Upon application for renewal of the supplemental certificate, the de-*  
17 *partment may waive the requirement that an applicant for renewal under this*  
18 *subsection obtain local government approval under ORS 822.140 of the suit-*  
19 *ability of the applicant to establish, maintain or operate a motor vehicle dis-*  
20 *mantling business.*]

21 “[*(c)*] **(b)** A fee shall be charged for a supplemental dismantler certificate  
22 under ORS 822.700.

23 “(3) A dismantler certificate is valid for a two-year period and may be  
24 renewed as provided by the department. The department shall only renew the  
25 certificate of any certificate holder who does all of the following:

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

27 “(b) Completes the application described in ORS 822.115.

28 “[*(c) Obtains local government approval under ORS 822.140. The depart-*  
29 *ment may waive the requirement that an applicant for renewal obtain local*  
30 *government approval under ORS 822.140 of the suitability of the applicant to*

1 *establish, maintain or operate a motor vehicle dismantling business.]*

2 “[*d*] (c) Maintains a current bond that meets the requirements under  
3 ORS 822.120.

4 “(4) The department may provide the holder of a dismantler certificate  
5 with identification cards in the names of the owners of the business or in  
6 the names of authorized employees of the business.

7 “(5) The department may adopt suitable rules for the issuance and re-  
8 newal of dismantler certificates and identification cards.”.

9 On page 20, line 3, delete “29” and insert “31”.

10

---