

Requested by Senator STARR

**PROPOSED AMENDMENTS TO
SENATE BILL 1544**

1 In line 2 of the printed bill, after “transportation” insert “; amending ORS
2 822.125 and 822.140”.

3 Delete lines 4 through 11 and insert:

4 **“SECTION 1.** ORS 822.140 is amended to read:

5 “822.140. (1) To meet the requirement for local government approval of a
6 dismantler certificate under ORS 822.110 or a supplemental certificate under
7 ORS 822.125, an applicant must comply with any regulations established by
8 a city or county under this section and must obtain the approval of the
9 governing body of the:

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

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

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

17 “(a) Approves the applicant as being suitable to establish, maintain or
18 operate a motor vehicle dismantling business;

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

21 “(c) Determines that the location does not violate any prohibition under

1 ORS 822.135; and

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

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

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

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

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

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

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

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

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

25 “(5) Before granting approval for a supplemental dismantler certificate,
26 the governing body of a city or county shall notify all property owners that
27 are or that will be adjacent to the motor vehicle dismantling business once
28 the business moves, expands or opens an additional place of business.

29 **“SECTION 2.** ORS 822.125 is amended to read:

30 “822.125. (1) The holder of a current, valid dismantler certificate issued

1 under ORS 822.110 is not subject to the prohibitions and penalties under ORS
2 822.100 as long as the holder's motor vehicle dismantling business is con-
3 ducted in the location approved under the certificate.

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

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

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

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

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

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

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

24 “[*(c) Obtains local government approval under ORS 822.140. The depart-*
25 *ment may waive the requirement that an applicant for renewal obtain local*
26 *government approval under ORS 822.140 of the suitability of the applicant to*
27 *establish, maintain or operate a motor vehicle dismantling business.*]

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

30 “(4) The department may provide the holder of a dismantler certificate

1 with identification cards in the names of the owners of the business or in
2 the names of authorized employees of the business.

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

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