

A-Engrossed House Bill 2099

Ordered by the House May 24
Including House Amendments dated May 24

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Joint Committee on Transportation for Representative Susan McLain, former Senator Lee Beyer)

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.

[Requires Department of Transportation to study development of uniform standards for speed bump height and markings.]

[Sunsets January 2, 2025.]

Expands eligibility criteria for Safe Routes to School grants. Eliminates minimum cash match for grants.

Provides that Connect Oregon Fund grants may be awarded when there is minimum amount in fund to pay for grants.

Provides exemptions related to requirements to obtain use fuel license.

Defines "liquefied petroleum gas."

Modifies conversion factors for compressed natural gas and propane.

Changes small city allocation to specify that moneys may be used on roads for project elements required for compliance with federal or state law.

Directs Department of Transportation to administer federal Drug and Alcohol Clearing-house related to commercial driving privileges.

Permits weighmaster or motor carrier enforcement officer who issued citation for offense to present evidence at trial instead of city or district attorney.

Provides that inspection of vehicle dealers by department should be during normal business hours Monday through Friday.

Modifies laws related to vehicle dealer certificates and plates.

Modifies laws related to special interest registration plates.

Allows department to designate law enforcement agencies to perform inspections of vehicle identification numbers.

Deletes provision allowing voluntary reporting of odometer reading by person to department.

Modifies and repeals laws related to commercial driver training schools.

Modifies fees related to issuance and renewal of vehicle transporter certificates, driver training certificates and commercial driver training school certificates.

Caps number of special vehicle transporter plates or devices person is entitled to apply for and receive. Extends certificate period to three years.

Provides definition of "qualified provider" for purposes of driving tests.

Allows department to enter into intergovernmental agreement with City of Portland for removal, storage and disposition of personal property left on property owned by department.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to transportation; creating new provisions; amending ORS 87.152, 153.083, 184.742, 319.520,
3 319.530, 319.550, 366.805, 367.081, 646A.090, 802.031, 802.600, 803.102, 803.120, 803.212, 803.530,
4 803.552, 805.103, 805.210, 805.250, 807.080, 807.220, 807.230, 807.310, 809.520, 819.482, 820.110,
5 822.015, 822.020, 822.025, 822.027, 822.030, 822.033, 822.035, 822.040, 822.045, 822.050, 822.060,
6 822.310, 822.315, 822.515, 822.700 and 822.990; repealing ORS 805.117, 805.242, 822.505, 822.510,
7 822.520, 822.525, 822.530 and 822.535; and prescribing an effective date.

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

9
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.

SAFE ROUTES TO SCHOOL

SECTION 1. ORS 184.742 is amended to read:

184.742. (1) The Oregon Transportation Commission may provide matching grants under this section for safety improvement projects near schools.

(2) To qualify for a matching grant an applicant shall:

(a) Demonstrate that a project fits within the applicable plan developed pursuant to ORS 195.115;

(b) Provide a cash match of at least 40 percent of the project's costs; and

(c) Provide any other information required by the commission.

(3) Notwithstanding subsection (2) of this section, **by rule**, the commission may reduce the amount the applicant must provide for a cash match. *[An applicant providing a reduced cash match shall provide at least 20 percent of the project's costs. This subsection applies if:]*

[(a) The school is located in a city with a population of 5,000 or fewer;]

[(b) The project reduces hazards within a safety corridor, as defined by the commission by rule; or]

[(c) The school site qualifies for assistance under Chapter I of Title I of the federal Elementary and Secondary Education Act of 1965.]

(4) The commission shall prioritize the expenditure of funds as authorized under this section for projects that are located within a *[one-mile]* **two-mile** radius of a school that serves students in prekindergarten, kindergarten or grades 1 through *[8]* **12**, or any combination of those grade levels, *[or a school that serves students in kindergarten through grade 12].*

(5) The matching grants shall be used to reduce barriers and hazards to children walking or bicycling to and from school, including but not limited to safety improvement projects that:

(a) Improve sidewalks;

(b) Reduce vehicle speeds;

(c) Improve pedestrian and bicycle crossings; or

(d) Create or improve bicycle lanes.

(6) The commission may adopt rules specifying the application process and the selection criteria that will be used in awarding matching grants.

CONNECT OREGON

SECTION 2. ORS 367.081 is amended to read:

367.081. (1) Each biennium, the Department of Transportation may provide grants for transportation projects under ORS 367.080 only if the department determines that \$50 million or more will be available in the Connect Oregon Fund for *[the biennium in which the grants are provided]* **grants awarded under ORS 367.080 to 367.086.**

(2) The department may use up to one percent of the amounts available within the Connect Oregon Fund to pay administrative costs incurred by the department in carrying out the provisions of ORS 367.080 to 367.086.

(3) Each biennium, the department shall transfer seven percent of the moneys in the Connect Oregon Fund to the Multimodal Active Transportation Fund established under ORS 367.091 for the purpose of providing grants for bicycle and pedestrian transportation projects.

USE FUEL

SECTION 3. ORS 319.550 is amended to read:

319.550. (1) Except as provided in this section, a person may not use fuel in a motor vehicle in this state unless the person holds a valid user's license.

(2) A nonresident may use fuel in a motor vehicle not registered in Oregon for a period not exceeding 30 **consecutive** days without obtaining a user's license or the emblem issued under ORS 319.600, if, for all fuel used in a motor vehicle in this state, the nonresident pays to a seller, at the time of the sale, the tax provided in ORS 319.530.

(3) A user's license is not required for a person who uses fuel in a motor vehicle [*with a combined weight of 26,000 pounds or less*] if, for all fuel used in a motor vehicle in this state, the person pays to a seller, at the time of the sale, the tax provided in ORS 319.530.

(4) A user's license is not required for a person who is subject to the weight-mile tax described in ORS 825.474 and 825.476 or the flat fee rate described in ORS 825.480.

[(4)(a)] **(5)(a)** A user's license is not required for a person who uses fuel as described in ORS 319.520 (7) in the vehicles specified in this subsection if the person pays to a seller, at the time of the sale, the tax provided in ORS 319.530.

(b) Paragraph (a) of this subsection applies to the following vehicles:

(A) Motor homes as defined in ORS 801.350.

(B) Recreational vehicles as defined in ORS 174.101.

[(5)] **(6)** A user's license is not required for a person who uses fuel in a motor vehicle:

(a) Metered use by which is subject to the per-mile road usage charge imposed under ORS 319.885; and

(b) That also uses fuels subject to ORS 319.510 to 319.880.

[(6)] **(7)** A user's license is not required for a person who uses fuel in a motor vehicle on which an emblem issued for the motor vehicle pursuant to ORS 319.535 is displayed.

SECTION 4. ORS 319.520 is amended to read:

319.520. As used in ORS 319.510 to 319.880, unless the context clearly indicates a different meaning:

(1) "Cardlock card" means a fuel card:

(a) Capable of generating an electronic invoice or electronic statement that includes the information required by ORS 319.671 and the applicable fuel tax amount;

(b) Issued for a specific vehicle, a specific piece of equipment or a group of equipment;

(c) That includes the qualifying information, as designated by the Department of Transportation by rule, that is printed on the electronic invoice or electronic statement;

(d) That allows the tax status of the cardlock card to be indicated on the electronic invoice or electronic statement and includes state tax as a separate item on the invoice or statement; and

(e) That allows a cardlock card issuer to generate a statement recording, by fuel type, gallons of fuel purchased for domestic and foreign customers each month.

(2) "Combined weight" means the total empty weight of all vehicles in a combination plus the total weight of the load carried on that combination of vehicles.

(3) "Delinquent" means having failed to pay a tax or penalty within the time provided by law.

(4) "Department" means the Department of Transportation.

(5) "Domestic customer" means a customer making a purchase at a nonretail facility owned by the cardlock card issuer.

1 (6) "Foreign customer" means a customer making a purchase at a nonretail facility owned by
2 a seller other than the cardlock card issuer.

3 (7) "Fuel" means any combustible gas, liquid or material of a kind used for the generation of
4 power to propel a motor vehicle on the highways except motor vehicle fuel as defined in ORS
5 319.010.

6 (8) "Highway" means every way, thoroughfare and place, of whatever nature, open to the use
7 of the public for the purpose of vehicular travel.

8 (9) "Light weight" means the weight of a vehicle when fully equipped for moving over the
9 highway.

10 **(10) "Liquefied petroleum gas" includes propane, pentane and any mixture of propane and**
11 **pentane.**

12 [(10)] (11) "Motor vehicle" means every self-propelled vehicle operated on the highway, except
13 an implement of husbandry used in agricultural operations and only incidentally operated or moved
14 upon the highway.

15 [(11)] (12) "Nonretail facility" means:

16 (a) An unattended facility accessible only by cardlock card and not associated with a retail fa-
17 cility; or

18 (b) An unattended portion of a retail facility separate from the retail operations and accessible
19 only by cardlock card.

20 [(12)] (13) "Person" means any individual, firm, copartnership, joint venture, association, corpo-
21 ration, trust, receiver or any group or combination acting as a unit.

22 [(13)] (14) "Seller" means:

23 (a) A person that sells fuel to a user; or

24 (b) If the fuel is dispensed at a nonretail facility, the person that owns the user's accounts and
25 bills the user for fuel purchased at a nonretail facility.

26 [(14)] (15) "To sell fuel for use in a motor vehicle" means to dispense or place fuel for a price
27 into a receptacle on a motor vehicle, from which receptacle the fuel is supplied to propel the motor
28 vehicle.

29 [(15)] (16) "To use fuel in a motor vehicle" means to receive into any receptacle on a motor
30 vehicle, fuel to be consumed in propelling the motor vehicle on the highways of this state; and, if
31 the fuel is received into the receptacle outside the taxing jurisdiction of the state, "to use fuel in
32 a motor vehicle" means to consume in propelling the motor vehicle on the highways of this state.

33 **SECTION 5.** ORS 319.530 is amended to read:

34 319.530. (1) To compensate this state partially for the use of its highways, an excise tax hereby
35 is imposed at the rate of 34 cents per gallon on the use of fuel in a motor vehicle.

36 (2) Except as otherwise provided in subsections (3) [and (4)] **to (6)** of this section, 100 cubic feet
37 of fuel used or sold in a gaseous state, measured at 14.73 pounds per square inch of pressure at 60
38 degrees Fahrenheit, is taxable at the same rate as a gallon of liquid fuel.

39 (3) [One hundred twenty] **123.57** cubic feet, **or 5.66 pounds**, of compressed natural gas used or
40 sold in a gaseous state[, measured at 14.73 pounds per square inch of pressure at 60 degrees
41 Fahrenheit,] is taxable at the same rate as [a gallon of liquid fuel] **one gasoline gallon.**

42 [(4) One and three-tenths liquid gallons of propane at 60 degrees Fahrenheit is taxable at the same
43 rate as a gallon of other liquid fuel.]

44 **(4) 1.353 gallons, or 5.75 pounds, of liquefied petroleum gas is taxable at the same rate**
45 **as one gasoline gallon.**

1 (5) 1.71 gallons, or 6.059 pounds, of liquefied natural gas is taxable at the same rate as
2 one diesel gallon.

3 (6) One kilogram of hydrogen is taxable at the same rate as one gasoline gallon.
4

5 **SMALL CITY ALLOCATION**
6

7 **SECTION 6.** ORS 366.805 is amended to read:

8 366.805. (1) Except as provided in subsection (2) of this section, the appropriation specified in
9 ORS 366.800 shall be allocated to the cities as provided in this subsection. The moneys subject to
10 allocation under this subsection shall be distributed by the Department of Transportation according
11 to the following:

12 (a) The moneys shall be distributed to all the cities.

13 (b) Each city shall receive such share of the moneys as its population bears to the total popu-
14 lation of the cities.

15 (2) Each year, the sum of \$2,500,000 shall be withdrawn from the appropriation specified in ORS
16 366.800 and \$2,500,000 shall be withdrawn from moneys available to the Department of Transporta-
17 tion from the State Highway Fund. The sums withdrawn shall be transferred to a separate account
18 to be administered by the Department of Transportation. The following apply to the account de-
19 scribed in this subsection:

20 (a) Money from the account shall be used only [*upon streets*] **on roads**:

21 (A) That are not a part of the state highway system, **with the exception of project elements**
22 **that are required to comply with federal or state law**;

23 (B) That are within cities with populations of 5,000 or fewer persons; and

24 (C) That are inadequate for the capacity the [*streets serve*] **roads serve** or are in a condition
25 detrimental to safety.

26 (b) **To the extent moneys are available to fund whole projects**, all moneys in the account
27 shall be [*allotted*] **allocated** each year.

28 (c) Subject to paragraph (d) of this subsection, the department shall determine [*the distribution*
29 *of the expenditures after considering applications from the cities submitted to the department*] **annual**
30 **allocation after considering applications, including project budgets, submitted by the cities**
31 **to the department**.

32 (d) The department may enter into agreements with cities upon the advice and counsel of **the**
33 **small city advisory committee to determine allocation based on those applications** [*organiza-*
34 *tions representing cities to establish*:]

35 [(A) *The method of allotting moneys from the account; or*]

36 [(B) *The method of considering applications from cities and determining distribution based on the*
37 *applications*].

38 (3) The Director of Transportation shall establish a small city advisory committee. The **small**
39 **city** advisory committee shall review **department recommendations and approve** applications
40 submitted by small cities [*and shall recommend applications for approval*] to the director. In consul-
41 tation with the League of Oregon Cities, the director shall appoint to the **small city** advisory com-
42 mittee one representative of a small city in each of the five regions of this state.

43 (4) For purposes of this section:

44 (a) Region one consists of Clackamas, Hood River, Multnomah and Washington Counties.

45 (b) Region two consists of Benton, Clatsop, Columbia, Lane, Lincoln, Linn, Marion, Polk,

1 Tillamook and Yamhill Counties.

2 (c) Region three consists of Coos, Curry, Douglas, Jackson and Josephine Counties.

3 (d) Region four consists of Crook, Deschutes, Gilliam, Jefferson, Klamath, Lake, Sherman, Wasco
4 and Wheeler Counties.

5 (e) Region five consists of Baker, Grant, Harney, Malheur, Morrow, Umatilla, Union and
6 Wallowa Counties.

7
8 **DRIVING PRIVILEGES**
9

10 **SECTION 7. Section 8 of this 2023 Act is added to and made a part of the Oregon Vehicle**
11 **Code.**

12 **SECTION 8. (1) The Department of Transportation shall adopt rules necessary to ad-**
13 **minister the federal Drug and Alcohol Clearinghouse.**

14 **(2) The department may not issue or renew commercial driving privileges and may cancel**
15 **or suspend commercial driving privileges if a person has not complied with the rules estab-**
16 **lished under this section.**

17 **(3) A person is entitled to an administrative review under ORS 809.440 when the depart-**
18 **ment does not issue or renew commercial driving privileges under this section or cancels or**
19 **suspends commercial driving privileges under this section.**

20 **SECTION 9. ORS 807.080 is amended to read:**

21 807.080. *[(1) The Department of Transportation, by rule, shall provide for the following in a man-*
22 *ner consistent with this section:]*

23 *[(a) The issuance of driver competency testing certificates.]*

24 *[(b) The regulation of persons issued driver competency testing certificates.]*

25 *[(2) A person issued a driver competency testing certificate under this section may certify, in a*
26 *manner established by the department, the competency of drivers to safely exercise driving privileges*
27 *granted only under one or more of the following:]*

28 *[(a) A Class A commercial driver license.]*

29 *[(b) A Class B commercial driver license.]*

30 *[(c) A Class C commercial driver license.]*

31 *[(d) An endorsement related to a commercial driver license.]*

32 *[(3) The department may waive an actual demonstration of ability to operate a motor vehicle under*
33 *ORS 807.070 for an applicant who is certified by the holder of a driver competency testing certificate*
34 *as competent to exercise the driving privileges in the class of license or in the endorsement sought by*
35 *the applicant.]*

36 *[(4) The rules adopted by the department under this section may establish reasonable fees for the*
37 *issuance of a certificate or as part of any program of regulating certificate holders that is established*
38 *by the department.]*

39 *[(5) When adopting rules under this section, the department may:]*

40 *[(a) Make the certificate renewable upon any basis determined convenient by the department and*
41 *may include provisions for cancellation, revocation or suspension of certificates or for probation of*
42 *certificate holders.]*

43 *[(b) Provide for the issuance of certifications allowing the holder to certify competency in several*
44 *classes or types of driving privileges or limiting the classes or types of driving privileges for which the*
45 *holder may certify competency.]*

1 *[(c) Establish the forms of certificates to be issued.]*

2 *[(d) Establish and require forms that are to be used by certificate holders in certifying*
3 *competency.]*

4 *[(e) Establish any qualifications or requirements for obtaining a certificate that the department de-*
5 *termines necessary to protect the interests of persons seeking certification by certificate holders.]*

6 *[(f) Issue certificates to publicly owned and operated educational facilities to allow programs for*
7 *certification of competency.]*

8 *[(g) Issue certificates to employers to allow the employers to establish programs primarily for the*
9 *certification of employees' competency. The department may provide that programs established under*
10 *this paragraph may be operated without driver training school certificates under ORS 822.500 and*
11 *without driver training instructor certificates under ORS 822.525.]*

12 *[(h) Establish any other provisions or requirements necessary to carry out the purposes of this*
13 *section.]*

14 **(1) The Department of Transportation may adopt rules and enter into contracts neces-**
15 **sary for the regulation and certification of persons and organizations authorized to certify**
16 **an individual's competency to safely operate a motor vehicle, including a commercial motor**
17 **vehicle, on behalf of the department.**

18 **(2) Rules adopted under this section may include, but are not limited to, the following:**

19 **(a) Establishing methods and procedures for the testing of competency to operate dif-**
20 **ferent types of motor vehicles.**

21 **(b) Establishing the manner and mechanism by which test results shall be sent to the**
22 **department.**

23 **(c) Establishing reasonable fees as part of any program for regulation created by the**
24 **department under this section.**

25 **(d) Establishing grounds for suspension, cancellation or revocation of a person's or**
26 **organization's authorization to certify competency to operate motor vehicles.**

27 **(e) Establishing requirements for records retention.**

28 **(f) Establishing requirements for inspections of premises, investigations and monitoring,**
29 **including covert monitoring, to ensure that testing is conducted in strict accord with rules**
30 **adopted under this section.**

31 **(g) Establishing bond and insurance requirements.**

32 **(3) In adopting rules under this section, the department shall take into consideration the**
33 **regulations and laws of the federal government.**

34 **SECTION 10.** ORS 807.220 is amended to read:

35 807.220. (1) The Department of Transportation shall provide for the issuance of emergency driver
36 permits in a manner consistent with this section.

37 (2) Except as otherwise provided in this section an emergency driver permit is subject to the
38 fees, provisions, conditions, prohibitions and penalties applicable to a Class C **driver** license.

39 (3) The following apply to an emergency driver permit:

40 (a) The department may issue an emergency driver permit to a person 14 years of age or older.

41 (b) The department shall place restrictions on the permit that designate the routes over which
42 the permit is valid. The department shall designate routes it determines necessary from the facts
43 creating the emergency.

44 (c) The permit shall only be issued if the department is satisfied that an emergency exists that
45 requires operation of a motor vehicle by the applicant.

1 (d) The department may establish a form for the permit that differs from the form required for
2 a license.

3 (e) The only fee required for issuance of the permit is the emergency driver permit fee under
4 ORS 807.370.

5 (f) The department may establish a period for the expiration of the permit that coincides with
6 the end of the emergency that is the basis for the permit.

7 (g) The department shall cancel the permit if the department determines that the holder of the
8 permit has operated a motor vehicle over any highway or for any purpose other than one approved
9 under the permit.

10 (h) If an emergency driver permit is canceled, the person issued the permit is ineligible to be
11 issued another emergency driver permit for a period of one year.

12 (i) In addition to any other application requirements for the emergency driver permit, the ap-
13 plicant must obtain the [*endorsement on the application*] **approval** of the sheriff of the county in
14 which the applicant resides.

15 (4) The department may issue an emergency driver permit, if the person qualifies for the permit,
16 to a person whose driving privileges are suspended under ORS 809.280 because the department has
17 received an order suspending driving privileges under ORS 809.260. In addition to other emergencies,
18 a situation that leaves the applicant with no alternative means to travel to and from school is an
19 emergency for purposes of a permit issued under this subsection.

20 **SECTION 11.** ORS 807.230 is amended to read:

21 807.230. The Department of Transportation shall provide for issuance of special student driver
22 permits in a manner consistent with this section. A special student driver permit grants the driving
23 privileges provided in this section or under the permit. Except as otherwise provided in this section,
24 a special student driver permit is subject to the fees, provisions, conditions, prohibitions and penal-
25 ties applicable to a Class C **driver** license. The following apply to a special student driver permit:

26 (1) The department may issue a special student driver permit to a person 14 years of age or
27 older.

28 (2) The department shall place restrictions on the permit to limit operation of a vehicle under
29 the permit to operation necessary as a means of transportation to or from the school, college or
30 other educational institution attended by the person to whom the driver permit is issued.

31 (3) The permit shall only be issued if the applicant has no other available means of transporta-
32 tion by which to continue the applicant's education.

33 (4) The permit shall only be issued if the department is satisfied that the applicant has had
34 sufficient experience in the operation of motor vehicles to operate a motor vehicle without endan-
35 gering the safety of the public.

36 (5) The department may establish a form for the permit that differs from the form required for
37 a license that is issued.

38 (6) The only fee required for issuance of the permit is the special student driver permit fee under
39 ORS 807.370.

40 (7) The department shall cancel the permit if the department determines that the holder of the
41 permit has operated a motor vehicle over any highway or for any purpose other than as approved
42 under the permit.

43 (8) If a special student driver permit is canceled, the person issued the permit is ineligible to
44 be issued any license or driver permit until the person is old enough to be eligible for a license.

45 (9) In addition to any other application requirements for the special student driver permit, the

1 applicant must:

2 (a) Certify that the applicant has no other available means of transportation that would enable
3 the applicant to continue the applicant's education;

4 (b) Specify the road or highway over which the applicant desires to operate motor vehicles;

5 (c) Obtain the [endorsement] **approval** of the sheriff of the county in which the applicant resides
6 and of the principal of the school the applicant attends; and

7 (d) Provide any other information required by the department.

8 **SECTION 12.** ORS 807.310 is amended to read:

9 807.310. (1) The Department of Transportation shall provide for the issuance of applicant tem-
10 porary driver permits in a manner consistent with this section.

11 (2) The department may issue an applicant temporary driver permit to an applicant for a **Class**
12 **C** driver license or for a **noncommercial** driver permit while the department is determining all facts
13 relative to application for the **Class C** driver license or **noncommercial** driver permit. The de-
14 partment shall set forth on the applicant temporary driver permit the driving privileges granted
15 under the permit.

16 (3) The holder of an applicant temporary driver permit must have the temporary driver permit
17 on the holder's person while operating a motor vehicle. The holder of an applicant temporary driver
18 permit must operate within the driving privileges granted under the temporary driver permit.

19 (4) An applicant temporary driver permit is valid for a period of 30 days from the date issued.
20 The department may extend the term of the permit for sufficient cause. An extension of the term
21 of the permit may not exceed an additional 30 days.

22 (5) An applicant temporary driver permit automatically becomes invalid if the applicant's license
23 or permit is issued or refused for good cause.

24 (6) The department may not charge a fee for issuance of an applicant temporary driver permit
25 under this section.

26 **(7) The department may, by rule, establish when an applicant may be issued a temporary**
27 **driver permit for commercial driving privileges.**

28 **SECTION 13.** ORS 809.520, as amended by sections 107 and 108, chapter 630, Oregon Laws 2021,
29 is amended to read:

30 809.520. (1) Notwithstanding ORS 809.510 **(1) to (5) and (7)**, the Department of Transportation
31 shall permanently suspend a person's commercial driving privileges for the lifetime of the person if
32 the department receives a record of conviction for a crime punishable as a felony in which a motor
33 vehicle was used and that involved the manufacturing, distributing or dispensing of a controlled
34 substance, as defined in ORS 475.005. The department may not reinstate commercial driving privi-
35 leges of a person whose commercial driving privileges are suspended under this subsection.

36 (2) Notwithstanding ORS 809.510 **(1) to (5) and (7)**, the department shall permanently suspend
37 a person's commercial driving privileges for the lifetime of the person if the department receives a
38 record of conviction for a crime in which a commercial motor vehicle was used and that involved
39 an act or practice of severe forms of trafficking in persons as defined by the department by rule.
40 The department may not reinstate commercial driving privileges of a person whose commercial
41 driving privileges are suspended under this subsection.

42 (3)(a) Notwithstanding ORS 809.510 **(1) to (5) and (7)**, the department shall suspend a person's
43 commercial driving privileges for the lifetime of the person if the department receives a second or
44 subsequent record, report or notice described in ORS 809.510 **(1) to (5) and (7)** that does not arise
45 out of the same incident and that would be grounds for suspension of the person's commercial

1 driving privileges under ORS 809.510 (1) to (5) and (7).

2 (b) The department may adopt rules providing for the reinstatement of commercial driving
3 privileges suspended under this subsection. The department may not reinstate commercial driving
4 privilege suspensions under this subsection earlier than 10 years after the date that the person's
5 commercial driving privileges are suspended under paragraph (a) of this subsection.

6 (c) The department shall permanently suspend a person's commercial driving privileges for the
7 lifetime of the person if the department receives a record, report or notice described in paragraph
8 (a) of this subsection that relates to conduct that occurred after the person's commercial driving
9 privileges were reinstated under paragraph (b) of this subsection. The department may not reinstate
10 the commercial driving privileges of a person whose commercial driving privileges are suspended
11 under this paragraph.

12 (4) A suspension imposed under this section is consecutive to any other suspension imposed
13 under ORS 809.510, 809.525, 809.530 or 809.535, if the suspensions do not arise out of the same in-
14 cident.

15 **SECTION 14.** ORS 820.110 is amended to read:

16 820.110. (1) The State Board of Education shall adopt and enforce rules to establish requirements
17 of operation, qualifications or special training of drivers and special accident reports for school
18 buses and school activity vehicles.

19 (2) The governing board of a public university listed in ORS 352.002 may adopt and enforce
20 separate standards of the type described under this section for school buses and school activity ve-
21 hicles that are under its jurisdiction.

22 (3) The rules and standards adopted under this section:

23 (a) Are subject to ORS 820.190 and 820.200 and to any other statute or regulation relating to
24 the operation of vehicles, qualifications of drivers and accident reports.

25 (b) Must be consistent with requirements established by statute or by rule adopted under stat-
26 utory authority that relate to the same subject.

27 (c) May include different requirements for different classes or types of school buses or school
28 activity vehicles.

29 (d) May include any exemptions determined appropriate under ORS 820.150.

30 (4) If the Department of Transportation suspends, cancels or revokes any driving privileges of
31 a person who holds a school bus endorsement [*under ORS 807.035 (5)*], the Department of Trans-
32 portation shall notify the Department of Education of the suspension, cancellation or revocation.

33
34 **WEIGHMASTER AUTHORITY**

35
36 **SECTION 15.** ORS 153.083, as amended by section 4, chapter 64, Oregon Laws 2022, is amended
37 to read:

38 153.083. (1) Notwithstanding ORS 9.160 and 9.320, in any trial of a violation, whether created
39 by ordinance or statute, in which a city attorney or district attorney does not appear, the peace
40 officer who issued the citation for the offense may present evidence, examine and cross-examine
41 witnesses and make arguments relating to:

42 (a) The application of statutes and rules to the facts in the case;

43 (b) The literal meaning of the statutes or rules at issue in the case;

44 (c) The admissibility of evidence; and

45 (d) Proper procedures to be used in the trial.

1 (2) Notwithstanding ORS 9.160 and 9.320, in any trial of a violation, whether created by ordi-
2 nance or statute, in which a city attorney or district attorney does not appear, the duly authorized
3 traffic enforcement agent who issued the citation for the offense may present the evidence reviewed
4 by the agent as the basis for issuing a citation under ORS 810.436, 810.437 or 810.444.

5 **(3) Notwithstanding ORS 9.160 and 9.320, in any trial of a violation, whether created by**
6 **ordinance or statute, in which a city attorney or district attorney does not appear, the**
7 **weighmaster or motor carrier enforcement officer who issued the citation for the offense**
8 **may present the evidence reviewed by the weighmaster or motor carrier enforcement officer**
9 **as the basis for issuing a citation listed under ORS 810.530.**

10 [(3)(a)] (4)(a) As used in this section, “duly authorized traffic enforcement agent” means an in-
11 dividual who:

12 (A) Is employed, appointed and duly sworn in by the governing body of the incorporated city in
13 which the agent performs the agent’s duties; and

14 (B) Has completed all necessary technical, administrative and other training to review photo-
15 graphs and issue citations under ORS 810.436, 810.437 or 810.444.

16 (b) Duly authorized traffic enforcement agents are not police officers as defined in ORS 801.395.

17
18 **VEHICLE DEALERS**

19
20 **SECTION 16.** ORS 822.035 is amended to read:

21 822.035. The Department of Transportation:

22 (1) Upon receipt of an application for a vehicle dealer certificate, shall examine the application
23 and may make an individual investigation relative to statements contained in the application.

24 (2) Upon being satisfied that an applicant is entitled to a vehicle dealer certificate and that the
25 proper fees have been paid for the certificate, shall assign the vehicle dealer a distinctive dealer
26 number that allows the dealer to conduct business under the certificate and shall forward to the
27 dealer a vehicle dealer certificate stating thereon the dealer’s number.

28 (3) Has authority to determine whether or not an applicant for a vehicle dealer certificate is a
29 vehicle dealer.

30 (4) Has authority to make suitable rules for the issuance of vehicle dealer certificates to expire
31 consistently with ORS [822.040] **822.020**.

32 (5) May make inspections of any vehicle dealer records required under ORS 822.045 and of any
33 vehicles included in a vehicle dealer’s inventory or located on the vehicle dealer’s premises. In-
34 spections authorized by this subsection may be conducted by the department at reasonable
35 intervals[, *during normal business hours,*] and may not exceed a scope of inspection necessary for
36 the department to determine the following:

37 (a) A vehicle dealer’s compliance with statutes regulating vehicle dealers under the vehicle
38 code;

39 (b) A vehicle dealer’s compliance with those provisions of the vehicle code regulating the titling
40 and registration of vehicles;

41 (c) A vehicle dealer’s compliance with rules adopted by the department relating to the regu-
42 lation of vehicle dealers and the registration and titling of vehicles; and

43 (d) The identification of stolen vehicles.

44 **(6) May make inspections during the normal business hours of the department, from**
45 **Monday through Friday.**

1 [(6)] (7) Shall provide a vehicle dealer with plates or devices authorized under ORS 805.200 to
2 allow the exercise of the privileges granted under ORS 822.040.

3 [(7)] (8) May provide a vehicle dealer with identification cards in the names of the owners of
4 the business or in the names of authorized employees of the business.

5 [(8)] (9) May not issue a vehicle dealer certificate under ORS 822.020 to an applicant who has
6 been issued a similar certificate from another jurisdiction that has been revoked or is currently
7 suspended unless the applicant possesses a current, valid vehicle dealer certificate issued under ORS
8 822.020.

9 [(9)] (10) May not use the revocation or suspension by another [*state*] **jurisdiction** of a vehicle
10 dealer certificate or similar certificate as a basis for refusing to allow a vehicle dealer holding a
11 current, valid vehicle dealer certificate issued under ORS 822.020 to obtain a vehicle dealer certifi-
12 cate under ORS 822.020 or a supplemental certificate under ORS 822.040 [*or to renew a certificate*
13 *under ORS 822.040*].

14 [(10)] (11) May adopt any reasonable rules necessary for the administration of the laws relating
15 to the regulation of vehicle dealers, the issuance of vehicle dealer certificates, the issuance of ve-
16 hicle dealer identification cards, regulation of vehicle dealers designated as agents under ORS
17 802.031 and the issuance of vehicle dealer plates. The rules adopted under this subsection must be
18 consistent with the statutory provisions of the vehicle code. The rules may include, but are not
19 limited to, grounds and procedures for the revocation, denial, probation or suspension of vehicle
20 dealer certificates or of a vehicle dealer's designation to act as an agent of the department.

21 **SECTION 17.** ORS 822.020 is amended to read:

22 822.020. (1) Except as provided in ORS 822.022 and 822.035 [(8)] (9), the Department of Trans-
23 portation shall issue a vehicle dealer certificate to any person if the person meets all of the fol-
24 lowing requirements:

25 [(1)] (a) The person must complete the application for a dealer certificate described under ORS
26 822.025.

27 [(2)] (b) The person must deliver to the department a bond or letter of credit that meets the
28 requirements under ORS 822.030.

29 [(3)] (c) The person must deliver to the department a certificate of insurance that meets the
30 requirements established by ORS 822.033.

31 [(4)] (d) The person must pay the fee required under ORS 822.700 for issuance of a vehicle dealer
32 certificate.

33 [(5)] (e) The person must certify completion of the precertification education and test require-
34 ments of ORS 822.027 (1)(a) if the person is a dealer subject to the education and test requirements.

35 **(2) A vehicle dealer certificate issued or renewed under this section expires three years**
36 **after the date of issuance or renewal.**

37 **(3) A vehicle dealer certificate may be renewed if the applicant for renewal does all of the**
38 **following:**

39 **(a) Pays the required fee for renewal under ORS 822.700.**

40 **(b) Delivers to the department a bond that meets the requirements under ORS 822.030.**

41 **(c) Delivers to the department a certificate of insurance that meets the requirements**
42 **under ORS 822.033.**

43 **(d) Provides the names of all partners or corporate officers.**

44 **(e) Certifies completion of the continuing education requirements of ORS 822.027 (1)(b)**
45 **if the person is a dealer subject to the education requirements.**

1 (f) If the dealer offers new recreational vehicles for sale under the certificate, certifies
2 that the dealer maintains a recreational vehicle service facility as listed in the dealer cer-
3 tificate application described in ORS 822.025.

4 (4) If a civil penalty assessed under ORS 822.009 remains unpaid after the date of issuance
5 of the final order, the department may refuse to issue or renew a vehicle dealer certificate
6 under this section, until the civil penalty is paid in full or until six years have passed since
7 the date of issuance of the final order, whichever occurs first.

8 (5) The department may adopt rules for the issuance and renewal of vehicle dealer cer-
9 tificates under this section.

10 **SECTION 18.** ORS 822.040 is amended to read:

11 822.040. (1) The holder of a current, valid vehicle dealer certificate issued under ORS 822.020
12 may exercise the following privileges under the certificate:

13 (a) **Subject to ORS 822.045**, a dealer is authorized, without violating ORS 803.025 or 803.300,
14 to use and operate over and along the highways of this state *[all]* vehicles displaying the dealer's
15 plates whether registered or not or whether or not a title is issued for the vehicle[.] **if the vehicle:**

16 (A) **Is owned or controlled by the dealer;**

17 (B) **Is used by the dealer, members of the dealer's firm, any salesperson thereof or any**
18 **person authorized by the dealer;**

19 (C) **Indicates it is offered for sale; and**

20 (D) **When offered for sale, is available for display during the vehicle dealer's normal**
21 **business hours.** *[This paragraph does not authorize dealers to use or operate vehicles under dealer*
22 *plates unless the vehicles are actually owned or controlled by the dealer and in actual use by the*
23 *dealer, members of the dealer's firm, any salesperson thereof or any person authorized by the dealer.*
24 *Vehicles operated under dealer plates may be used for the same purposes as are any other vehicles*
25 *registered in this state that are registered by payment of the fee under ORS 803.420. This paragraph*
26 *is subject to the limitations under ORS 822.045.]*

27 (b) A dealer is entitled to receive dealer plates or devices and replacement or additional dealer
28 plates or devices. As many additional dealer plates as may be desired may be obtained upon the
29 filing of a formal application for additional plates with the Department of Transportation. The plates
30 issued to dealers shall require the payment of fees as provided under ORS 805.250.

31 (c) The person is not subject to the prohibitions and penalties under ORS 822.005 as long as the
32 holder's vehicle dealer business is conducted in a location approved under the certificate.

33 (d) The dealer shall be considered the owner of vehicles manufactured or dealt in by the dealer,
34 before delivery and sale of the vehicles, and of all vehicles in the dealer's possession and operated
35 or driven by the dealer or the dealer's employees.

36 (e) Notwithstanding ORS 825.474, in lieu of paying the weight-mile tax imposed under ORS
37 825.474, the dealer may pay the fuel taxes imposed under ORS 319.020 and 319.530, when the vehicle:

38 (A) Displays the dealer's plates;

39 (B) Is actually owned or controlled by the dealer and in actual use by the dealer, members of
40 the dealer's firm, any salesperson of the dealer or any person authorized by the dealer;

41 (C) Is operated on the highway for the purpose of test driving the vehicle; and

42 (D) Is unloaded.

43 (2) The holder of a vehicle dealer certificate may open additional places of business under the
44 same business name by obtaining a supplemental certificate from the department under this sub-
45 section. The following all apply to a supplemental certificate issued under this subsection:

1 (a) The department may not issue a supplemental certificate under this subsection if the addi-
2 tional place of business opened will be operated under a different business name than that indicated
3 on the current certificate. Any business that a vehicle dealer operates under a separate business
4 name must be operated under a separate certificate and the dealer must apply for and pay the fees
5 for a regular dealer certificate for the business.

6 (b) A supplemental certificate issued under this subsection is subject to the fee for supplemental
7 certificate under ORS 822.700.

8 (3) The holder of a vehicle dealer certificate may move a place of business or change a business
9 name by obtaining a corrected certificate from the department. For purposes of this subsection,
10 "place of business" includes a recreational vehicle service facility as defined in ORS 822.082. The
11 following apply to a corrected certificate issued under this subsection:

12 (a) The department shall prescribe the form for application for a corrected certificate.

13 (b) A person applying for a corrected certificate shall pay the fee for the corrected certificate
14 established in ORS 822.700.

15 (4) The department may establish by rule the requirements a holder of a vehicle dealer certif-
16 icate must meet to display a vehicle at a location other than the dealer's place of business for the
17 purpose of advertising without first obtaining a supplemental certificate from the department. In
18 addition to any requirements established by the department by rule, all of the following apply:

19 (a) The dealer must have a signed agreement with the owner of the property or the person using
20 the property where the vehicle is to be displayed stating that the vehicle is for an advertising pro-
21 motion only and that the processing of any documents or other activities required to purchase a
22 vehicle must be done at the dealer's place of business.

23 (b) The vehicle on display must be clearly marked with the dealer's name and contact informa-
24 tion and a notice that the vehicle is displayed only for the purpose of advertising and may be pur-
25 chased only at the dealer's place of business.

26 (c) Displaying the vehicle must not violate any zoning laws or ordinances.

27 (d) The dealer or the dealer's employees may not remain with the vehicle except for the purpose
28 of moving the vehicle in or out of the display area.

29 *[(5) A vehicle dealer certificate is valid for a three-year period and may be renewed as provided
30 by the department. The department shall only renew a certificate if the applicant for renewal does all
31 of the following:]*

32 *[(a) Pays the required fee for renewal under ORS 822.700.]*

33 *[(b) Delivers to the department a bond that meets the requirements under ORS 822.030.]*

34 *[(c) Delivers to the department a certificate of insurance that meets the requirements under ORS
35 822.033.]*

36 *[(d) Provides the names of all partners or corporate officers.]*

37 *[(e) Certifies completion of the continuing education requirements of ORS 822.027 (1)(b) if the per-
38 son is a dealer subject to the education requirements.]*

39 *[(f) If the dealer offers new recreational vehicles for sale under the certificate, certifies that the
40 dealer maintains a recreational vehicle service facility as listed in the dealer certificate application de-
41 scribed in ORS 822.025.]*

42 *[(6) The department may adopt suitable rules for the issuance and renewal of certificates under this
43 section and ORS 822.020.]*

44 **SECTION 19.** ORS 822.050 is amended to read:

45 822.050. (1) The Department of Transportation may revoke, suspend or place on probation a ve-

1 hicle dealer if the department determines at any time for due cause that the dealer has done any
2 of the following:

3 (a) Violated any grounds for revocation, suspension or probation adopted by the department by
4 rule under ORS 822.035.

5 (b) Failed to comply with the requirements of the vehicle code with reference to notices or re-
6 ports of the transfer of vehicles or campers.

7 (c) Caused or suffered or is permitting the unlawful use of any certificate or registration plates.

8 (d) Violated or caused or permitted to be violated ORS 815.410, 815.415, 815.425 or 815.430.

9 (e) Falsely certified under ORS 822.033 that the dealer is exempt from the requirement under
10 ORS 822.020 [or 822.040] to file a certificate of insurance.

11 (f) Continued to fail to provide clear title or repeatedly failed to provide clear title in violation
12 of ORS 822.045.

13 (g) Knowingly certified false information required by the department on an application for a
14 vehicle dealer certificate, supplemental certificate or corrected certificate.

15 **(h) Failed to pay a civil penalty assessed under ORS 822.009 and the amount of penalty**
16 **was not paid within 10 days after the order becomes final.**

17 **(i) Displayed dealer plates on vehicles unless the vehicle was offered for sale.**

18 (2) The department shall cancel a vehicle dealer certificate 45 days after receipt of legal notice
19 that the bond described under ORS 822.030 is canceled, unless the department receives proof from
20 the vehicle dealer that the dealer has obtained another bond. Between the day that the department
21 receives notice that the bond is canceled and the day the vehicle dealer presents proof of another
22 bond, the vehicle dealer may not act as a vehicle dealer.

23 (3) The department shall cancel a vehicle dealer certificate 45 days after receipt of notice that
24 the certificate of insurance required under ORS 822.033 is canceled, unless the department receives
25 proof from the vehicle dealer that the dealer has obtained another certificate of insurance. Between
26 the day that the department receives notice that the certificate of insurance is canceled and the day
27 the vehicle dealer presents proof of another certificate of insurance, the vehicle dealer may not act
28 as a vehicle dealer.

29 (4) The department shall cancel a vehicle dealer certificate immediately upon receipt of notice
30 that zoning approval for the business has been revoked.

31 (5) Upon revocation, cancellation or suspension of a vehicle dealer certificate under this section,
32 the department shall recall and demand the return of the certificate and any vehicle dealer plates
33 issued.

34
35 **VEHICLE REGISTRATION PLATES**

36
37 **SECTION 20.** ORS 805.210 is amended to read:

38 805.210. (1) The owner of a vehicle of special interest may apply to the Department of Trans-
39 portation for permission to use special interest registration plates. To receive permission to use
40 special interest registration plates the person must:

41 (a) Maintain the vehicle of special interest as a collectors' item and use the vehicle only for
42 exhibitions, parades, club activities and similar uses but not use the vehicle primarily for the
43 transportation of persons or property;

44 (b) Supply the special interest registration plates which the person desires to use; and

45 (c) Include the plates with the application for permission to use them.

1 **(2) The department shall determine which special interest plates are available for issu-**
2 **ance under this section.**

3 [(2)] **(3)** The department, prior to approval of an application under this section, shall determine
4 that the special interest registration plates meet the following requirements:

5 (a) The plates shall be issued by the State of Oregon for use on vehicles in this state.

6 (b) The numbers and characters on the plate shall be distinctive.

7 (c) The plates shall be legible, durable and otherwise of a size, shape, color and design that will
8 serve the purposes of safety and identification.

9 (d) If the plates are from a series of plates in current use, the plates shall be from the same year
10 or period of issue in which the vehicle was manufactured.

11 [(3)] **(4)** If the special interest registration plate offered for approval was issued in a year in
12 which single registration plates only were required, the department shall grant permission for use
13 of that registration plate alone if it is otherwise acceptable.

14 [(4)] **(5)** If the special interest registration plates offered for approval are from a series of plates
15 in current use, as described in subsection [(2)(d)] **(3)(d)** of this section, the department may affix a
16 distinctive sticker to each plate at the time of approval. Stickers shall be of a size, color and design
17 determined by the department and shall be displayed on plates in the manner determined by the
18 department.

19 [(5)] **(6)** The department may approve plates issued by the state that have been restored to their
20 original color and design provided that if the plate was reflectorized when originally issued, it must
21 be fully reflectorized when restored.

22 **SECTION 21.** ORS 803.530 is amended to read:

23 803.530. (1) Registration plates assigned to a vehicle by the Department of Transportation shall
24 remain with the vehicle to which the plates are assigned and are valid only during the registration
25 period for which the plates are issued except as provided in this section.

26 (2) The department may allow registration plates to be transferred to another vehicle if:

27 (a) The department receives an application;

28 (b) The applicant pays the plate transfer fee under ORS 803.575; and

29 (c) The applicant complies with the registration qualifications described in ORS 803.350.

30 (3) The department shall transfer registration plates under this section if the applicant and the
31 vehicle qualify for the plates and the plates are:

32 (a) Legible and capable of being used for identification purposes; and

33 (b) Any of the following:

34 (A) From a current issue of registration plates;

35 (B) Customized registration plates described under ORS 805.240;

36 (C) Oregon Trail commemorative registration plates issued under section 113, chapter 741,
37 Oregon Laws 1993;

38 (D) Special registration plates issued under ORS 805.255, 805.260, 805.263, 805.266, 805.278 or
39 805.283;

40 (E) Group registration plates issued under ORS 805.205;

41 (F) Veterans' recognition registration plates issued under ORS 805.105;

42 (G) Pacific Wonderland registration plates issued under ORS 805.287; or

43 (H) Registration plates issued through the special registration program under ORS 805.222.

44 **(I) Registration plates that are no longer currently issued that the department deter-**
45 **mines may still be transferred.**

1 (4) Notwithstanding ORS 803.400, when registration plates are transferred from one vehicle to
2 another vehicle owned by the same person, the registration period represented by the plates also
3 transfers with the plates. When registration plates are transferred from one vehicle to another ve-
4 hicle not owned by the same person, the remaining registration period represented by the trans-
5 ferred plates ceases for both the vehicle receiving the transferred plates and the vehicle from which
6 the plates were removed.

7 (5) The owner of a registered vehicle to which a plate is assigned may replace a registration
8 plate. The following apply to this subsection:

9 (a) To replace a plate under this subsection, the owner must apply to the department for re-
10 placement of the plate in a form prescribed by the department and pay the replacement plate fee
11 established under ORS 803.575.

12 (b) The department, in lieu of replacement, may issue duplicate plates for the same fee as
13 charged for replacements.

14 (c) The plates issued under this subsection are valid only for the period of the plates replaced.

15 (d) The replaced plates may not be considered customized plates when they are replaced, if:

16 (A) The original plates were from plates currently issued;

17 (B) The original plates were not customized plates; and

18 (C) The replacement plates are a duplicate of the original plates.

19 (e) When a vehicle is assigned a pair of plates and the owner wishes to replace a single plate,
20 the department may replace a single plate rather than replace both plates.

21 (6) A county may replace a registration plate that is from a specially designed government series
22 with a registration plate that is from a regular series. The following apply to this subsection:

23 (a) To replace a plate under this subsection, the county must apply to the department for re-
24 placement of the plate in a form prescribed by the department and pay the replacement plate fee
25 established under ORS 803.575.

26 (b) The plates issued under this subsection are valid only for the period of the plates replaced.

27 (7) If the department retired the vehicle's registration under ORS 819.030 because the vehicle
28 is totaled or substantially altered, a person may apply under subsection (2) of this section to transfer
29 the registration plates to another vehicle.

30 (8) Subject to subsections (2) and (4) of this section, after the department authorizes the use of
31 special interest plates under ORS 805.210, a person may apply to transfer the plates to either:

32 (a) A vehicle that was previously determined by the department to qualify as a vehicle of special
33 interest; or

34 (b) A vehicle approved by the department as a vehicle of special interest at the time of appli-
35 cation.

36 (9) If a person described in subsection (8) of this section provides the department with only one
37 special interest registration plate for transfer and the department's vehicle records show the special
38 interest registration plate belongs to a vehicle record with no owner matching an applicant, the
39 applicant shall provide proof, as determined by the department by rule, that the plate is no longer
40 used on the vehicle it is currently showing being registered to in the department's vehicle records.

41 **SECTION 22.** ORS 805.103 is amended to read:

42 805.103. (1) The Department of Transportation shall provide for issuance of registration plates
43 for a motor vehicle registered under ORS 803.420 (6)(a), in a manner consistent with this section,
44 to motor vehicle owners who qualify for the plates as Congressional Medal of Honor recipients un-
45 der subsection (2) this section.

1 (2) A person who is a Congressional Medal of Honor recipient qualifies for registration plates
2 under this section if the person provides the department with a certificate from the United States
3 Department of Veterans Affairs attesting to the person's status as a Congressional Medal of Honor
4 recipient.

5 (3) Registration plates issued under this section shall be considered customized registration
6 plates for purposes of the fee required in ORS 805.250. The department may waive the fee required
7 in ORS 805.250.

8 (4) The department may not issue registration plates for a motor vehicle under this section if
9 another motor vehicle owned by the applicant has been issued registration plates under this section.

10 (5) The registration plates issued under this section shall:

11 (a) Be issued with a unique background design determined by the department;

12 (b) Be issued with a specific configuration as determined by the department;

13 (c) Contain the words "Medal of Honor";

14 (d) Contain the image of the Congressional Medal of Honor; and

15 (e) Meet the requirements for registration plates under ORS 803.535.

16 (6) If there is a transfer of interest in the motor vehicle to which the registration plate under
17 this section is assigned, or if the motor vehicle is totaled and not reconstructed, the motor vehicle
18 owner shall remove the registration plate. The Congressional Medal of Honor recipient may retain
19 the registration plate, but the registration plate may not be placed on any other motor vehicle un-
20 less the registration plate is transferred as set forth in subsection (7) of this section.

21 (7) If the motor vehicle owner qualifies for the registration plates under subsection (2) of this
22 section, the department may transfer registration plates issued under this section to another motor
23 vehicle registered under ORS 803.420 (6)(a), as set forth in ORS [805.242] **803.530**.

24 (8) The department shall cancel any registration plates issued under this section if the depart-
25 ment determines that the motor vehicle is owned by a person who does not qualify for the regis-
26 tration plates under subsection (2) of this section or that the motor vehicle is not registered under
27 ORS 803.420 (6)(a).

28 (9) The department may adopt rules necessary to carry out the provisions of this section.

30 **VEHICLE IDENTIFICATION NUMBERS**

31
32 **SECTION 23.** ORS 803.212 is amended to read:

33 803.212. (1) The Department of Transportation, or persons or agencies authorized to do so by the
34 department, shall conduct a physical inspection of the vehicle identification number or numbers of
35 each vehicle located in this state and required by ORS 803.210 to be inspected. The department may
36 designate certified dealers **and law enforcement agencies, by rule**, to perform the inspection and
37 may enter into agreements with the Oregon State Police or other law enforcement agencies of this
38 state to perform inspections **for compensation**. The inspection shall determine whether the vehicle
39 identification number or numbers match those on the records of the department, on the title or
40 primary ownership record or contained in other information received by the department.

41 (2) If a vehicle that is required by ORS 803.210 to be inspected is located in another jurisdiction,
42 the department may designate a person or agency in such jurisdiction to perform the physical in-
43 spection and may waive the inspection fee.

44 (3) Except as provided in subsection (4) of this section, the department shall check the vehicle
45 identification number or numbers of all vehicles required by ORS 803.210 to be inspected against

1 those listed as stolen at the National Crime Information Center. If the check indicates the vehicle
2 is stolen, the department:

3 (a) Shall immediately notify the Oregon State Police or, if the department determines it would
4 be appropriate to do so, notify another law enforcement agency; and

5 (b) Shall not issue title within 30 days of giving the notice required by paragraph (a) of this
6 subsection unless the department is notified before the end of the 30 days that the vehicle is not
7 stolen. After the passage of the 30-day period, the department may issue the title.

8 (4) The department may refer a vehicle to the Oregon State Police or other appropriate law
9 enforcement agency for a vehicle identification number or product identification number inspection
10 if:

11 (a) Inspection of the vehicle under this section reveals that the vehicle identification number
12 or product identification number on the vehicle is different from the number provided to the de-
13 partment or appears to have been tampered with, altered or defaced; or

14 (b) The vehicle is a reconstructed or assembled vehicle or has been reported destroyed or to-
15 taled under ORS 819.012, 819.014 or 819.030 or is any other salvaged vehicle from another jurisdic-
16 tion. This subsection does not apply to a vehicle that has been reported totaled to the department
17 because of theft and has subsequently been recovered.

18 (5) If the department refers a vehicle to a law enforcement agency under subsection (4) of this
19 section, the law enforcement agency shall inspect the vehicle. If the law enforcement agency deter-
20 mines that there is reason to believe that the identification number of the vehicle has been tampered
21 with, altered or forged or that the vehicle is stolen, the law enforcement agency may seize the ve-
22 hicle and may hold the vehicle until completing an investigation to establish the origin and owner-
23 ship of the vehicle. The department shall reimburse the Department of State Police, and may
24 reimburse any other law enforcement agency, for any inspections conducted under this subsection
25 in an amount agreed upon by the department and the Department of State Police or other law
26 enforcement agency.

27
28 **ODOMETER DISCLOSURE**

29
30 **SECTION 24.** ORS 803.102 is amended to read:

31 803.102. (1) As used in this section:

32 (a) "Transferee" means any person to whom ownership of a motor vehicle is transferred by
33 purchase, gift or any other means other than by creation of a security interest and any person who,
34 as an agent, signs an odometer disclosure statement for the transferee.

35 (b) "Transferor" means any person who transfers ownership of a motor vehicle by sale, gift or
36 any means other than by creation of a security interest and any person who, as an agent, signs an
37 odometer disclosure statement for the transferor.

38 (2) Except as otherwise provided in this section, upon transfer of any interest in a motor vehicle,
39 an odometer disclosure statement shall be made by the transferor to the transferee. The disclosure
40 shall be in a form that complies with the provisions of ORS 803.120 and shall contain the information
41 required under ORS 803.122.

42 (3) If a transfer requiring a disclosure statement involves a leased vehicle, the lessor shall notify
43 the lessee that the lessee is required to provide odometer disclosure. The lessee shall furnish the
44 lessor with a form that complies with the requirements of ORS 803.120 and shall provide the infor-
45 mation required by ORS 803.122 except that for purposes of the required information, the lessee

1 shall be considered the transferor, the lessor shall be considered the transferee and the date shall
2 be the date of the disclosure statement.

3 (4) Where an interest in a vehicle is transferred by operation of law, the Department of Trans-
4 portation shall determine by rule whether an odometer disclosure statement is required and if so,
5 who is required to provide it.

6 (5) The department, by rule, may exempt vehicles from the odometer disclosure requirements of
7 this section in accordance with federal laws, rules or regulations pertaining to odometer disclosure
8 requirements.

9 *[(6) A person may provide an odometer reading to the department, in the manner prescribed by the*
10 *department by rule, for a vehicle that is 10 years old or older.]*

11 **SECTION 24a.** ORS 803.120 is amended to read:

12 803.120. (1) When an odometer disclosure is required by statute or by the Department of
13 Transportation, *[or when an odometer reading is provided under ORS 803.102 (6),]* the disclosure or
14 reading shall be provided in a form required by the department by rule. The department may require
15 different forms for different situations and may require different information to be disclosed for dif-
16 ferent purposes.

17 (2) Any form authorized by the department for use as an odometer disclosure upon transfer of
18 an interest in a vehicle shall refer to the federal law requiring disclosure of odometer information
19 and shall state that failure to complete the disclosure form, or providing false information on the
20 form, may result in a fine or imprisonment.

21 (3) Any form authorized by the department for use as an odometer disclosure upon transfer of
22 an interest in a vehicle shall provide a way for the transferor to indicate, to the best of the
23 transferor's knowledge, which of the following is true:

24 (a) That the odometer reading reflects the actual mileage of the vehicle;

25 (b) That the odometer reading reflects an amount of mileage in excess of the designed mechan-
26 ical odometer limit; or

27 (c) That the odometer reading does not reflect actual mileage and should not be relied on.

28 (4) An odometer disclosure required upon transfer of an interest in a vehicle shall be made on
29 the vehicle title unless the department provides otherwise by rule.

30 **COMMERCIAL DRIVER TRAINING SCHOOLS**

31
32
33 **SECTION 25.** ORS 822.505, 822.510, 822.520, 822.525, 822.530 and 822.535 are repealed.

34 **SECTION 26.** ORS 822.515 is amended to read:

35 822.515. (1) A person who holds a valid, current commercial driver training school certificate
36 issued under this section is not subject to the prohibitions or penalties under ORS 822.500.

37 (2) The Department of Transportation shall adopt rules to provide for the issuance of commer-
38 cial driver training school certificates under this section **and driver training instructor certifi-**
39 **icates.** *[Rules adopted by the department under this section shall provide requirements for all of the*
40 *following:]*

41 *[(a) Requirements for a certificate under this section including requirements concerning manner*
42 *and form of application, location, place of business, facilities, records, equipment, courses and stan-*
43 *dards of instruction, instructors, previous records of the school and instructors, financial statements,*
44 *schedule of fees and charges, character of school operators and instructors, vehicle equipment and*
45 *condition and inspection during reasonable business hours.]*

1 *[(b) Any other matters the department may prescribe for the protection of the public.]*

2 *[(3) The department:]*

3 *[(a) May refuse to issue or renew or may suspend or revoke any certificate issued under this section*
4 *in any case where the department finds that the applicant or certificate holder has violated or failed*
5 *to comply with any rules adopted under this section or any provision of this section, ORS 822.500 to*
6 *822.510, 822.525 or 822.530.]*

7 *[(b) Shall cancel immediately any certificate if a bond described under ORS 822.505 is canceled*
8 *by legal notice.]*

9 *[(4) Commercial driver training school certificates issued under this section are subject to the fol-*
10 *lowing:]*

11 *[(a) A certificate shall expire on the last day of each calendar year.]*

12 **(3) The rules adopted under this section related to commercial driver training schools**
13 **may prescribe, but need not be limited to:**

14 **(a) The form and manner of the application;**

15 **(b) The minimum qualifications for the commercial driver training school certificate;**

16 **(c) Grounds and procedures for the denial of a certificate;**

17 **(d) Requirements for the location of the place of business and location of facilities;**

18 **(e) Requirements for records retention;**

19 **(f) Vehicle equipment standards;**

20 **(g) Courses and standards of instruction;**

21 **(h) Fee schedules;**

22 **(i) Requirements for character of school operators and instructors; and**

23 **(j) Any other matters the department considers necessary for the protection of the pub-**
24 **lic.**

25 **(4) The rules related to driver training instructors may prescribe, but need not be limited**
26 **to:**

27 **(a) The form and manner of the application;**

28 **(b) The minimum qualifications for the driver training instructor certificate;**

29 **(c) Grounds and procedures for the denial of a certificate; and**

30 **(d) Any other matters the department considers necessary for the protection of the**
31 **public.**

32 **(5) The department may suspend, revoke or cancel a certificate issued under this section**
33 **if the department finds that the person has failed to comply with a rule adopted by the de-**
34 **partment pursuant to this section.**

35 **(6) A person subject to discipline under this section is entitled to a contested case hear-**
36 **ing in accordance with ORS chapter 183.**

37 **(7) Commercial driver training school certificates issued under this section expire two**
38 **years from the date of issuance.**

39 **(8) Driver training instructor certificates issued under this section expire on the date the**
40 **certificate of the commercial driver training school that employs the instructor expires.**

41 **(9) Commercial driver training school certificates and driver training instructor certif-**
42 **icates issued under this section are subject to the following:**

43 *[(b)] (a) The department [shall] may not issue a certificate to a person until the fee for issuance*
44 *of the certificate under ORS 822.700 is paid.*

45 *[(c)] (b) The department [shall] may not renew a certificate until the fee for renewal of the*

1 certificate under ORS 822.700 has been paid.

2 [(d)] (c) A fee for a certificate may not be refunded in the event any certificate is refused, sus-
3 pended, **canceled** or revoked.

4 [(e) *The department shall not issue or renew a certificate unless the applicant or certificate holder*
5 *maintains a bond that meets the requirements under ORS 822.505.*]

6 [(f) *The department shall not issue or renew a certificate unless the applicant or certificate holder*
7 *maintains proof of insurance that meets the requirements under ORS 822.510.*]

8 **SECTION 27.** ORS 822.700 is amended to read:

9 822.700. (1) Fee for issuance or renewal of dismantler certificates covering a single place of
10 business, or a supplemental certificate for each additional place of business to be covered by that
11 certificate and operated under the same name, \$500.

12 (2) Fee for each duplicate dismantler certificate issued under ORS 822.110, \$40.

13 (3) Fee for original issuance **or renewal** of vehicle dealer certificate under ORS 822.020 [*or re-*
14 *newal under ORS 822.040*] of a vehicle dealer certificate:

15 (a) \$1,100, for a certificate covering a single place of business; and

16 (b) \$350, for each additional place of business to be covered by the certificate and operated un-
17 der the same name.

18 (4) Fee for each corrected vehicle dealer certificate issued under ORS 822.040, \$30.

19 (5) If a vehicle dealer or dismantler fails to pay a fee required under this section on or before
20 the date the fee is due, there shall be added as a late payment charge a fee of \$150.

21 (6) Fee for show license issued under ORS 822.084, \$50.

22 (7) Fee for issuance of towing business certificate under ORS 822.205 or renewal under ORS
23 822.210, \$17 for each vehicle used for towing or recovery purposes.

24 (8) Fee for issuance or renewal of vehicle transporter certificate under ORS 822.310, [*\$150*]
25 **\$450.**

26 (9) Fee for issuance or renewal of driver training instructor certificate under ORS [*822.530*]
27 **822.515, [*\$100*] \$200.**

28 (10) Fee for issuance or renewal of commercial driver training school certificate under ORS
29 822.515, [*\$200*] **\$400.**

30 (11) Fee for issuance or renewal of vehicle appraiser certificate under ORS 819.480, \$100.

31 **SECTION 28.** ORS 822.990 is amended to read:

32 822.990. (1) The Department of Transportation may levy and collect a civil penalty in the amount
33 of \$1,000 for each violation against any person who violates ORS 822.500 [*or 822.525*].

34 (2) Civil penalties under this section shall be imposed in the manner provided in ORS 183.745.

35 **SECTION 29.** (1) **The amendments to ORS 822.515 and 822.700 by sections 26 and 27 of this**
36 **2023 Act and the repeal of ORS 822.505, 822.510, 822.520, 822.525, 822.530 and 822.535 by section**
37 **25 of this 2023 Act apply to driver training instructor certificates and commercial driver**
38 **training school certificates issued or renewed on or after the operative date specified in**
39 **section 52 of this 2023 Act.**

40 (2) **The amendments to ORS 822.700 by section 27 of this 2023 Act apply to fees imposed**
41 **on or after the operative date specified in section 52 of this 2023 Act.**

42
43 **VEHICLE TRANSPORTERS**

44
45 **SECTION 30.** ORS 822.310 is amended to read:

1 822.310. (1) The holder of a current, valid vehicle transporter certificate issued under this sec-
2 tion may exercise the following privileges under this certificate:

3 (a) The person is not subject to the prohibitions and penalties under ORS 822.300 while trans-
4 porting vehicles as provided under this section.

5 (b) The person is entitled to apply for and receive [*a sufficient number of*] **no more than 10**
6 special vehicle transporter plates or devices and may transport vehicles as provided under this
7 section **in this state** while displaying the plate or device. Only one plate or device shall be dis-
8 played on a vehicle. The plates or devices shall require a fee for issuance as provided in ORS
9 805.250. A plate or device issued under this paragraph may be used on any vehicle transported by
10 the person.

11 (c) The person may drive or tow on its own wheels over the highways of this state any unreg-
12 istered vehicle or manufactured structure from outside this state or from manufacturers or dealers
13 within this state to a prospective purchaser, manufacturer or dealer in this or any other state, ter-
14 ritory or foreign country. This paragraph only permits the person to transport manufactured struc-
15 tures from the place of manufacture to the place of business of a manufactured structure dealer
16 holding a license under ORS 446.691 or 446.696 or a temporary manufactured structure dealer li-
17 cense under ORS 446.701 or to a place outside of Oregon. Any other movement of a manufactured
18 structure by the person must be under a trip permit issued by a county as agent for the Department
19 of Consumer and Business Services.

20 (2) The Department of Transportation shall provide for the issuance and renewal of vehicle
21 transporter certificates under this section to persons regularly engaged in businesses that require
22 the certificates.

23 (3) Vehicle transporter certificates issued under this section are subject to all of the following:

24 (a) A certificate described in this section is valid for a [*one-year*] **three-year** period and shall
25 be renewed as provided by the department.

26 (b) The department [*shall*] **may** not issue a certificate to a person until the fee for issuance of
27 the certificate under ORS 822.700 is paid.

28 (4) The department may adopt necessary rules for the administration of the laws relating to the
29 regulation of vehicle transporters, the issuance and renewal of vehicle transporter certificates, the
30 issuance of vehicle transporter identification cards and the issuance of vehicle transporter plates.
31 The rules adopted under this subsection must be consistent with any rules regarding vehicle trans-
32 porters that are adopted under ORS chapter 825. The rules may include, but are not limited to,
33 grounds and procedures for the revocation, denial or suspension of vehicle transporter certificates
34 and for placing vehicle transporters on probationary status.

35 (5) A person issued a certificate under this section is subject to regulation under ORS chapter
36 825.

37 **SECTION 31. The amendments to ORS 822.310 by section 30 of this 2023 Act apply to ve-**
38 **hicle transporter certificates and vehicle transporter plates issued on or after January 1,**
39 **2024. Vehicle transporter certificates and vehicle transporter plates issued before January**
40 **1, 2024, shall continue to be governed by ORS 822.310 as in effect immediately before January**
41 **1, 2024.**

42 **SECTION 32.** ORS 822.315 is amended to read:

43 822.315. (1) A person commits the offense of improperly using a vehicle transporter plate if the
44 person is the holder of a vehicle transporter certificate and the person does any of the following:

45 (a) Exercises privileges granted under ORS 822.310 for vehicles with special vehicle transporter

1 plates issued under ORS 822.310 without conspicuously displaying the plates on the rear of each
2 vehicle.

3 (b) Uses a special vehicle transporter plate to transport a manufactured structure to a situs not
4 permitted under the privileges granted under ORS 822.310.

5 (c) Allows any person other than the transporter or transporter's employee to use the special
6 vehicle transporter plates issued to the transporter under ORS 822.310.

7 **(d) Uses the plate outside of the State of Oregon.**

8 (2) The offense described in this section, improper use of vehicle transporter plates, is a Class
9 D traffic violation.

10 **SECTION 33. The amendments to ORS 822.315 by section 32 of this 2023 Act apply to of-**
11 **fenses committed on or after the operative date specified in section 52 of this 2023 Act.**

12
13 **DRIVE TEST PROVIDERS**

14
15 **SECTION 34.** ORS 802.600 is amended to read:

16 802.600. (1) The Department of Transportation may enter into an agreement with any *[person*
17 *who is not an employee of the department, including but not limited to an integrator, enabling the*
18 *person]* **qualified provider** to transact on behalf of the department the following functions of the
19 department:

20 (a) Any vehicle-related transaction for which the department is responsible.

21 (b) Processing of fees or taxes for a vehicle-related transaction for which the department is re-
22 sponsible.

23 (c) Written and skills testing for driver licenses and permits, including commercial driver li-
24 censes.

25 (2) An agreement described in subsection (1) of this section may be in any form and may contain
26 any provisions that the department determines to be in the best interests of the public and conven-
27 ient for the department, including but not necessarily limited to provisions that allow the depart-
28 ment to:

29 (a) Ensure product quality control.

30 (b) Audit activities of the *[person]* **qualified provider** entering into the agreement to ensure
31 compliance with the agreement.

32 (c) Impose sanctions on a *[person]* **qualified provider** for violation of the agreement.

33 (3) A *[person]* **qualified provider** authorized to transact business for the department under this
34 section, including but not limited to a *[person]* **qualified provider** who transacts business under
35 contract with an integrator, may charge a fee for the services provided. Fees authorized under this
36 subsection are in addition to any charges or fees that the department is authorized by statute to
37 collect for the transaction.

38 (4)(a) The department may adopt such rules as are necessary to carry out the provisions of this
39 section, including but not limited to rules that:

40 (A) Specify criteria for eligibility of a *[person]* **qualified provider** to enter into an agreement
41 with the department under this section.

42 (B) Specify the manner in which fees authorized by this section will be collected and establish
43 any notification the *[person]* **qualified provider** is required to give the public about the fees.

44 (C) Require a bond in an amount determined by the department from a *[person]* **qualified pro-**
45 **vider** acting under an agreement described in this section.

1 (D) Prohibit disclosure of personal information from driver or vehicle records except in accord-
2 ance with applicable laws.

3 (b) The department may not adopt rules establishing the amount of a fee to be charged by a
4 *[person]* **qualified provider** acting under this section.

5 (c) Rules adopted under this subsection shall be developed in consultation with persons who
6 might enter into agreements with the department under this section, including but not limited to
7 integrators and vehicle dealers.

8 (5) As used in this section[,]:

9 (a) "Integrator" means a person who enters into a contract with the Department of Transpor-
10 tation:

11 [(a)] (A) To provide information and supplies to a *[person]* **qualified provider** who transacts
12 business for the department under an agreement described in this section; and

13 [(b)] (B) To collect moneys due from *[persons]* **qualified providers** who transact the business
14 and remit the moneys to the department.

15 (b) "Qualified provider" means:

16 (A) Community college operated under ORS chapter 341;

17 (B) Education service district; or

18 (C) Person who is not an employee of the department, including but not limited to an
19 integrator.

20
21 **REMOVAL OF PERSONAL PROPERTY**
22 **ON HIGHWAY RIGHT OF WAY**
23

24 **SECTION 35. (1) The Department of Transportation may enter into an intergovernmental**
25 **agreement with a city that has a population of 500,000 or more for the removal, storage and**
26 **disposition of personal property deposited, left or displayed on property that is owned by the**
27 **department. The city shall prioritize removal of personal property that is within the right**
28 **of way of a highway under the jurisdiction of the department as a road authority pursuant**
29 **to ORS 810.010.**

30 (2) Notwithstanding ORS 377.650, 377.653 and 377.655, an intergovernmental agreement
31 entered into under this section may provide alternative provisions related to the removal,
32 storage and disposition of personal property if the alternative provisions conform with the
33 requirements for local government policy for removal of homeless individuals and personal
34 property under ORS 195.505.

35 (3) In addition to the requirements described in subsection (2) of this section, an inter-
36 governmental agreement entered into under this section must include the following:

37 (a) Requirements for posting notice before the removal of personal property, including
38 but not limited to the following:

39 (A) That the notice is created using durable materials and securely posted within 30 feet
40 of the personal property to be removed;

41 (B) That the notice must provide the date the notice begins and the date upon which the
42 city or department may begin removing personal property; and

43 (C) That the notice must provide a description of:

44 (i) How an individual may access personal property that is removed and stored; and

45 (ii) The length of time the city or department will store personal property before the city

1 or department disposes of it.

2 (b) A requirement that the notice expires 10 days after the city or department posts the
3 notice.

4 (c) A severe weather protocol regarding the weather conditions under which the city or
5 department will not remove personal property.

6 (d) Provisions related to inventorying and storing the personal property to be removed.

7 (e) Provisions related to the city or department relinquishing unclaimed personal prop-
8 erty after the storage period to the city's or department's designated agent.

9 (f) Provisions related to when the city will provide impact reduction services, including
10 but not limited to trash collection.

11 (g) A provision providing that if the department requests city services under the inter-
12 governmental agreement, but the city is unable or unwilling to provide services as requested,
13 the department or the department's contractor may perform the requested services con-
14 sistent with the terms of the agreement, including but not limited to posting notice.

15 (4) The 72-hour notice under ORS 195.505 required under subsection (2) of this section
16 does not apply:

17 (a) When there are grounds for law enforcement officials to believe that illegal activities
18 other than camping are occurring;

19 (b) Where there is an exceptional emergency, such as possible site contamination by
20 hazardous materials; or

21 (c) When there is immediate danger to human life or safety.

22 (5) Before the city adopts an intergovernmental agreement under this section or changes
23 to the agreement, the city shall invite public comment on the proposed agreement or the
24 proposed changes to the agreement.

25
26 **CONFORMING AMENDMENTS**
27

28 **SECTION 36.** ORS 87.152 is amended to read:

29 87.152. (1) Except as provided in subsections (2) and (3) of this section, a person that makes,
30 alters, repairs, transports, stores, pastures, cares for, provides services for, supplies materials for
31 or performs labor on a chattel at the request of the owner or lawful possessor of the chattel has a
32 lien on the chattel in the possession of the person for the reasonable or agreed charges for labor,
33 materials or services of the person, and the person may retain possession of the chattel until the
34 charges are paid.

35 (2)(a) Except as provided in subsection (3) of this section, a person may not create, attach, assert
36 or claim a possessory lien on a motor vehicle, as defined in ORS 801.360, unless the person performs
37 a service that complies with ORS 646A.480 to 646A.495 and that involves making, altering, repairing,
38 transporting, storing, providing services for, supplying material for or performing labor in con-
39 nection with the motor vehicle and the person:

40 (A) Is a franchised motor vehicle dealership, as defined in ORS 650.120 (5), or a manufacturer,
41 as defined in ORS 650.120, of the motor vehicle;

42 (B) Holds a towing business certificate that the Department of Transportation issued under ORS
43 822.205, provided that the person creates, attaches, asserts or claims a possessory lien only for
44 transporting or storing the motor vehicle; or

45 (C) Creates, attaches, asserts or claims the lien against an abandoned motor vehicle.

1 (b) A person, other than a person that is described in paragraph (a)(A), (B) or (C) of this sub-
2 section, shall have in effect a surety bond or irrevocable letter of credit in the amount of \$20,000
3 before, and shall maintain the surety bond or irrevocable letter of credit during, any period in which
4 the person creates, attaches, asserts or claims a possessory lien on a motor vehicle after making,
5 altering, repairing, transporting, storing, performing services for, supplying materials for or per-
6 forming labor in connection with the motor vehicle.

7 (c)(A) The surety bond and the irrevocable letter of credit described in paragraph (b) of this
8 subsection must be issued, respectively, by a corporate surety that is authorized to transact business
9 in this state and by a financial institution, as defined in ORS 706.008. The corporate surety or the
10 financial institution, as appropriate, shall notify the Department of Transportation of any cancella-
11 tion of the surety bond or irrevocable letter of credit. The corporate surety remains liable under the
12 surety bond and the financial institution remains obligated under the irrevocable letter of credit
13 until the department receives the notice or until the date of cancellation specified in the notice,
14 whichever is later.

15 (B) A surety bond or irrevocable letter of credit described in paragraph (b) of this subsection
16 must be:

17 (i) Executed to the State of Oregon;

18 (ii) Approved by the Attorney General as to form;

19 (iii) Filed with and held by the department; and

20 (iv) Conditioned such as to compensate parties damaged as a result of a use of a possessory lien
21 in connection with a misrepresentation, a fraud or a violation of a duty set forth in ORS 646A.480
22 to 646A.495.

23 (C) The person described in paragraph (b) of this subsection as subject to the requirement to
24 have in effect a surety bond or irrevocable letter of credit must certify in writing to the department
25 each year that the surety bond or irrevocable letter of credit remains in effect. If another person
26 obtains a recovery against the surety bond or irrevocable letter of credit, the person shall file with
27 the department not later than three business days after the date of the recovery a new surety bond
28 or irrevocable letter of credit in the amount specified in paragraph (b) of this subsection.

29 (3)(a) As used in this subsection:

30 (A) "Auction company" means an entity:

31 (i) That operates throughout the United States;

32 (ii) That holds a vehicle dealer certificate that the Department of Transportation issued [*or re-*
33 *newed*] under ORS 822.020 [*or 822.040*], or a dismantler certificate that the department issued or
34 renewed under ORS 822.110 or 822.125; and

35 (iii) The primary activity of which, in this state, consists of disposing of totaled motor vehicles.

36 (B) "Motor vehicle" has the meaning given that term in ORS 801.360.

37 (b) An auction company has a lien on a motor vehicle that the auction company possesses and
38 stored on premises the auction company owns or controls. The auction company may title the motor
39 vehicle in the name of:

40 (A) The auction company, if the motor vehicle has remained unclaimed on the auction company's
41 premises for more than 30 days;

42 (B) The insurance company that directed the auction company to take possession of the motor
43 vehicle; or

44 (C) An organization with an exemption from taxation under section 501(c)(3) of the Internal
45 Revenue Code that directed the auction company to take possession of the motor vehicle.

1 (c) ORS 87.166 and 87.172 to 87.212 do not apply to chattel that is subject to this subsection.

2 (4)(a) The owner of a motor vehicle may bring an action to recover from a person that refuses,
3 at the owner's demand and without a valid possessory lien created and attached as provided in
4 subsection (2) or (3) of this section, to release the owner's motor vehicle or restore to the owner title
5 to the owner's motor vehicle if the person changed the title:

6 (A) The greater of \$2,000 or an amount equivalent to twice the value of the motor vehicle, up
7 to a maximum amount of \$20,000; and

8 (B) The owner's reasonable costs and attorney fees.

9 (b) In addition to the recovery described in paragraph (a) of this subsection, the owner may
10 obtain:

11 (A) A judgment that:

12 (i) Directs the Department of Transportation to restore title to the motor vehicle to the owner
13 and to invalidate the title the person obtained; or

14 (ii) Extinguishes the person's interest in the motor vehicle and directs the department to issue
15 title in the name of the plaintiff in the action;

16 (B) A judgment that declares that the person's lien is invalid if the person obtained title to the
17 motor vehicle without complying with this section; and

18 (C) Reimbursement for any fees the owner pays to the department to reissue the title.

19 **SECTION 37.** ORS 646A.090 is amended to read:

20 646A.090. (1) As used in this section:

21 (a) "Buyer" means a person that purchases or leases a motor vehicle.

22 (b) "Final approval of funding" means a lender's irrevocable agreement to purchase a retail in-
23 stallment contract or lease agreement from a seller according to the exact terms that the seller and
24 buyer have negotiated.

25 (c) "Lender" means a person that purchases a retail installment contract or lease agreement for
26 a motor vehicle.

27 (d) "Motor vehicle" means a motor vehicle, as defined in ORS 801.360, that is sold or leased in
28 this state for personal, family or household purposes.

29 (e) "Seller" means a person that holds a current, valid vehicle dealer certificate issued under
30 ORS 822.020 [*or renewed under ORS 822.040*].

31 (2) A seller may offer to sell or lease a motor vehicle to a buyer or prospective buyer under a
32 retail installment contract or lease agreement that is subject to a lender's agreement to purchase
33 the retail installment contract or lease agreement into which the buyer enters.

34 (3) In any transaction described in subsection (2) of this section:

35 (a) If, within 14 days after a buyer takes possession of a motor vehicle, a lender does not agree
36 to purchase a retail installment contract or lease agreement on the exact terms that the seller and
37 the buyer negotiate and the seller does not receive final approval of funding from the lender, the
38 seller shall return to the buyer all items of value the seller received from the buyer as part of the
39 transaction; and

40 (b) If the seller has accepted a trade-in motor vehicle from the buyer, the seller may not sell
41 or lease the buyer's trade-in motor vehicle before the seller receives final approval of funding from
42 the lender.

43 (4) In any transaction described in subsection (2) of this section, if the buyer has accepted a
44 motor vehicle from the seller that is subject to a retail installment contract or lease agreement, and
45 a lender does not agree to purchase the retail installment contract or lease agreement on the exact

1 terms the seller and the buyer negotiated, the buyer shall return to the seller all items of value the
2 buyer received from the seller as part of the transaction. The seller may charge the buyer only for
3 amounts that the retail installment contract or lease agreement provides in writing that the seller
4 may charge. The retail installment contract or lease agreement may provide only for these amounts:

5 (a) The fair market value of damage to, excessive wear and tear on or loss of the motor vehicle
6 that occurs between the date the buyer takes possession of the motor vehicle and the date the buyer
7 returns the motor vehicle to the seller's custody; and

8 (b) If, within 14 days after the date on which the buyer takes possession of the motor vehicle,
9 the seller sends notice to the buyer by first class mail or written electronic communication that a
10 lender has not agreed to purchase the retail installment contract or lease agreement, a reasonable
11 charge per mile for the use of the motor vehicle. The charge may not exceed the rate per mile al-
12 lowed under federal law as a deduction for federal income tax purposes for an ordinary and neces-
13 sary business expense.

14 (5) If the buyer makes a reasonable attempt to return the vehicle within five days after the
15 seller sends a notice under subsection (4)(b) of this section, but the seller is not available to accept
16 the return, the seller may not charge the buyer under subsection (4)(b) of this section.

17 (6)(a) Subject to paragraph (b) of this subsection, a seller has an affirmative defense to a claim
18 or charge of violating subsection (3)(a) of this section by showing that the buyer failed to return the
19 motor vehicle after the seller sent the notice described in subsection (4)(b) of this section.

20 (b) A seller shall retain proof of the date on which the seller sent to the buyer the notice de-
21 scribed in subsection (4)(b) of this section.

22 **SECTION 38.** ORS 802.031 is amended to read:

23 802.031. (1) Nothing in ORS 802.600 prohibits the Department of Transportation from adopting
24 rules to:

25 (a) Authorize persons to act as agents for the department for the purpose of issuing winter re-
26 creation parking permits.

27 (b) Designate vehicle dealers holding a valid certificate issued under ORS 822.020 [*or 822.040*]
28 to act as agents of the department for purposes of accepting documents and fees necessary to title
29 and register any vehicle the vehicle dealer sells, or to perform other duties the department may
30 authorize. Other duties may include, but need not be limited to:

31 (A) Issuing permits under ORS 803.600 and 803.625; and

32 (B) Performing vehicle identification number inspections.

33 (2) A vehicle dealer designated under this section shall:

34 (a) Transmit title and registration documents with all required fees to the department within the
35 time specified in ORS 822.042 and in accordance with any other applicable statutes or applicable
36 rules adopted by the department.

37 (b) Maintain records as determined by the department to show compliance with this section and
38 any rules adopted by the department.

39 **SECTION 39.** ORS 803.552 is amended to read:

40 803.552. (1) As used in this section:

41 (a) "Car rental company" has the meaning given that term in ORS 803.219.

42 (b) "Integrator" has the meaning given that term in ORS 802.600.

43 (2) If the Department of Transportation receives an application for vehicle registration from a
44 car rental company that was submitted to an integrator and the application does not include the
45 primary ownership record for the motor vehicle, the department may issue registration plates for the

1 vehicle if the conditions described in subsection (3) of this section are met.

2 (3) Before the department may issue registration plates under subsection (2) of this section, a
3 car rental company must:

4 (a) Possess a valid Oregon vehicle dealer certificate issued [*or renewed*] under ORS 822.020 [*or*
5 *822.040*];

6 (b) Certify that the car rental company has not received the primary ownership record for the
7 vehicle as of the date the application is submitted; and

8 (c) Meet any other requirements adopted by the department by rule.

9 (4) In addition to any fee for registration or issuance of registration plates, the department may
10 charge a fee for providing the services authorized by this section. The department shall establish
11 the amount of the fee by rule.

12 (5) The department shall adopt rules to carry out the provisions of this section.

13 **SECTION 40.** ORS 805.250 is amended to read:

14 805.250. This section establishes fees for issuance of registration plates authorized under ORS
15 805.200. If a fee for plates authorized in ORS 805.200 is not established in this section, the fee is the
16 same fee as established under ORS 803.570. Where a fee is established under this section, the fee
17 is in addition to the fee established under ORS 803.570 unless otherwise provided in the following:

18 (1) Amateur radio operator registration plates issued under ORS 805.230, \$5.

19 (2) Customized registration plates issued under ORS 805.240:

20 (a) For original issuance or renewal, \$50 annual fee.

21 (b) For issuance of a duplicate or replacement plate, \$5 when the plate is issued at the time of
22 renewal of registration or \$10 when the plate is issued at any other time.

23 (3) Special interest registration plates approved under ORS 805.210 are approved without cost
24 except as provided in this subsection, including without payment of the fee established under ORS
25 803.570. If identifying stickers are required, \$1 per sticker or pair of stickers.

26 (4) Dealer plates issued under ORS [*822.020 and*] *822.040* are as follows:

27 (a) For the original dealer plate, no fee except the fee established under ORS 803.570.

28 (b) For replacement dealer plates, \$10 for each plate except that persons dealing exclusively in
29 motorcycles, mopeds, snowmobiles or any combination of those vehicles shall pay only \$3 for each
30 replacement plate.

31 (c) For additional plates, or for renewal of registration, \$42, except that persons dealing exclu-
32 sively in motorcycles, mopeds or snowmobiles or any combination of those vehicles shall pay only
33 \$9 for each additional plate, or for renewal of registration.

34 (5) Special vehicle transporter plates or devices issued under ORS 822.310, \$5 for each plate or
35 device.

36 **SECTION 41.** ORS 819.482 is amended to read:

37 819.482. (1) A person commits the offense of acting as a vehicle appraiser without a certificate
38 if the person does not hold a vehicle appraiser certificate issued under ORS 819.480 and the person,
39 for consideration, issues an opinion as to the value of a vehicle.

40 (2) This section does not apply to:

41 (a) A person who holds a vehicle dealer certificate issued [*or renewed*] under ORS 822.020 [*or*
42 *822.040*] and who appraises vehicles in the operation of the vehicle dealer's business;

43 (b) A person from another jurisdiction who holds a vehicle appraiser certificate requiring qual-
44 ifications substantially similar to qualifications required for the certification of a vehicle appraiser
45 in this state;

1 (c) An insurance adjuster authorized to do business under ORS 744.515 or 744.521; or

2 (d) A person licensed or certified to appraise real estate under ORS 674.310 and who appraises
3 the value of manufactured structures.

4 (3) The offense described in this section, acting as a vehicle appraiser without a certificate, is
5 a Class A violation.

6 **SECTION 42.** ORS 822.015 is amended to read:

7 822.015. (1) In addition to any exemptions from the vehicle code under ORS 801.026, ORS 822.005
8 does not apply to the following vehicles or persons:

9 (a) Road rollers, farm tractors, farm trailers, trolleys, implements of husbandry, emergency ve-
10 hicles, well-drilling machinery and boat or utility trailers with a gross weight of 1,800 pounds or
11 less.

12 (b) The owner of a vehicle as shown by the vehicle title issued by any jurisdiction if the person
13 owned the vehicle primarily for personal, family or household purposes. If the person has sold,
14 traded, displayed or offered for sale, trade or exchange more than five vehicles in one calendar year,
15 the person shall have the burden of proving that the person owned the vehicles primarily for per-
16 sonal, family or household purposes or for other purposes that the Department of Transportation,
17 by rule, defines as constituting an exemption under this section.

18 (c) A receiver, trustee, personal representative or public officer while performing any official
19 duties.

20 (d) The lessor or security interest holder of a vehicle as shown by the vehicle title issued by
21 any jurisdiction.

22 (e) Except as otherwise provided in this paragraph, a manufacturer who sells vehicles the man-
23 ufacturer has manufactured in Oregon. Nothing in this paragraph prevents any manufacturer from
24 obtaining a vehicle dealer certificate under ORS 822.020. This paragraph does not exempt a man-
25 ufacturer who sells or trades campers or travel trailers.

26 (f) An insurance adjuster authorized to do business under ORS 744.515 or 744.521 who is dis-
27 posing of vehicles for salvage.

28 (g) Except as otherwise provided in this paragraph, a person who sells or trades or offers to sell
29 or trade a vehicle that has been used in the operation of the person's business. This paragraph does
30 not exempt a person who is in the business of selling, trading, displaying, rebuilding, renting or
31 leasing vehicles from any requirement to obtain a certificate for dealing in those vehicles.

32 (h) A person who receives no money, goods or services, either directly or indirectly, for dis-
33 playing a vehicle or acting as an agent in the buying or selling of a vehicle.

34 (i) A person who collects, purchases, acquires, trades or disposes of vehicles and vehicle parts
35 for the person's own use in order to preserve, restore and maintain vehicles for the person's own
36 use or for hobby or historical purposes.

37 (j) A manufactured structure dealer subject to the licensing requirement of ORS 446.671 or a
38 person exempt from licensing under ORS 446.676 when selling a vehicle, trailer or semitrailer ac-
39 cepted in trade as part of a manufactured structure transaction. A manufactured structure dealer-
40 ship or exempt person may not directly sell more than three vehicles per calendar year under
41 authority of this paragraph, but by consignment with a dealer certified under ORS 822.020 [or
42 822.040] may sell an unlimited number of vehicles acquired as described in this paragraph.

43 (k) A lien claimant who sells vehicles in order to foreclose possessory liens.

44 (L) A lien claimant who, in a 12-month period, sells 12 or fewer vehicles that the lien claimant
45 acquired through possessory liens if the vehicles are sold at the business location of the lien

1 claimant.

2 (m) Electric personal assistive mobility devices.

3 (n) A tower that received title for a vehicle under ORS 822.235.

4 (2) Notwithstanding ORS 822.005, the following may participate with other dealers in a display
5 of vehicles, including but not limited to an auto show, if the display is an event that lasts for 10 days
6 or less and is an event for which the public is charged admission:

7 (a) A person who is licensed as a vehicle dealer in another jurisdiction; or

8 (b) Any employee of a person who is licensed as a vehicle dealer in another jurisdiction.

9 (3) Notwithstanding ORS 822.005, a person who is licensed as a vehicle dealer in another juris-
10 diction or an employee of a person who is certified or licensed as a vehicle dealer may participate
11 in a vehicle auction if the vehicle auction is:

12 (a) Conducted by a vehicle dealer who holds a vehicle dealer certificate issued [*or renewed*]
13 under ORS 822.020 [*or 822.040*]; and

14 (b) Open only to certified or licensed vehicle dealers or their employees.

15 (4) The department shall adopt rules to carry out the provisions of this section, including but
16 not limited to specifying which dealers may take vehicles on consignment from other jurisdictions.

17 **SECTION 43.** ORS 822.025 is amended to read:

18 822.025. An application for a vehicle dealer certificate issued by the Department of Transporta-
19 tion under ORS 822.020 shall be in a form prescribed by the department and shall contain all of the
20 following:

21 (1) The names and residence addresses of the persons applying, as follows:

22 (a) If the applicant is a firm or partnership, the name of the firm or partnership with the names
23 and residence addresses of all members thereof.

24 (b) If the applicant is a corporation, the name of the corporation with the names of the principal
25 officers and their residence addresses and the name of the state under whose laws the corporation
26 is organized.

27 (2) The name under which the business will be conducted.

28 (3) The street address, including city and county in Oregon, where the business will be con-
29 ducted.

30 (4) Whether or not used vehicles are handled.

31 (5) A certificate from the applicant showing that the applicant will act as a vehicle dealer and
32 will conduct business at the location given on the application.

33 (6) A certificate signed by a person authorized by the local governing body to do so, stating that
34 the location of the business as given in the application for a certificate complies with any land use
35 ordinances or business regulatory ordinances of the city or county. The provisions of this subsection
36 do not apply to renewal of a vehicle dealer certificate under ORS [*822.040*] **822.020** unless the lo-
37 cation of the business is being changed at the time of renewal.

38 (7) Any information required by the department to efficiently administer the registration of ve-
39 hicles and regulation of dealers or other relevant information required by the department.

40 (8) If the applicant is a dealer subject to the education and test requirements under ORS 822.027
41 (1)(a), a certificate from the provider of each precertification education program listing the courses
42 that the applicant has completed and the tests that the applicant has passed in the precertification
43 education program.

44 (9) If the applicant will offer new recreational vehicles for sale, a certificate from the applicant
45 stating that the applicant will maintain a recreational vehicle service facility at the street address

1 provided by the applicant pursuant to subsection (3) of this section.

2 **SECTION 44.** ORS 822.027 is amended to read:

3 822.027. (1) Except as provided in subsections (2) and (3) of this section, the following education
4 requirements apply to an applicant for a vehicle dealer certificate under ORS 822.020 [*or 822.040*]:

5 (a) An applicant for a vehicle dealer certificate under ORS 822.020 must complete a minimum
6 of eight hours of courses in any approved precertification education program described in subsection
7 (4) of this section and pass the tests required under paragraph (c) of this subsection within one year
8 prior to submitting an application for the certificate;

9 (b) An applicant for a renewal certificate under ORS [*822.040*] **822.020** must, for each year of a
10 certification period, complete a minimum of four hours of courses in any approved continuing edu-
11 cation program described in subsection (4) of this section and pass the tests required under para-
12 graph (c) of this subsection prior to submitting an application for the renewal certificate. An
13 applicant may not repeat a course in an approved continuing education program for which the ap-
14 plicant previously obtained credit within the same certification period; and

15 (c) For each course hour required under paragraphs (a) and (b) of this subsection, the provider
16 shall administer a test and the applicant must pass each test with a score of at least 70 percent in
17 order to receive credit for the course hour. Each test must contain at least 10 questions.

18 (2) The precertification education requirements in subsection (1)(a) of this section do not apply
19 to an applicant for a vehicle dealer certificate under ORS 822.020 [*or 822.040*] if, at the time of ap-
20 plication, the applicant holds another certificate issued under ORS 822.020 [*or 822.040*].

21 (3) The continuing education requirements of subsection (1)(b) of this section do not apply to an
22 applicant for renewal of a vehicle dealer certificate under ORS [*822.040*] **822.020** if the applicant is:

23 (a) A dealer having a franchise in this state for nationally advertised and recognized motor ve-
24 hicles;

25 (b) A dealer having a franchise in this state for new recreational vehicles;

26 (c) A motor vehicle rental company having a national franchise under the ownership of a cor-
27 poration that operates throughout the United States; or

28 (d) A national auction company that holds a vehicle dealer certificate and a dismantler certif-
29 icate whose primary activity in this state is the sale or disposition of totaled vehicles.

30 (4) Precertification and continuing education programs and the tests required in subsection (1)
31 of this section may be developed by any motor vehicle industry organization including, but not lim-
32 ited to, the Oregon Independent Auto Dealers Association. Each education program shall be sub-
33 mitted to the advisory committee established under ORS 802.370 for approval every two years. The
34 committee shall vote to approve or deny approval of each program. A program that is approved must
35 cover state and federal law in at least the following areas:

36 (a) Motor vehicle advertising;

37 (b) Odometer laws and regulations;

38 (c) Vehicle licensing and registration;

39 (d) Unlawful dealer activities;

40 (e) Environmental rules and regulations;

41 (f) Oregon and industry standard motor vehicle forms;

42 (g) Truthful lending practices;

43 (h) Motor vehicle financing;

44 (i) Service and warranty contracts; and

45 (j) Land use regulations governing motor vehicle dealers.

1 (5) Precertification and continuing education programs required in subsection (1) of this section
2 may be provided by accredited educational institutions, private vocational schools, correspondence
3 schools or trade associations if the education programs have been approved by the advisory com-
4 mittee established under ORS 802.370 as required in subsection (4) of this section.

5 (6) The approval of an education program under subsection (4) of this section expires two years
6 from the date of the approval.

7 **SECTION 45.** ORS 822.030 is amended to read:

8 822.030. (1) A bond or letter of credit required to qualify for a vehicle dealer certificate under
9 ORS 822.020 [*or to qualify for renewal of a certificate under ORS 822.040*] must comply with all of the
10 following:

11 (a) The bond shall have a corporate surety licensed to do business within this state. A letter
12 of credit shall be an irrevocable letter of credit issued by an insured institution, as defined in ORS
13 706.008. The surety or institution shall notify the Department of Transportation if the bond or letter
14 of credit is canceled for any reason. The surety or institution shall continue to be liable under the
15 bond or letter of credit until the department receives the notice required by this paragraph, or until
16 the cancellation date specified in the notice, whichever is later.

17 (b) The bond or letter of credit shall be executed to the State of Oregon.

18 (c) Except as otherwise provided in this paragraph, the bond or letter of credit shall be in the
19 following sum:

20 (A) If the person holds a certificate to be a dealer exclusively in motorcycles, mopeds, Class I
21 all-terrain vehicles or snowmobiles or any combination of those vehicles, the bond or letter of credit
22 shall be for \$10,000.

23 (B) Except as provided in subparagraph (A) of this paragraph, if the applicant is seeking a cer-
24 tificate to be a vehicle dealer, the bond or letter of credit shall be for \$50,000 for each year the
25 certificate is valid.

26 (d) The bond or letter of credit described in this subsection shall be approved as to form by the
27 Attorney General.

28 (e) The bond or letter of credit must be conditioned that the person issued the certificate shall
29 conduct business as a vehicle dealer without fraud or fraudulent representation and without violat-
30 ing any provisions of the vehicle code relating to vehicle registration, vehicle permits, the transfer
31 or alteration of vehicles or the regulation of vehicle dealers.

32 (f) The bond or letter of credit must be filed and held in the office of the department.

33 (g) The vehicle dealer shall purchase a bond or letter of credit under this subsection annually
34 on or before each anniversary of the issuance of the vehicle dealer's certificate.

35 (2) Any person shall have a right of action against a vehicle dealer, against the surety on the
36 vehicle dealer's bond and against the letter of credit in the person's own name if the person suffers
37 any loss or damage by reason of the vehicle dealer's fraud, fraudulent representations or violations
38 of provisions of the vehicle code relating to:

39 (a) Vehicle registration;

40 (b) Vehicle permits;

41 (c) The transfer or alteration of vehicles; or

42 (d) The regulation of vehicle dealers.

43 (3) Notwithstanding subsection (2) of this section, the maximum amount available under a bond
44 or letter of credit described in subsection (1)(c)(B) of this section for the payment of claims to per-
45 sons other than retail customers of the dealer is \$10,000.

1 (4) Notwithstanding subsection (2) of this section, a person other than a retail customer of the
2 vehicle dealer may not make a claim under subsection (2) of this section against the surety on the
3 vehicle dealer's bond, or against the vehicle dealer's letter of credit, if the vehicle dealer holds a
4 vehicle dealer certificate to deal exclusively in motorcycles, mopeds, Class I all-terrain vehicles or
5 snowmobiles or any combination of those vehicles.

6 (5) If the certificate of a vehicle dealer is not renewed or is voluntarily or involuntarily can-
7 celed, the sureties on the bond and the issuer of the letter of credit are relieved from liability that
8 accrues after the department cancels the certificate.

9 **SECTION 46.** ORS 822.033 is amended to read:

10 822.033. A certificate of insurance required to qualify for a vehicle dealer certificate under ORS
11 822.020 or to qualify for renewal of a certificate under ORS [822.040] **822.020** must comply with all
12 of the following:

13 (1) The certificate shall:

14 (a) Be issued by an insurance carrier licensed to do business within this state;

15 (b) Show that the dealer is insured by a policy that provides the minimum limits of coverage
16 required under ORS 806.070;

17 (c) Show that the dealer is insured by a policy that provides for payment of judgments of the
18 type described in ORS 806.040;

19 (d) Show that the dealer is insured by a policy covering all vehicles manufactured, owned, op-
20 erated, used or maintained by or under the control of the dealer;

21 (e) Show that the dealer is insured by a policy that also covers all other persons who, with the
22 consent of the dealer, use or operate vehicles manufactured, owned or maintained by or under the
23 control of the dealer;

24 (f) Be dated as of the date of the motor vehicle policy for which it is given;

25 (g) Contain the policy number; and

26 (h) Provide that the insurer shall give the Department of Transportation written notice of any
27 cancellation of the policy and that the insurer shall continue to be liable under the policy until the
28 department receives the notice required by this paragraph or until the cancellation date specified
29 in the notice, whichever is later.

30 (2) The certificate of insurance must be filed and held in the office of the department.

31 (3) A dealer is exempt from the requirement to file the certificate of insurance described in this
32 section if the dealer certifies, in such form as may be required by the department, that the dealer
33 will be dealing exclusively in one or more of the following:

34 (a) Antique vehicles issued permanent registration under ORS 805.010;

35 (b) Farm trailers;

36 (c) Farm tractors;

37 (d) Implements of husbandry; or

38 (e) Snowmobiles, Class I or Class III all-terrain vehicles.

39 **SECTION 47.** ORS 822.045 is amended to read:

40 822.045. (1) A vehicle dealer improperly conducts a vehicle dealer business and is subject to the
41 penalties under this section if the vehicle dealer commits any of the following offenses:

42 (a) A vehicle dealer commits the offense of failure to obtain a supplemental vehicle dealer cer-
43 tificate if the vehicle dealer opens any additional place of business using the same business name
44 as a place of business approved under a vehicle dealer certificate without first obtaining a supple-
45 mental dealer certificate under ORS 822.040.

1 (b) A vehicle dealer commits the offense of failure to obtain a corrected vehicle dealer certifi-
2 cate if the dealer moves a place of business or changes the business name without first obtaining
3 a corrected dealer certificate under ORS 822.040.

4 (c) A vehicle dealer commits the offense of failure to maintain proper vehicle dealer records if
5 the dealer does not keep records or books with all of the following information concerning any used
6 or secondhand vehicles or campers the dealer deals with:

7 (A) A record of the purchase, sale or exchange or of the dealer's receipt for purpose of sale.

8 (B) A description of the vehicle or camper.

9 (C) The name and address of the seller, the purchaser and the alleged owner or other person
10 from whom the vehicle or camper was purchased or received or to whom it was sold or delivered.

11 (D) For motor vehicles, the vehicle identification number and any other numbers or identifica-
12 tion marks as may be thereon and a statement that a number has been obliterated, defaced or
13 changed, if such is a fact.

14 (E) For trailers and campers, the vehicle identification number and any other numbers or iden-
15 tification marks as may be thereon.

16 (F) A duly assigned certificate of title or other primary ownership record or a bill of sale from
17 the registered owner of the vehicle or camper from the time of delivery to the dealer until the dealer
18 disposes of the vehicle or camper. If title is issued for the vehicle in a form other than a certificate,
19 or if the primary ownership record is in a form other than a document, a dealer shall keep records
20 in accordance with rules adopted by the Department of Transportation for the purpose of complying
21 with this subparagraph.

22 (d) A vehicle dealer commits the offense of failure to allow administrative inspection if the
23 dealer refuses to allow the department to conduct an inspection under ORS 822.035 at any time
24 during normal business hours.

25 (e) A vehicle dealer commits the offense of failure to allow police inspection if the dealer refuses
26 to allow any police officer to conduct an inspection under ORS 810.480 at any time during normal
27 business hours.

28 (f) A vehicle dealer commits the offense of illegal use of dealer vehicle for hire if the dealer
29 allows any vehicle operated under vehicle dealer registration to be loaned or rented with or without
30 driver for hire or direct compensation.

31 (g) A vehicle dealer commits the offense of improper use of dealer plates or devices if the dealer
32 or employee of the dealer causes or permits the display or use of any special vehicle dealer regis-
33 tration plate or device on any vehicle not owned or controlled by the dealer.

34 (h) A person commits the offense of improper display of dealer plates if the person operates over
35 and along the highways of this state any unregistered vehicle owned or controlled by the dealer and
36 any dealer plates issued are not displayed in the manner provided in ORS 803.540 for the display
37 of registration plates.

38 (i) A vehicle dealer commits the offense of failure to exhibit the dealer certificate if the dealer
39 fails to permanently exhibit the certificate at the place of business of the person at all times while
40 the certificate is in force.

41 (j) Except as provided in subsection (2) of this section, a vehicle dealer commits the offense of
42 failure to provide clear title if:

43 (A) Within 15 days of transfer of any interest in a vehicle or camper to the dealer by a con-
44 sumer, the dealer fails to satisfy:

45 (i) The interest of any person from whom the dealer purchased or obtained the vehicle or

1 camper;

2 (ii) The interest of any person from whom the person described in sub-subparagraph (i) of this
3 subparagraph leased the vehicle or camper; and

4 (iii) All security interests in the vehicle or camper entered into prior to the time of transfer.

5 (B) Within 15 days of receiving clear title to a vehicle or camper from another dealer, the pur-
6 chasing dealer fails to satisfy the interest of the dealer from which the purchasing dealer received
7 the certificate of title or other primary ownership document. For purposes of this subparagraph, a
8 purchasing dealer receives a certificate of title or other primary ownership document from a dealer
9 on the date:

10 (i) The purchasing dealer or the Department of Transportation takes physical possession of the
11 certificate or document; or

12 (ii) A written notice is mailed by certified or registered mail, return receipt requested, to the
13 purchasing dealer from the dealer, stating that the certificate or document is available to be picked
14 up at a place and time prearranged by both parties. The written notice must be mailed to a business
15 address of the purchasing dealer that is on file with the department. Service by mail under this
16 sub-subparagraph is effective on the date of mailing.

17 (k) Except as provided in subsection (3) of this section, a vehicle dealer commits the offense of
18 failure to furnish certificate of title or application for title if, within 90 calendar days of transfer
19 of any interest in a vehicle or camper by the dealer, the dealer has failed to:

20 (A) Furnish the certificate of title or other primary ownership record for the vehicle or camper
21 and any release thereon or, if title has been issued or is to be issued in a form other than a certif-
22 icate, any information or documents required by rule of the department, to the security interest
23 holder next named, if any, otherwise to the lessor or, if none, to the purchaser; or

24 (B) Submit to the department in a manner that complies with any applicable statutes and rules,
25 an application for title on behalf of the person to whom the title is to be furnished or whose name
26 is to be shown on the title record.

27 (L) A vehicle dealer commits the offense of failure to maintain bond or letter of credit coverage
28 if the dealer permits a bond or letter of credit to lapse during the period that the bond or letter of
29 credit is required under ORS 822.020 [*or 822.040*] or if the dealer fails to purchase a bond or letter
30 of credit required by ORS 822.030.

31 (m) A person commits the offense of acting as a vehicle dealer while under revocation, cancel-
32 lation or suspension if the person conducts business as a vehicle dealer in this state and the person's
33 vehicle dealer certificate is revoked, canceled or suspended, regardless of whether the person is li-
34 censed as a vehicle dealer in another jurisdiction. This paragraph does not apply if the person has
35 other current, valid dealer certificates issued in this state.

36 (n) A vehicle dealer commits the offense of improper display of a vehicle for advertising pur-
37 poses if the dealer displays a vehicle at a location other than the dealer's place of business for the
38 purpose of advertising and the dealer does not comply with the provisions of ORS 822.040 (4).

39 (2) A dealer is not considered to have committed the offense described in subsection (1)(j)(A) of
40 this section if the dealer fails to satisfy an interest in a vehicle or camper that arises from an in-
41 ventory financing security interest for which the dealer is the debtor.

42 (3) A dealer is not considered to have committed the offense described in subsection (1)(k) of this
43 section if the dealer demonstrates that:

44 (a) The dealer has made a good faith effort to comply; and

45 (b) The dealer's inability to provide title is due to circumstances beyond the dealer's control.

1 (4) The offenses described in this section are subject to the following penalties:

2 (a) The offense described in this section, failure to obtain a supplemental vehicle dealer certifi-
3 cate, is a Class A misdemeanor.

4 (b) The offense described in this section, failure to obtain a corrected vehicle dealer certificate,
5 is a Class A misdemeanor.

6 (c) The offense described in this section, failure to maintain proper vehicle dealer records, is a
7 Class A misdemeanor.

8 (d) The offense described in this section, failure to allow administrative inspection, is a Class
9 A misdemeanor.

10 (e) The offense described in this section, failure to allow police inspection, is a Class A
11 misdemeanor.

12 (f) The offense described in this section, illegal use of dealer vehicle for hire, is a Class B traffic
13 violation.

14 (g) The offense described in this section, improper use of dealer plates or devices, is a Class D
15 traffic violation.

16 (h) The offense described in this section, improper display of dealer plates, is a Class B traffic
17 violation.

18 (i) The offense described in this section, failure to exhibit the dealer certificate, is a Class A
19 misdemeanor.

20 (j) The offense described in this section, failure to provide clear title, is a Class A misdemeanor.

21 (k) The offense described in this section, failure to furnish certificate of title or application for
22 title, is a Class A misdemeanor.

23 (L) The offense described in this section, failure to maintain bond or letter of credit coverage,
24 is a Class A misdemeanor.

25 (m) The offense described in this section, acting as a vehicle dealer while under revocation,
26 cancellation or suspension, is a Class A misdemeanor.

27 (n) The offense described in this section, improper display of a vehicle for advertising purposes,
28 is a Class A misdemeanor.

29 **SECTION 48.** ORS 822.060 is amended to read:

30 822.060. (1) Except as provided in subsection (2) of this section, a person who holds a vehicle
31 dealer certificate issued [*or renewed*] under ORS 822.020 [*or 822.040*] commits the offense of illegal
32 consignment practices if the person does any of the following:

33 (a) Takes a vehicle on consignment from a person who does not hold a vehicle dealer certificate
34 issued [*or renewed*] under ORS 822.020 [*or 822.040*], or who is not licensed as a vehicle dealer in
35 another jurisdiction, and who does not have proof that the consignor is the registered owner, a se-
36 curity interest holder or lessor of the vehicle.

37 (b) Takes a vehicle on consignment from a security interest holder without the security interest
38 holder first completing a repossession action prior to consigning the vehicle and providing the
39 dealer with proper documentary proof of the repossession action.

40 (c) Takes a vehicle on consignment and does not have the terms of the consignment agreement
41 in writing and provide a copy of the agreement to the consignor. The agreement shall include a
42 provision stating that if the terms of the agreement are not met, the consignor may file a complaint
43 in writing with the Department of Transportation, Salem, Oregon.

44 (d) Sells a vehicle that the dealer has on consignment and does not pay the consignor within
45 10 days of the sale.

1 (e) Sells a vehicle that the dealer has on consignment and does not either provide the purchaser
2 with a certificate of title to the vehicle or with other primary ownership records in the form of
3 documents or apply to the department in the purchaser's name for title to the vehicle within 30 days
4 of the sale in a manner provided by the department by rule.

5 (f) Does not allow the department or any duly authorized representative to inspect and audit
6 any records of any separate accounts into which the dealer deposits any funds received or handled
7 by the dealer or in the course of business as a dealer from consignment sale of vehicles at such
8 times as the department may direct.

9 (g) Takes any part of any money paid to the dealer in connection with any consignment trans-
10 action as part or all of the dealer's commission or fee until the transaction has been completed or
11 terminated.

12 (h) Does not make arrangement for the disposition of money from a consignment transaction
13 with the seller at the time of establishing a consignment agreement.

14 (i) Sells a vehicle that the dealer has taken on consignment without first giving the purchaser
15 the following disclosure in writing:

16 _____

17
18 **DISCLOSURE REGARDING**
19 **CONSIGNMENT SALE**

20
21 _____ (Name of Dealer) is selling the following described vehicle:
22 _____ (Year) _____ (Make) _____ (Model) _____ (Vehicle Identification Num-
23 ber) on consignment.

24
25 [] There is a security interest in this vehicle.

26 [] There is not a security interest in this vehicle.

27
28 **YOU SHOULD TAKE ACTION TO ENSURE THAT ANY SECURITY INTERESTS ARE RE-**
29 **LEASED AND THAT THE TITLE TO THE VEHICLE IS TRANSFERRED TO YOU. OTHERWISE,**
30 **YOU MAY TAKE TITLE SUBJECT TO ANY UNSATISFIED SECURITY INTERESTS.**

31 _____

32
33 (2) The offense described in this section does not apply if the person takes a vehicle on
34 consignment from an entity other than a retail customer and the person holds a vehicle dealer cer-
35 tificate issued [or renewed] under ORS 822.020 [or 822.040] and operates a:

36 (a) Wholesale vehicle auction company; or

37 (b) National auction company whose primary activity in this state is the sale or disposition of
38 totaled vehicles.

39 (3) The offense described in this section, illegal consignment practices, is a Class A
40 misdemeanor.

41 (4) The department shall adopt rules to carry out the provisions of this section, including but
42 not limited to rules to specify which persons may take and sell vehicles on consignment and to
43 regulate the taking and selling of vehicles on consignment from other jurisdictions.

44
45

GENERAL REPEALS

1 **SECTION 49.** ORS 805.242 is repealed.

2 **SECTION 50.** ORS 805.117 is repealed.

3 **SECTION 51.** The repeal of ORS 805.117 by section 50 of this 2023 Act applies to regis-
4 tration plates issued, renewed or replaced on or after the effective date of this 2023 Act.
5 Consular corps registration plates issued before the effective date of this 2023 Act shall
6 continue to be governed by ORS 805.117 as in effect immediately before the effective date of
7 this 2023 Act.

8

9

DELAYED OPERATIVE DATE

10

11 **SECTION 52.** (1) The amendments to ORS 87.152, 319.550, 319.520, 319.530, 646A.090,
12 802.031, 803.530, 803.552, 805.103, 805.210, 805.250, 807.080, 819.482, 822.015, 822.020, 822.025,
13 822.027, 822.030, 822.033, 822.035, 822.040, 822.045, 822.050, 822.060, 822.310, 822.315, 822.515,
14 822.700 and 822.990 by sections 3 to 5, 9, 16 to 22, 26 to 28, 30, 32 and 36 to 48 of this 2023 Act
15 and the repeal of ORS 805.242, 822.505, 822.510, 822.520, 822.525, 822.530 and 822.535 by sections
16 25 and 49 of this 2023 Act become operative January 1, 2024.

17 (2) The Department of Transportation may adopt rules or take any actions before the
18 operative date specified in subsection (1) of this section that are necessary to enable the
19 department, on and after the operative date specified in subsection (1) of this section, to
20 carry out the amendments to ORS 87.152, 319.550, 319.520, 319.530, 646A.090, 802.031, 803.530,
21 803.552, 805.103, 805.210, 805.250, 807.080, 819.482, 822.015, 822.020, 822.025, 822.027, 822.030,
22 822.033, 822.035, 822.040, 822.045, 822.050, 822.060, 822.310, 822.315, 822.515, 822.700 and 822.990
23 by sections 3 to 5, 9, 16 to 22, 26 to 28, 30, 32 and 36 to 48 of this 2023 Act and the repeal of
24 ORS 805.242, 822.505, 822.510, 822.520, 822.525, 822.530 and 822.535 by sections 25 and 49 of this
25 2023 Act.

26

27

CAPTIONS

28

29 **SECTION 53.** The unit captions used in this 2023 Act are provided only for the conven-
30 ience of the reader and do not become part of the statutory law of this state or express any
31 legislative intent in the enactment of this 2023 Act.

32

33

EFFECTIVE DATE

34

35 **SECTION 54.** This 2023 Act takes effect on the 91st day after the date on which the 2023
36 regular session of the Eighty-second Legislative Assembly adjourns sine die.

37
