

**SB 113 A -A3 STAFF MEASURE SUMMARY**

**Senate Committee On Rules**

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**Prepared By:** Josh Nasbe, Counsel

**Meeting Dates:** 5/29

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**WHAT THE MEASURE DOES:**

Authorizes lawsuit against vehicle dealer and dealer's surety, if dealer engages in fraud, or otherwise violates vehicle code, in relation to vehicle titling. Allows court to award attorney fees to prevailing plaintiff in lawsuit relating to titling or registration, when defendant fails to comply with written demand that is provided by retail plaintiff more than 60 days before filing of lawsuit.

**ISSUES DISCUSSED:**

**EFFECT OF AMENDMENT:**

-A3 Authorizes civil action for vehicle dealer's violation of: 1) ORS 822.042 (1)(b) (submit application for title to Department of Transportation within 30 calendar days of transfer); 2) ORS 822.042 (1)(d) (provide notice to parties of delay in submitting application for title within 25 business days of transfer); or ORS 822.045 (1)(k) (offense of failing to furnish certificate of title or application for title, within 90 calendar days of transfer). Authorizes court to award attorney fees to prevailing plaintiff in specified circumstances.

**BACKGROUND:**

ORS 822.030 provides a cause of action against a vehicle dealer and the dealer's surety, if the dealer engages in fraud, or otherwise violates vehicle code, in relation to vehicle registration, vehicle permits, the transfer or alteration of vehicles or the regulation of vehicle dealers.

Senate Bill 113 A expands the grounds for a lawsuit to include fraud, or violations of the vehicle code, relating to vehicle titling. The bill authorizes the court to award attorney fees in lawsuits relating to titling or registration, if the defendant fails to comply with a written demand provided by the plaintiff at least 60 days in advance of the lawsuit.