

SB 113 B STAFF MEASURE SUMMARY

Carrier: Sen. Riley

Senate Committee On Rules

Action Date: 05/29/19

Action: Do pass with amendments to the A-Eng bill. (Printed B-Eng.)

Vote: 3-1-1-0

Yeas: 3 - Burdick, Dembrow, Roblan

Nays: 1 - Boquist

Exc: 1 - Baertschiger Jr

Fiscal: No fiscal impact

Revenue: No revenue impact

Prepared By: Josh Nasbe, Counsel

Meeting Dates: 5/29

WHAT THE MEASURE DOES:

Authorizes civil action for vehicle dealer's violation of specified statutes related to providing title to purchaser. Allows court to award attorney fees to prevailing plaintiff when dealer fails to comply with demand made 30 days prior to filing of civil action.

ISSUES DISCUSSED:

- Difficulty getting title from unscrupulous vehicle dealers
- Workgroup

EFFECT OF AMENDMENT:

Replaces the measure.

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 authorizes the filing of a civil action for a vehicle dealer's violation of: 1) ORS 822.042 (1)(b) (dealer must submit application for title to Department of Transportation within 30 calendar days of transfer); 2) ORS 822.042 (1)(d) (dealer 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). The bill also authorizes the court to award attorney fees to the prevailing plaintiff in specified circumstances.