

HOUSE AMENDMENTS TO A-ENGROSSED SENATE BILL 803

By COMMITTEE ON BUSINESS AND LABOR

May 27

- 1 On page 1 of the printed A-engrossed bill, line 2, after “ORS” insert “164.095.”.
- 2 On page 2, line 7, before “agent” insert “an” and after “business” insert “that maintains a fixed
3 place of business”.
- 4 Delete lines 9 through 15 and insert:
- 5 “(C)(i) The person was a dismantler or an agent or an employee of a dismantler;
- 6 “(ii) The person possessed a valid, current dismantler certificate or an identification card issued
7 under ORS 822.125; and
- 8 “(iii) The stock or yard number assigned to the private metal property under ORS 822.137 was
9 legibly marked on the private metal property; or
- 10 “(D)(i) The person had physical possession of the title or registration for the vehicle from which
11 the private metal property was removed;
- 12 “(ii) The person’s name was shown as the owner of the vehicle on the title or registration; and
- 13 “(iii) The person accurately and correctly described the location of the vehicle.”.
- 14 On page 3, delete lines 19 through 21 and insert:
- 15 “(6) ‘Fixed place of business’ means a location:
- 16 “(a) Where a business enterprise primarily and regularly conducts the enterprise’s business ac-
17 tivity;
- 18 “(b) That includes a commercial building; and
- 19 “(c) That corresponds to the address shown on any licenses required by state law or local or-
20 dinance for all applicable business activity conducted at that location.”.
- 21 In line 45, delete “or private metal property”.
- 22 On page 4, line 2, delete “that” and insert “all applicable”.
- 23 In line 4, delete “that” and insert “all applicable”.
- 24 In line 40, after “vehicles” insert “, if any,”.
- 25 On page 5, line 4, after “property” insert “, if any,”.
- 26 On page 6, line 13, delete “or dismantler”.
- 27 In line 23, before “(d)” insert “(c),”.
- 28 In line 35, before “(d)” insert “(c),”.
- 29 Delete lines 39 through 41 and insert:
- 30 “(g) Purchase or receive private metal property, except from:
- 31 “(A) A commercial seller; or
- 32 “(B) An individual who is the owner of the vehicle from which the private metal property was
33 removed and who provides the information required under subsection (1)(a)(C) of this section.”.
- 34 On page 8, line 28, delete “that” and insert “all applicable”.
- 35 After line 34, insert:

1 “(d) Purchases or receives private metal property if the person is not, or is not an agent or
2 employee of, a business enterprise with a fixed place of business.”.

3 In line 35, delete “(d)” and insert “(e)”.

4 On page 9, after line 36, insert:

5 “(3) Notwithstanding subsection (2) of this section, ORS 164.857, 165.116, 165.117, 165.118 and
6 165.122 do not apply to a person who sells private metal property if the person:

7 “(a) Sells the private metal property as a vehicle repair part;

8 “(b) Complies with United States Environmental Protection Agency policies and regulations re-
9 lated to private metal property, including testing and labeling requirements;

10 “(c) Maintains a fixed place of business at which the person engages in the business of selling
11 vehicle repair parts;

12 “(d) Holds any licenses required by federal or state law or local ordinance for conducting all
13 applicable business activity;

14 “(e) Clearly and legibly marks the private metal property:

15 “(A) With the vehicle identification number of the vehicle from which the private metal property
16 was removed or with an alternative number;

17 “(B) With the date the private metal property was removed from the vehicle; and

18 “(C) In English and in a permanent manner, including but not limited to engraving or the use
19 of permanent ink or a permanent label; and

20 “(f) Provides the vehicle identification number of the vehicle from which the private metal
21 property was removed upon the request of a law enforcement official, if the person used an alter-
22 native number instead of the vehicle identification number.”.

23 On page 10, line 6, after “item,” insert “separate and distinct from a vehicle acquisition.”.

24 On page 11, delete lines 6 through 8 and insert:

25 “**SECTION 8.** ORS 164.095 is amended to read:

26 “164.095. (1) A person commits theft by receiving if the person receives, retains, conceals or
27 disposes of property of another knowing or having good reason to know that the property was the
28 subject of theft.

29 “(2) It is a defense to a charge of violating subsection (1) of this section if:

30 “(a) The person is a scrap metal business as defined in ORS 165.116 or an agent or employee
31 of a scrap metal business;

32 “(b) The person receives or retains metal property as defined in ORS 165.116; and

33 “(c) The person makes a report in accordance with ORS 165.118 [(3)(a)] (3)(e)(A).

34 “(3) ‘Receiving’ means acquiring possession, control or title, or lending on the security of the
35 property.

36 “**SECTION 9.** The amendments to ORS 164.857, 165.116, 165.117, 165.118, 165.124, 801.236
37 and 822.137 by sections 1 to 7 of this 2021 Act apply to conduct occurring on or after the ef-
38 fective date of this 2021 Act.”.