

Requested by Senator GORSEK

**PROPOSED AMENDMENTS TO
SENATE BILL 803**

1 On page 1 of the printed bill, line 2, after the semicolon delete the rest
2 of the line and insert “creating new provisions; and amending ORS 164.857,
3 165.116, 165.117, 165.118, 168.124, 801.236 and 822.137.”

4 Delete lines 4 through 31 and delete pages 2 through 6 and insert:

5 **“SECTION 1.** ORS 164.857 is amended to read:

6 “164.857. (1) A person commits the offense of unlawfully transporting
7 metal property if the person transports metal property on a public highway
8 or on premises open to the public with the intent to deliver the metal prop-
9 erty to a scrap metal business and the person does not have a metal trans-
10 portation certificate in the person’s possession.

11 “(2) A seller or transferor of metal property that has reason to believe
12 that a buyer or transferee intends to obtain the metal property for delivery
13 to a scrap metal business shall provide the buyer or transferee with a metal
14 transportation certificate.

15 “(3) A metal transportation certificate must include:

16 “(a) The date the metal property was acquired and the amount and type
17 of metal property that the person is transporting;

18 “(b) The location where the metal property was loaded and the destination
19 of the metal property;

20 “(c) The name, address and telephone number of the seller or the
21 transferor;

1 “(d) The signature of the seller or transferor or the authorized agent of
2 the seller or transferor; and

3 “(e) The name, address and telephone number of the person transporting
4 the metal property.

5 “(4) The Department of State Police shall create a form that may serve
6 as a metal transportation certificate and shall make the form available on
7 the department’s website.

8 “(5)(a) **Subject to paragraph (b) of this subsection**, it is a defense to
9 a charge of unlawfully transporting metal property that the person trans-
10 porting the metal property is the owner of the property or an agent or em-
11 ployee of the owner of the property.

12 “(b) **A person who transports private metal property may not raise**
13 **the defense described in this subsection unless at the time the person**
14 **was transporting the private metal property:**

15 “(A) **The person was a commercial seller or an agent or employee**
16 **of a commercial seller and the person possessed the information re-**
17 **quired under ORS 165.117 (4)(b)(G);**

18 “(B) **The person was the owner or agent or employee of a scrap**
19 **metal business and the person possessed reasonable proof that the**
20 **person was an owner, agent or employee;**

21 “(C) **The person was a holder of a valid, current dismantler certifi-**
22 **cate issued under ORS 822.110 or an agent or an employee of a**
23 **dismantler and possessed proof of a valid, current dismantler certifi-**
24 **cate or an identification card issued under ORS 822.125 and the stock**
25 **or yard number assigned to the private metal property under ORS**
26 **822.137; or**

27 “(D) **The person possessed the title for the vehicle from which the**
28 **private metal property was removed, the person’s name was shown on**
29 **the title as the owner of the vehicle and the person knew the current**
30 **location of the vehicle.**

1 “(6) Unlawfully transporting metal property is a Class C misdemeanor.

2 “(7) As used in this section:

3 “(a) ‘Agent or employee of the owner of the property’ includes a motor
4 carrier as defined in ORS 825.005 that is operating in accordance with the
5 provisions of ORS chapter 825.

6 “(b) ‘**Commercial seller,**’ ‘**dismantler,**’ ‘**fixed place of business,**’
7 ‘metal property,’ ‘**private metal property**’ and ‘scrap metal business’ have
8 the meanings given those terms in ORS 165.116.

9 “**SECTION 2.** ORS 165.116 is amended to read:

10 “165.116. As used in ORS 165.116 to 165.124:

11 “(1) ‘Commercial account’ means an agreement or arrangement between
12 a commercial seller and a scrap metal business for regularly or periodically
13 selling, delivering, purchasing or receiving metal property.

14 “(2) ‘Commercial metal property’ means an item fabricated or containing
15 parts made of metal or metal alloys that:

16 “(a) Is used as, used in or used as part of:

17 “(A) A utility access cover or a cover for a utility meter;

18 “(B) A pole, fixture or component of a street light or traffic light;

19 “(C) A sign or marker located, with the permission of a governmental
20 entity, alongside a street, road or bridge for the purpose of directing or
21 controlling traffic or providing information to motorists;

22 “(D) A traffic safety device, including a guardrail for a highway, road or
23 bridge;

24 “(E) A vase, plaque, marker, tablet, plate or other sign or ornament af-
25 fixed to or in proximity to a historic site, grave, statue, monument or similar
26 property accessible to members of the public;

27 “(F) An agricultural implement, including an irrigation wheel, sprinkler
28 head or pipe;

29 “(G) A forestry implement or structure, including silvicultural equipment,
30 gates, culverts and servicing and maintenance parts or supplies; or

1 “(H) A logging operation implement, including mechanical equipment,
2 rigging equipment and servicing and maintenance parts or supplies;

3 “(b) Bears the name of, or a serial or model number, logo or other device
4 used by, a commercial seller to identify the commercial seller’s property in-
5 cluding, but not limited to, implements or equipment used by railroads and
6 utilities that provide telephone, commercial mobile radio, cable television,
7 electricity, water, natural gas or similar services;

8 “(c) Consists of material used in building construction or other commer-
9 cial construction, including:

10 “(A) Copper or aluminum pipe, tubing or wiring;

11 “(B) Aluminum gutters, downspouts, siding, decking, bleachers or risers;
12 or

13 “(C) Aluminum or stainless steel fence panels made of one-inch tubing 42
14 inches long, with four-inch gaps; or

15 “(d) Constitutes wire of a gauge typically used by utilities to provide
16 electrical or telecommunications service.

17 “(3) ‘Commercial seller’ means:

18 “(a) A business entity, as defined in ORS 60.470, **business enterprise**
19 **with a fixed place of business**, nonprofit corporation or governmental en-
20 tity that regularly or periodically sells or delivers metal property to a scrap
21 metal business as part of the entity’s business functions; **or**

22 “(b) **A person with a court order authorizing the possession and sale**
23 **of particular metal property.**

24 “(4) **‘Dismantler’ means the holder of a valid, current dismantler**
25 **certificate issued under ORS 822.110.**

26 “[4] (5) ‘Electronic funds transfer’ has the meaning given that term in
27 ORS 293.525.

28 “(6) **‘Fixed place of business’ means a location where a business**
29 **enterprise primarily and regularly conducts its business that corre-**
30 **sponds to the address shown on any licenses required by state law or**

1 **local ordinance for the business activity conducted at that location.**

2 “[5] (7) ‘Law enforcement agency’ has the meaning given that term in
3 ORS 131.550.

4 “[6] (8) ‘Metal property’ means commercial metal property, nonferrous
5 metal property or private metal property.

6 “[7(a)] (9)(a) ‘Nonferrous metal property’ means an item fabricated or
7 containing parts made of or in an alloy with copper, brass, aluminum, bronze,
8 lead, zinc or nickel.

9 “(b) ‘Nonferrous metal property’ does not include gold, silver or platinum
10 that is used in the manufacture, repair, sale or resale of jewelry.

11 “[8] (10) ‘Nonprofit corporation’ means a corporation to which the Sec-
12 retary of State has issued a certificate of existence or a certificate of au-
13 thorization under ORS 65.027.

14 “[9] (11) ‘Private metal property’ means a catalytic converter **or a**
15 **component of a catalytic converter** that has been removed from a vehicle
16 and is offered for sale as an independent item, whether individually or as
17 part of a bundle, bale or in other bulk form.

18 “[10(a)] (12)(a) ‘Scrap metal business’ means a person that:

19 “(A) Maintains a permanent or fixed place of business at which the per-
20 son:

21 “(i) Engages in the business of purchasing or receiving metal property;

22 “(ii) Alters or prepares metal property the person receives for use in
23 manufacturing other products; and

24 “(iii) Owns, leases, rents, maintains or uses a device used in metal recy-
25 cling, including a hydraulic baler, metal shearer or metal shredder;

26 “(B) Maintains a permanent or fixed place of business at which the person
27 engages in the business of purchasing or receiving metal property for the
28 purpose of aggregation and sale to another scrap metal business; [or]

29 “(C) Does not necessarily maintain a permanent or fixed place of business
30 in this state but engages in the business of purchasing or receiving

1 nonferrous metal property or private metal property for the purpose of ag-
2 gregation and sale to another scrap metal business **and holds any licenses**
3 **required by state law or local ordinance for conducting that business**
4 **activity; or**

5 **“(D) Engages in the business of purchasing or receiving private**
6 **metal property at a fixed place of business and holds any licenses re-**
7 **quired by state law or local ordinance for that business activity.**

8 “(b) ‘Scrap metal business’ does not include a governmental entity that
9 accepts metal property for recycling.

10 “[~~(11)~~] **(13)** ‘Stored value device’ means a debit card or other device that
11 draws funds from an account owned or operated by the user and that allows
12 the user to obtain something of value from a merchant.

13 “[~~(12)(a)~~] **(14)(a)** ‘Transaction’ means a sale, purchase, receipt or trade of,
14 or a contract, agreement or pledge to sell, purchase, receive or trade, private
15 metal property or nonferrous metal property that occurs or forms between
16 an individual and a scrap metal business.

17 “(b) ‘Transaction’ does not include:

18 “(A) A transfer of metal property made without consideration; or

19 “(B) A sale, purchase, receipt or trade of, or a contract, agreement or
20 pledge to sell, purchase, receive or trade, private metal property or
21 nonferrous metal property that occurs or forms between:

22 “(i) A commercial seller or an authorized employee or agent of the com-
23 mercial seller; and

24 “(ii) A scrap metal business or an authorized employee or agent of the
25 scrap metal business.

26 **“SECTION 3.** ORS 165.117 is amended to read:

27 “165.117. (1) Before completing a transaction, a scrap metal business en-
28 gaged in business in this state shall:

29 “(a) Create a metal property record for the transaction at the time and
30 in the location where the transaction occurs. The record must:

- 1 “(A) Be accurate and written clearly and legibly in English;
- 2 “(B) Be entered onto a standardized printed form or an electronic form
3 that is securely stored and is capable of ready retrieval and printing; and
- 4 “(C) Contain all of the following information:
- 5 “(i) The signature of the individual with whom the scrap metal business
6 conducts the transaction.
- 7 “(ii) The time, date, location and monetary amount or other value of the
8 transaction.
- 9 “(iii) The name of the employee who conducts the transaction on behalf
10 of the scrap metal business.
- 11 “(iv) The name and telephone number of the individual with whom the
12 scrap metal business conducts the transaction and a street address or, if a
13 post office box is listed on the government-issued photo identification de-
14 scribed in sub-subparagraph (vi) of this subparagraph, a post office box, to
15 which the scrap metal business will mail payment to the individual.
- 16 “(v) [*A description of, and the license number and issuing state shown on*
17 *the license plate affixed to, the motor vehicle, if any, used to transport the in-*
18 *dividual who conducts, or the nonferrous metal property or private metal*
19 *property that is the subject of, the transaction.*] **The make, model year and**
20 **the license plate number and state of issue of the motor vehicle or**
21 **motor vehicles used to transport the individual who conducts the**
22 **transaction and to transport the nonferrous metal property or private**
23 **metal property that is the subject of the transaction.**
- 24 “(vi) A photocopy of a current, valid driver license or other government-
25 issued photo identification belonging to the individual with whom the scrap
26 metal business conducts the transaction.
- 27 “(vii) A photograph of, or video surveillance recording depicting, a re-
28 cognizable facial image of the individual with whom the scrap metal business
29 conducts the transaction.
- 30 “(viii) A general description of the nonferrous metal property [*or private*

1 *metal property*] that constitutes the predominant part of the transaction **and**
2 **a specific description of private metal property included in the trans-**
3 **action.** The description must include any identifiable marks on the property,
4 if readily discernible, and must specify the weight, quantity or volume of the
5 nonferrous metal property or private metal property.

6 **“(ix) For private metal property, the vehicle identification number**
7 **and a copy of the title or vehicle registration for the vehicle from**
8 **which the private metal property was removed.**

9 **“(b) Require the individual with whom the scrap metal business conducts**
10 **a transaction to sign and date a declaration printed in conspicuous type, ei-**
11 **ther on the record described in this subsection or on a receipt issued to the**
12 **individual with whom the scrap metal business conducts the transaction,**
13 **that states:**

14 “ _____
15 I, _____, AFFIRM UNDER PENALTY OF LAW THAT THE
16 PROPERTY I AM SELLING IN THIS TRANSACTION IS NOT, TO THE
17 BEST OF MY KNOWLEDGE, STOLEN PROPERTY.

18 “ _____
19 **“(c) Require the employee of the scrap metal business who conducts the**
20 **transaction on behalf of the scrap metal business to witness the individual**
21 **sign the declaration, and also to sign and date the declaration in a space**
22 **provided for that purpose.**

23 **“(d) For one year following the date of the transaction, keep a copy of the**
24 **record and the signed and dated declaration described in this subsection. If**
25 **the scrap metal business uses a video surveillance recording as part of the**
26 **record kept in accordance with this subsection, the scrap metal business need**
27 **not keep the video surveillance recording for one year, but shall retain the**
28 **video surveillance recording for a minimum of 30 days following the date of**
29 **the transaction. The scrap metal business shall at all times keep the copies**
30 **at the current place of business for the scrap metal business.**

1 “(2) A scrap metal business engaged in business in this state may not do
2 any of the following:

3 “(a) Purchase or receive kegs or similar metallic containers used to store
4 or dispense alcoholic beverages, except from a person that manufactures the
5 kegs or containers or from a person licensed by the Oregon Liquor Control
6 Commission under ORS 471.155.

7 “(b) Conduct a transaction with an individual if the individual does not
8 at the time of the transaction consent to the creation of the record described
9 in subsection (1) of this section and produce for inspection a valid driver li-
10 cense or other **valid** government-issued photo identification that belongs to
11 the individual.

12 “(c) Conduct a transaction with an individual in which the scrap metal
13 business pays the individual other than by electronic funds transfer, stored
14 value card or stored value device, or by mailing a nontransferable check,
15 made payable to the individual, for the amount of the transaction to the
16 street address or post office box the individual provided under subsection
17 (1)(a)(C)(iv) of this section. Payment must be made not earlier than three
18 business days after the date of the transaction. The check, electronic funds
19 transfer or stored value device must be drawn on or must draw from an ac-
20 count that the scrap metal business maintains with a financial institution,
21 as defined in ORS 706.008. A stored value card may be issued by a money
22 transmission business licensed under ORS 717.200 to 717.320 or exempt from
23 the licensing requirement under ORS 717.210.

24 “(d) Purchase metal property from a nonprofit corporation other than by
25 electronic funds transfer, stored value card or stored value device, or by
26 mailing a nontransferable check, made payable to the nonprofit corporation,
27 for the amount of the purchase price to the business address provided under
28 subsection (4)(a)(B) of this section. Payment must be made not earlier than
29 three business days after the date of the purchase. The check, electronic
30 funds transfer or stored value device must be drawn on or must draw from

1 an account that the scrap metal business maintains with a financial insti-
2 tution, as defined in ORS 706.008. A stored value card may be issued by a
3 money transmission business licensed under ORS 717.200 to 717.320 or exempt
4 from the licensing requirement under ORS 717.210.

5 “(e) **Purchase private metal property from a commercial seller other**
6 **than by electronic funds transfer, credit card, debit card, stored value**
7 **card or stored value device or by mailing a nontransferable check,**
8 **made payable to the commercial seller or dismantler, for the amount**
9 **of the purchase price to the business address provided under sub-**
10 **section (4)(a)(B) of this section. Except for an electronic funds**
11 **transfer, credit card transaction or debit card transaction which can**
12 **be immediate, payment must be made not earlier than three business**
13 **days after the date of the purchase. The check, electronic funds**
14 **transfer, credit card, debit card or stored value device must be drawn**
15 **on or must draw from an account that the scrap metal business**
16 **maintains with a financial institution, as defined in ORS 706.008. A**
17 **stored value card may be issued by a money transmission business li-**
18 **censed under ORS 717.200 to 717.320 or exempt from the licensing re-**
19 **quirement under ORS 717.210.**

20 “[e)] (f) Cash or release a check issued in payment for a transaction or
21 for a purchase described in paragraph (d) **or** (e) of this subsection other than
22 as provided in this paragraph or paragraph (c), [or] (d) **or** (e) of this sub-
23 section. If a check is not delivered to the intended recipient within 10 days
24 of the date of the transaction or the purchase, the scrap metal business may
25 release the check directly to the individual or [*nonprofit corporation*] **com-**
26 **mercial seller** with the written approval of a law enforcement agency hav-
27 ing jurisdiction over the scrap metal business. If a check is returned as
28 undelivered or undeliverable, the scrap metal business shall:

29 “(A) Release the check directly to the individual or [*nonprofit*
30 *corporation*] **commercial seller** with the written approval of a law enforce-

1 ment agency having jurisdiction over the scrap metal business; or

2 “(B) Retain the check until the individual or [*nonprofit corporation*]
3 **commercial seller** to which the check was mailed provides a valid address
4 in accordance with subsection (1)(a)(C)(iv) or (4)(a)(B) of this section. If after
5 30 days following the date of the transaction or the purchase described in
6 paragraph (d) **or (e)** of this subsection the individual or [*nonprofit corpo-*
7 *ration*] **commercial seller** fails to provide a valid address, the scrap metal
8 business may cancel the check and the individual or [*nonprofit corporation*]
9 **commercial seller** shall forfeit to the scrap metal business the amount due
10 as payment.

11 “(g) **Purchase or receive private metal property, except from a**
12 **commercial seller or an individual who is the owner of the vehicle**
13 **from which the private metal property was removed and who provides**
14 **the information required under subsection (1)(a)(C) of this section.**

15 “(3) If a scrap metal business obtains the approval of a law enforcement
16 agency under subsection [(2)(e)] **(2)(f)** of this section, the scrap metal busi-
17 ness shall retain the written approval for one year following the date the
18 approval is received.

19 “(4) Before purchasing or receiving metal property from a commercial
20 seller, a scrap metal business shall:

21 “(a) Create and maintain a commercial account with the commercial
22 seller. As part of the commercial account, the scrap metal business shall
23 enter accurately, clearly and legibly in English onto a standardized printed
24 form, or an electronic form that is securely stored and is capable of ready
25 retrieval and printing, the following information:

26 “(A) The full name of the commercial seller;

27 “(B) The business address and telephone number of the commercial seller;

28 and

29 “(C) The full name of each employee, agent or other individual the com-
30 mercial seller authorizes to receive payment for metal property from the

1 scrap metal business.

2 “(b) [Record] **Create a metal property record** as part of the commercial
3 account at the time **and in the location that** the scrap metal business
4 purchases or receives metal property from a commercial seller **that contains**
5 the following information:

6 “(A) The time, date and location at which the [*commercial seller delivered*
7 *the metal property for purchase or receipt*] **scrap metal business purchased**
8 **or received the metal property;**

9 “(B) **The printed name and signature or electronic signature of the**
10 **employee who conducted the purchase or receipt on behalf of the scrap**
11 **metal business;**

12 “(C) **The printed name and signature or electronic signature of the**
13 **individual or individuals who conducted the purchase or receipt of the**
14 **metal property on behalf of the commercial seller and of the individual**
15 **or individuals who delivered the metal property on behalf of the com-**
16 **mercial seller to the scrap metal business, if different;**

17 “(D) **A photocopy of a valid driver license or other valid**
18 **government-issued photo identification belonging to the individual or**
19 **individuals who conducted the purchase or receipt of the metal prop-**
20 **erty on behalf of the commercial seller and of the individual or indi-**
21 **viduals who delivered the metal property on behalf of the commercial**
22 **seller to the scrap metal business, if different;**

23 “[B)] (E) The monetary amount or other value of the metal property;

24 “[C)] (F) A description of the type of metal property that constitutes the
25 predominant part of the purchase or receipt; [*and*]

26 “[D) *The signature of the individual who delivered the metal property to*
27 *the scrap metal business.*]

28 “(G) **For private metal property sold or transferred by a commercial**
29 **seller other than a dismantler, the following information for the ve-**
30 **hicle from which the private metal property was removed:**

1 “(i) The make, model year, vehicle identification number and, if
2 available, the license plate number and issuing state shown on the li-
3 cense plate; and

4 “(ii) The date that the commercial seller removed the private metal
5 property; and

6 “(H) For private metal property sold or transferred by a dismantler,
7 the stock or yard number or numbers assigned to the private metal
8 property by the dismantler under ORS 822.137.

9 “(c) Require all signatories to the metal property record to declare
10 the accuracy of the information contained in the record by including
11 on the metal property record in conspicuous type, ‘I AFFIRM BY MY
12 SIGNATURE THAT UNDER PENALTY OF LAW THAT THE INFOR-
13 MATION I PROVIDED AND REFLECTED ON THIS FORM IS TRUE
14 AND ACCURATE.’

15 “(5) A scrap metal business may require an individual from whom the
16 business obtains metal property to provide the individual’s thumbprint to the
17 scrap metal business.

18 “(6) A scrap metal business shall make all records and accounts required
19 to be maintained under this section available to any peace officer on demand.

20 “(7)(a) **Except as otherwise provided in ORS 165.118**, violation of this
21 section is a specific fine violation, and the presumptive fine for the violation
22 is \$1,000.

23 “(b) Notwithstanding paragraph (a) of this subsection, the presumptive
24 fine for a violation of a provision of this section is \$5,000 if the scrap metal
25 business has at least three previous convictions for violations of a provision
26 of this section.

27 “**SECTION 4.** ORS 165.118 is amended to read:

28 “165.118. (1) A person commits the offense of unlawfully altering metal
29 property if the person, with intent to deceive a scrap metal business as to
30 the ownership or origin of an item of metal property, knowingly removes,

1 alters, renders unreadable or invisible or obliterates a name, logo, model or
2 serial number, personal identification number or other mark or method that
3 a manufacturer uses to identify the metal property.

4 “(2)(a) A person commits the offense of making a false statement on a
5 metal property record if the person:

6 “[a] (A) Knowingly makes, causes or allows to be made a false entry
7 or misstatement of material fact in a metal property record described in ORS
8 165.117; or

9 “[b] (B) Signs a declaration under ORS 165.117 knowing that the
10 nonferrous metal property or private metal property that is the subject of a
11 transaction is stolen.

12 “(b) As used in this subsection, ‘material fact’ means information
13 required under ORS 165.117 (1)(a)(C) or (4)(b).

14 “(3) A person commits the offense of unlawfully purchasing or receiving
15 metal property if the person is a scrap metal business, [or] is an agent or
16 employee of a scrap metal business or engages in the business of pur-
17 chasing or receiving metal property and the person does any of the
18 following:

19 “(a) Conducts a private metal property transaction or purchases or
20 receives private metal property without holding a license required by
21 state law or local ordinance to engage in that business activity.

22 “(b) Fails to create a metal property record under ORS 165.117 when
23 purchasing or receiving private metal property or fails to properly
24 maintain metal property records related to private metal property.

25 “(c) Purchases or receives private metal property at any place other
26 than a fixed place of business for either the scrap metal business or
27 the commercial seller.

28 “(d) Fails to report any of the following to a law enforcement agency
29 within 24 hours:

30 “[a] (A) The purchase or receipt of metal property that the person

1 knows or has good reason to know was the subject of theft.

2 “[*b*] (B) The purchase or receipt of metal property that the person knows
3 or has good reason to know has been unlawfully altered as described in
4 subsection (1) of this section.

5 “[*c*] (C) The purchase or receipt of metallic wire from which insulation
6 has been removed, unless the individual offering the wire for purchase or
7 receipt can prove by appropriate documentation that the individual owns or
8 is entitled to offer the wire for purchase or receipt and that the insulation
9 has been removed by accident or was done by legitimate means or for a le-
10 gitimate purpose. The scrap metal business shall retain a copy of the doc-
11 umentation provided.

12 “[*d*] (D) The purchase or receipt of commercial metal property that the
13 person knows or has good reason to know was purchased or received from
14 a person other than:

15 “[*A*] (i) A commercial seller that has a commercial account with the
16 scrap metal business; or

17 “[*B*] (ii) An individual who can produce written documentation or
18 identification that proves that the individual is an employee, agent or other
19 individual authorized by a commercial seller that has a commercial account
20 with the scrap metal business to deliver commercial metal property for pur-
21 chase or receipt.

22 “[*e*] (E) The purchase or receipt of metal property from an individual
23 whom the person knows or has good reason to know[:]

24 “[*A*] is under 16 years of age[:]; or

25 “[*B*] has, according to written or electronically transmitted information
26 provided by a peace officer or [*law enforcement*] **government** agency, been
27 convicted within the past five years, as a principal, agent or accessory of a
28 crime involving:

29 “(i) Drugs;

30 “(ii) Burglary, robbery or theft;

1 “(iii) Possession or receipt of stolen property;
2 “(iv) The manufacture, delivery or possession of, with intent to deliver,
3 methamphetamine;
4 “(v) The manufacture, delivery or possession of, with intent to deliver,
5 ephedrine or a salt, isomer or salt of an isomer of ephedrine;
6 “(vi) The manufacture, delivery or possession of, with intent to deliver,
7 pseudoephedrine or a salt, isomer or salt of an isomer of pseudoephedrine;
8 or
9 “(vii) Possession of anhydrous ammonia with intent to manufacture
10 methamphetamine.

11 “(4) Violation of a provision of subsections (1) to (3) of this section is a
12 Class A misdemeanor.

13 “**SECTION 5.** ORS 165.124 is amended to read:

14 “165.124. (1) Except as provided in subsection (2) of this section, ORS
15 164.857, 165.116, 165.117, 165.118 and 165.122 do not apply to:

16 “(a) A person engaged in recycling beverage containers as defined in ORS
17 459A.700.

18 “(b) A person engaged in buying or selling used or empty food containers
19 made of metal.

20 “(c) A person to whom a vehicle dealer certificate has been issued under
21 ORS 822.020.

22 “(d) A person to whom a dismantler certificate has been issued under ORS
23 822.110.

24 “(e) A person to whom a towing business certificate has been issued under
25 ORS 822.205.

26 “(2) A person described in subsection (1)(c) to (e) of this section shall
27 comply with and is subject to the penalty provided for violating a provision
28 of ORS 164.857, 165.116, 165.117, 165.118 or 165.122, if the person purchases,
29 receives or transports **or acts as a commercial seller of:**

30 “(a) Private metal property; or

1 “(b) Commercial metal property or nonferrous metal property, that is not
2 a motor vehicle or a part of a motor vehicle.

3 **“SECTION 6.** ORS 822.137 is amended to read:

4 “822.137. (1) As used in this section, ‘major component part’ includes sig-
5 nificant parts of a motor vehicle such as engines, short blocks, frames,
6 transmissions, transfer cases, cabs, doors, differentials, front or rear clips,
7 quarter panels, truck beds or boxes, hoods, bumpers, fenders, **catalytic**
8 **converters** and airbags. The Department of Transportation may by rule
9 designate other motor vehicle parts not specified in this subsection as major
10 component parts. ‘Major component part’ does not include cores or parts of
11 cores that require remanufacturing or that are limited in value to that of
12 scrap metal.

13 “(2) In addition to any other penalty provided by law, the department may
14 impose on a dismantler, in the manner provided by ORS 183.745, a civil
15 penalty not to exceed \$1,000 per violation if the dismantler:

16 “(a) Acquires a motor vehicle or major component part without obtaining
17 a certificate of sale and, if applicable, a certificate of title.

18 **“(b) Acquires a catalytic converter or a component of a catalytic**
19 **converter, that has been removed from a vehicle and is offered for sale**
20 **as an independent item, whether individually or as part of a bundle,**
21 **bale or in other bulk form.**

22 “[*b*] (c) Possesses, sells or otherwise disposes of a motor vehicle or any
23 part of a motor vehicle knowing that the vehicle or part has been stolen.

24 “[*c*] (d) Sells, buys, receives, conceals, possesses or disposes of a motor
25 vehicle or any part of a motor vehicle having a missing, defaced, inten-
26 tionally altered or covered vehicle identification number, unless directed to
27 do so by a law enforcement official.

28 “[*d*] (e) Commits forgery in the second degree, as defined in ORS 165.007,
29 or misstates a material fact relating to a certificate of title, registration or
30 other document related to a motor vehicle that has been reassembled from

1 parts of other motor vehicles.

2 “[~~e~~] (f) Fraudulently obtains, creates or modifies a dismantler certifi-
3 cate.

4 “[~~f~~] (g) Fails to maintain records at the certified place of business for
5 three years from the date of acquisition of a motor vehicle that describe and
6 identify the vehicle, including:

7 “(A) The certificate of title number;

8 “(B) The state where the vehicle was last registered, if applicable;

9 “(C) The number of the last registration plate issued and the state of is-
10 suance, if applicable;

11 “(D) The year, make and model of the vehicle;

12 “(E) The vehicle identification number;

13 “(F) The date acquired;

14 “(G) The vehicle, stock or yard number assigned to the vehicle by the
15 dismantler; and

16 “(H) Any other information required by the department.

17 “[~~g~~] (h) Fails to maintain records at the certified place of business for
18 three years from the date of acquisition of a major component part that de-
19 scribe and identify the part, including:

20 “(A) The physical characteristics of the part;

21 “(B) The stock or yard number assigned to the part by the dismantler;

22 “(C) The vehicle identification number of the motor vehicle from which
23 the part came; [*and*]

24 “(D) **Transaction documents regarding the sale or disposal of a**
25 **catalytic converter, including documents that show the transaction**
26 **date, dollar amount, stock or yard number assigned to the catalytic**
27 **converter and the signatures of buyer and seller; and**

28 “[~~D~~] (E) Any other information required by the department.

29 “[~~h~~] (i) Commits a dishonest act or omission during the sale of a motor
30 vehicle or major component part that, as determined by the department,

1 causes a loss to the purchaser.

2 “[*i*] (j) Is convicted of a crime involving false statements or dishonesty
3 that directly relates to the business of the dismantler or suffers any civil
4 judgment imposed for conduct involving fraud, misrepresentation or conver-
5 sion.

6 “[*j*] (k) Fails to comply with any provision of ORS 822.133.

7 **“SECTION 7.** ORS 801.236 is amended to read:

8 “801.236.(1) ‘Dismantler’ means a person who is engaged in the business
9 of:

10 “[*1*] (a) Buying, selling, dealing in or processing, except for processing
11 into scrap metal, motor vehicles for the purpose of destroying, salvaging,
12 dismantling, disassembling, reducing to major component parts, crushing,
13 compacting, recycling or substantially altering in form; or

14 “[*2*] (b) Buying, selling, dealing in or processing motor vehicle major
15 component parts that are stocked in the inventory of the business, if the
16 buying, selling, dealing in or processing of major component parts is not part
17 of a business selling new vehicles or repairing vehicles.

18 **“(2) ‘Dismantler’ does not include a scrap metal business as defined
19 in ORS 165.116.**

20 **“SECTION 8. The amendments to ORS 164.857, 165.117, 165.118,
21 165.124 and 822.137 by sections 1 and 3 to 6 of this 2021 Act apply to
22 conduct occurring on or after the effective date of this 2021 Act.”.**

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