

Requested by Senator GORSEK

**PROPOSED AMENDMENTS TO
A-ENGROSSED SENATE BILL 803**

1 On page 1 of the printed A-engrossed bill, line 2, after “ORS” insert
2 “164.095.”.

3 On page 2, line 7, before “agent” insert “an” and after “business” insert
4 “that maintains a fixed place of business”.

5 Delete lines 9 through 15 and insert:

6 “(C)(i) The person was a dismantler or an agent or an employee of a
7 dismantler;

8 “(ii) The person possessed a valid, current dismantler certificate or an
9 identification card issued under ORS 822.125; and

10 “(iii) The stock or yard number assigned to the private metal property
11 under ORS 822.137 was legibly marked on the private metal property; or

12 “(D)(i) The person had physical possession of the title or registration for
13 the vehicle from which the private metal property was removed;

14 “(ii) The person’s name was shown as the owner of the vehicle on the title
15 or registration; and

16 “(iii) The person accurately and correctly described the location of the
17 vehicle.”.

18 On page 3, delete lines 19 through 21 and insert:

19 “(6) ‘Fixed place of business’ means a location:

20 “(a) Where a business enterprise primarily and regularly conducts the
21 enterprise’s business activity;

1 “(b) That includes a commercial building; and
2 “(c) That corresponds to the address shown on any licenses required by
3 state law or local ordinance for all applicable business activity conducted
4 at that location.”.

5 In line 45, delete “or private metal property”.

6 On page 4, line 2, delete “that” and insert “all applicable”.

7 In line 4, delete “that” and insert “all applicable”.

8 In line 40, after “vehicles” insert “, if any,”.

9 On page 5, line 4, after “property” insert “, if any,”.

10 On page 6, line 13, delete “or dismantler”.

11 In line 23, before “(d)” insert “(c),”.

12 In line 35, before “(d)” insert “(c),”.

13 Delete lines 39 through 41 and insert:

14 “(g) Purchase or receive private metal property, except from:

15 “(A) A commercial seller; or

16 “(B) An individual who is the owner of the vehicle from which the private
17 metal property was removed and who provides the information required un-
18 der subsection (1)(a)(C) of this section.”.

19 On page 8, line 28, delete “that” and insert “all applicable”.

20 After line 34, insert:

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

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

25 On page 9, after line 36, insert:

26 “(3) Notwithstanding subsection (2) of this section, ORS 164.857, 165.116,
27 165.117, 165.118 and 165.122 do not apply to a person who sells private metal
28 property if the person:

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

30 “(b) Complies with United States Environmental Protection Agency poli-

1 cies and regulations related to private metal property, including testing and
2 labeling requirements;

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

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

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

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

10 “(B) With the date the private metal property was removed from the ve-
11 hicle; and

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

14 “(f) Provides the vehicle identification number of the vehicle from which
15 the private metal property was removed upon the request of a law enforce-
16 ment official, if the person used an alternative number instead of the vehicle
17 identification number.”.

18 On page 10, line 6, after “item,” insert “separate and distinct from a ve-
19 hicle acquisition.”.

20 On page 11, after line 5, insert:

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

22 “164.095. (1) A person commits theft by receiving if the person receives,
23 retains, conceals or disposes of property of another knowing or having good
24 reason to know that the property was the subject of theft.

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

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

29 “(b) The person receives or retains metal property as defined in ORS
30 165.116; and

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

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

5 In line 6, delete “8” and insert “9” and after “164.857” insert “165.116”.

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