

## HOUSE AMENDMENTS TO HOUSE BILL 3080

By JOINT COMMITTEE ON TRANSPORTATION

May 17

1 On page 1 of the printed bill, line 2, after “vehicles;” insert “creating new provisions; and”.

2 Delete lines 4 through 23 and insert:

3 “**SECTION 1.** ORS 803.206 is amended to read:

4 “803.206. (1) As used in this section, ‘electronic signature’ has the meaning given that term in  
5 ORS 84.004.

6 “[~~(2) The Department of Transportation may receive electronically transmitted documents necessary~~  
7 ~~to:]~~”

8 “**(2) Subject to rules adopted by the Department of Transportation under this section,**  
9 **entities may submit documents electronically to the department necessary to:**

10 “(a) Issue or transfer [*a certificate of*] title for a vehicle **in paper or electronic form;**

11 “(b) Register a vehicle or transfer registration of a vehicle;

12 “(c) Issue a registration plate; [*or*]

13 “(d) Comply with odometer disclosure requirements[.]; **or**

14 “**(e) Apply for notation of the security interest on the title.**

15 “(3) Except as required in ORS 803.094 and 803.205 for affidavits, an acknowledgement before  
16 a notary public is not required when a document or signature is transmitted electronically under  
17 this section. When an affidavit is required under ORS 803.094 or 803.205, the department may accept  
18 a scanned copy of the person’s signature and a scanned copy of the notary public’s acknowledgment  
19 of the signature, which accurately reproduces the original signatures and contents of the document.

20 “(4) The department [*may*] **shall** adopt rules relating to the electronic transmission of documents  
21 and the use of electronic signatures on documents described in subsection (2) of this section.

22 “**(5) The department shall adopt rules permitting a vehicle dealer or a financial institu-**  
23 **tion, as defined in ORS 706.008, to electronically transmit documents necessary to take the**  
24 **actions described in subsection (2) of this section and may adopt rules to allow additional**  
25 **persons to do so. The department may limit applicability to specific types of titles, including**  
26 **to Oregon titles.”.**

27 On page 2, delete lines 7 through 45.

28 On page 3, delete lines 1 through 22 and insert:

29 “**SECTION 3.** ORS 803.092 is amended to read:

30 “803.092. (1) Except as otherwise provided in this section, upon the transfer of any interest in  
31 a vehicle covered by an Oregon title the transferee shall submit an application for title to the De-  
32 partment of Transportation. Such application shall be submitted to the department within 30 days  
33 of the date of transfer of interest.

34 “(2) Notwithstanding subsection (1) of this section, application is not required under this section  
35 when:

1       “(a) The change involves only a change in the security interest where the security interest  
2 holder or lessor is a financial institution, a financial holding company or a bank holding company,  
3 as those terms are defined in ORS 706.008, a licensee under ORS chapter 725, or any subsidiary or  
4 affiliate of any of the foregoing and the transfer of the interest of the security interest holder or  
5 lessor:

6       “(A) Results from the merger, conversion, reorganization, consolidation or acquisition of the  
7 security interest holder or lessor;

8       “(B) Is to an entity that is a member of the same affiliated group as the security holder or les-  
9 sor; or

10       “(C) Is made in connection with a transfer in bulk.

11       “(b) The vehicle is transferred to a vehicle dealer and the vehicle will become part of the  
12 dealer’s inventory for resale. Upon the transfer of a vehicle to a dealer, however, the dealer shall  
13 immediately notify the department of such transfer. This exemption from the requirement to apply  
14 for title does not apply if the department determines that application for title is necessary in order  
15 to comply with odometer disclosure requirements. If the department determines that application for  
16 title is not required, it may require filing of documents under ORS 803.126.

17       “(c) The vehicle is to be titled in another jurisdiction.

18       “(d) The vehicle has been totaled, wrecked, dismantled, disassembled, substantially altered or  
19 destroyed, in which case the provisions of ORS 819.010, 819.012, 819.014 or 822.135 relating to notice  
20 and surrender of title documents shall be complied with.

21       “(e) The transfer involves the creation or termination of a leasehold interest in a vehicle that  
22 is proportionally registered under ORS 826.009 or 826.011, if the department is furnished with sat-  
23 isfactory proof of the lease.

24       “(3) Except as provided in subsection (2) of this section, the transferee shall:

25       “(a) Submit an application that meets requirements for title under ORS 803.045 and 803.050 and  
26 any applicable rules of the department.

27       “(b) Submit the title transfer fees as required under ORS 803.090.

28       “(c) Comply with the provisions of ORS 803.065 and any applicable rules of the department un-  
29 der that statute and submit the duplicate or replacement title fee as provided under ORS 803.090,  
30 if the transfer includes an application for duplicate or replacement title and transfer of title.

31       “(d) Submit an odometer disclosure containing information required by the department for the  
32 kind of transaction involved.

33       “(e) Submit any late presentation of certificate of title fee as provided under ORS 803.090 if such  
34 fee is required under ORS 803.105.

35       “(4)(a) **If requested on the application for title, the department shall provide the primary**  
36 **security interest holder with an electronic title. If no request is made on the application, the**  
37 **department may issue a certificate of title.**

38       “(b) **When the primary security interest holder receives an electronic title, within 30 days**  
39 **of the release of the security interest the primary security interest holder shall electron-**  
40 **ically submit the release of interest to the department in the manner provided by the de-**  
41 **partment by rule.**

42       “(c) **A duly certified copy of the department’s electronic record of the title reflecting the**  
43 **lien is admissible in any civil, criminal or administrative proceeding in this state as evidence**  
44 **of the existence of a lien.**

45       “(d) **The department shall adopt rules related to electronic application and the electronic**

1 **release of liens and notice to lienholders.**

2 “[~~4~~] (5) For purposes of this section:

3 “(a) ‘Affiliated group’ has the meaning given to the term in section 1504(a) of the Internal Re-  
4 venue Code of 1986, as amended (26 U.S.C. 1504(a)).

5 “(b) A ‘transfer in bulk’ is:

6 “(A) The sale or assignment of, the grant of a security interest in, or any other transfer of either  
7 a group of loans secured by vehicles, leases of vehicles or both or a participation or other interest  
8 in the group of loans;

9 “(B) The creation of asset-backed securities or other securing of assets involving the loans or  
10 leases; or

11 “(C) Any similar transaction involving the loans or leases.”.

12 On page 6, after line 13, insert:

13 **“SECTION 5. No later than September 15 of each calendar year, the Department of**  
14 **Transportation shall submit to the Joint Committee on Transportation, in the manner pre-**  
15 **scribed by ORS 192.245, an annual report about the progress made with respect to adopting**  
16 **rules to carry out the amendments to ORS 803.092 and 803.206 by sections 1 and 3 of this 2023**  
17 **Act.**

18 **“SECTION 6. Section 5 of this 2023 Act is repealed January 2, 2027.**

19 **“SECTION 7. (1) The amendments to ORS 803.092 and 803.206 by sections 1 and 3 of this**  
20 **2023 Act become operative on January 1, 2027.**

21 **“(2) The Department of Transportation may take any action before the operative date**  
22 **specified in subsection (1) of this section that is necessary to enable the department to ex-**  
23 **ercise, on or after the operative date specified in subsection (1) of this section, all of the**  
24 **duties, functions and powers conferred on the department by the amendments to ORS 803.092**  
25 **and 803.206 by sections 1 and 3 of this 2023 Act.”.**