

**Enrolled**  
**Senate Bill 840**

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Tina Kotek for Department of Transportation)

CHAPTER .....

AN ACT

Relating to transportation; creating new provisions; amending ORS 801.522, 802.200, 802.220, 802.600, 803.092, 803.210, 803.350, 803.530, 803.625, 805.060, 806.010, 806.240, 806.245, 807.065, 807.110, 807.115, 807.240, 807.520, 809.095, 809.400, 809.415, 809.417, 809.500, 809.520, 819.012, 819.030, 819.160, 819.215, 819.280, 822.015, 822.035, 822.040, 822.043, 822.045, 822.050, 822.070, 822.093, 822.094, 822.133, 822.135, 822.137, 822.145 and 825.415; and repealing ORS 806.220.

**Be It Enacted by the People of the State of Oregon:**

**PROVISIONAL DRIVER LICENSE TESTING**

**SECTION 1.** ORS 807.065 is amended to read:

807.065. (1) The Department of Transportation may not issue a driver license to a person who is under 18 years of age unless the person:

- (a) Complies with the requirements of ORS 807.040 and 807.066;
- (b) Has had, for at least six months prior to application for the license, an instruction driver permit issued under ORS 807.280 or the equivalent of an instruction driver permit issued by another state of the United States or by the District of Columbia;
- (c) Certifies to the department that the person has had at least 50 hours of driving experience during which the person was supervised by a person at least 21 years of age who has had a valid driver license for at least three years; and

(d) Completes a traffic safety education course that meets standards developed by the department under ORS 336.802. In lieu of completion of a traffic safety education course, a person may certify to the department that the person has had at least 50 hours of driving experience during which the person was supervised by a person at least 21 years of age who has had a valid driver license for at least three years, in addition to the 50 hours required by paragraph (c) of this subsection.

(2) A person under 18 years of age need not comply with the requirements of subsection (1)(b), (c) and (d) of this section if the person has been issued a driver license by another state and surrenders that license in order to get an Oregon license.

*[(3) If the person takes but does not pass a test that consists of an actual demonstration of driving ability under ORS 807.070, the department may not allow the person to perform the demonstration again until the person has had an instruction permit issued pursuant to ORS 807.280 for a period of not less than one month.]*

- [4] (3) A driver license issued pursuant to this section shall be a provisional driver license.
- [5] (4) The department shall prominently identify each driver license issued pursuant to this section as a provisional driver license.

## SELF-SERVE KIOSKS

**SECTION 2.** ORS 802.600 is amended to read:

802.600. (1) The Department of Transportation may enter into an agreement with any qualified provider to transact on behalf of the department the following functions of the department:

- (a) Any vehicle-related transaction for which the department is responsible.
- (b) Processing of fees or taxes for a vehicle-related transaction for which the department is responsible.
- (c) Any driver-related transaction for which the department is responsible.**
- (d) Processing of fees or taxes for a driver-related transaction for which the department is responsible.**

[c] (e) Written and skills testing for driver licenses and permits, including commercial driver licenses.

(2) An agreement described in subsection (1) of this section may be in any form and may contain any provisions that the department determines to be in the best interests of the public and convenient for the department, including but not necessarily limited to provisions that allow the department to:

- (a) Ensure product quality control.
- (b) Audit activities of the qualified provider entering into the agreement to ensure compliance with the agreement.
- (c) Impose sanctions on a qualified provider for violation of the agreement.

(3) A qualified provider authorized to transact business for the department under this section, including but not limited to a qualified provider who transacts business under contract with an integrator, may charge a fee for the services provided. Fees authorized under this subsection are in addition to any charges or fees that the department is authorized by statute to collect for the transaction.

(4)(a) The department may adopt such rules as are necessary to carry out the provisions of this section, including but not limited to rules that:

- (A) Specify criteria for eligibility of a qualified provider to enter into an agreement with the department under this section.
- (B) Specify the manner in which fees authorized by this section will be collected and establish any notification the qualified provider is required to give the public about the fees.
- (C) Require a bond in an amount determined by the department from a qualified provider acting under an agreement described in this section.
- (D) Prohibit disclosure of personal information from driver or vehicle records except in accordance with applicable laws.

(b) The department may not adopt rules establishing the amount of a fee to be charged by a qualified provider acting under this section.

(c) Rules adopted under this subsection shall be developed in consultation with persons who might enter into agreements with the department under this section, including but not limited to integrators and vehicle dealers.

(5) As used in this section:

(a) "Integrator" means a person who enters into a contract with the Department of Transportation:

(A) To provide information and supplies to a qualified provider who transacts business for the department under an agreement described in this section; and

(B) To collect moneys due from qualified providers who transact the business and remit the moneys to the department.

- (b) "Qualified provider" means:
- (A) Community college operated under ORS chapter 341;
  - (B) Education service district; or
  - (C) Person who is not an employee of the department, including but not limited to an integrator.

### **EXPANSION OF VALID WITHOUT PHOTO PROGRAM FOR MILITARY FAMILIES**

**SECTION 3.** ORS 807.110 is amended to read:

807.110. (1) A driver license issued by the Department of Transportation shall contain all of the following:

(a) The distinguishing number assigned to the person issued the driver license by the department.

(b) For the purpose of identification, a brief description of the person to whom the driver license is issued.

(c) The full legal name of the person to whom the driver license is issued, except that the department may limit the number of characters displayed on the driver license.

(d) The date of birth and sex of the person to whom the driver license is issued.

(e) Except as provided for corrections officers in ORS 802.253, eligible employees in ORS 802.250 or Address Confidentiality Program participants in ORS 192.846, the residence address of the person to whom the driver license is issued.

(f) Upon request of the person to whom the driver license is issued, the fact that the person is an anatomical donor.

(g) Upon request of the person to whom the driver license is issued and presentation of proof, as determined by the department, the fact that the person is a veteran, as defined in ORS 408.225.

(h) Upon order of the juvenile court, the fact that the person to whom the driver license is issued is an emancipated minor.

(i) Except as otherwise provided in subsection (2) of this section, a photograph described in this paragraph. A photograph required under this paragraph shall:

(A) Be a full-faced[, *color*] photograph of the person to whom the driver license is issued;

(B) Be of a size approved by the department; and

(C) Be taken at the time of application for issuance of the driver license whether the application is for an original driver license, replacement of a driver license under ORS 807.160 or renewal of a driver license under ORS 807.150, except that the department, by rule, may allow the applicant to use a photograph already on file with the department.

(j) The class of driver license issued and any endorsements granted.

(k) The signature of the person to whom the driver license is issued.

(L) If the driver license is not a Real ID, a design differentiating it from a Real ID.

(m) Upon request of the person to whom the driver license is issued, the fact that the person is deaf or hard of hearing.

(2) The department may issue a valid driver license, other than a commercial driver license, without a photograph to an applicant:

(a) Who objects on religious grounds;

(b) Who objects because of the applicant's facial disfigurement; or

(c) Who is stationed outside of this state while serving in the active military service in the Armed Forces of the United States or the National Guard **or who is the spouse or dependent of such an individual**, and the department does not have an acceptable photograph of the applicant, as determined by the department by rule. This paragraph applies to an applicant who is renewing or replacing a driver license.

(3) A limited term driver license or a limited term commercial driver license issued under ORS 807.730 shall indicate:

(a) That it is a limited term driver license; and

- (b) The date on which the limited term driver license expires.
- (4) The department shall use security procedures, processes and materials in the preparation, manufacture and issuance of any driver license that prohibit as nearly as possible anyone's ability to alter, counterfeit, duplicate or modify the driver license without ready detection. The security features used in the production of the driver licenses shall provide for:
  - (a) The authentication of a genuine document in a reasonable time; and
  - (b) The production of the driver license only by equipment that requires verification of the identity of the operator of the equipment before a driver license may be produced.

### **RETURN OF SUSPENDED, REVOKED OR CANCELED DRIVER LICENSES**

**SECTION 4.** ORS 809.500 is amended to read:

809.500. (1) A person commits the offense of failure to return a suspended, revoked or canceled license if the person has driving privileges suspended, **revoked or canceled** and the person fails to immediately return to the Department of Transportation any license or driver permit issued by the department.

(2) If any person fails to return a license or driver permit on suspension, revocation or cancellation of the person's driving privileges, the department may request any peace officer to secure possession thereof and return it to the department.

(3) The offense described in this section, failure to return a suspended, revoked or canceled license, is a Class C misdemeanor.

**SECTION 5. The amendments to ORS 809.500 by section 4 of this 2025 Act apply to offenses committed on or after the effective date of this 2025 Act.**

### **FALSE SWEARING**

**SECTION 6.** ORS 807.520 is amended to read:

807.520. (1) A person commits the offense of false swearing to receive a driver license if the person:

(a) Makes any false affidavit or knowingly swears or affirms falsely to any matter required to be sworn to or affirmed in the process of applying for, receiving and holding a **driver** license or driver permit under the vehicle code;[.]

(b) **Makes any false affidavit or knowingly swears or affirms falsely to any matter required to be sworn or affirmed in the support of another person's application for receiving and holding a driver license or driver permit under the vehicle code; or**

(c) **Takes any test related to the issuance of a driver license or driver permit on behalf of another applicant for a driver license or driver permit, or otherwise knowingly commits fraud in assisting another person in passing any test related to the issuance of a driver license or driver permit.**

(2) The offense described in this section, false swearing to receive a driver license, is a Class A misdemeanor.

**SECTION 7. The amendments to ORS 807.520 by section 6 of this 2025 Act apply to offenses committed on or after the effective date of this 2025 Act.**

### **HARDSHIP PERMITS**

**SECTION 8.** ORS 807.240 is amended to read:

807.240. The Department of Transportation shall provide for issuance of hardship driver permits in a manner consistent with this section. A hardship driver permit grants the driving privileges provided in this section or under the permit. Except as otherwise provided in this section, a hard-

ship driver permit is subject to the fees, provisions, conditions, prohibitions and penalties applicable to a license. The following apply to a hardship driver permit:

(1) The department may [only] issue a permit to a person:

(a) Whose driving privileges under the vehicle code have been suspended, or revoked under ORS 809.600 as a habitual offender; or

**(b)(A) Who is eligible for reinstatement of driving privileges;**

**(B) Who is required to provide proof of treatment to the department under ORS 813.022; and**

**(C) Who is required by law to install and use an ignition interlock device on any vehicle the person operates.**

(2) Except as provided in this section and ORS 813.520, the department may reinstate the privilege to operate a motor vehicle of any person whose license to operate a motor vehicle has been suspended, or revoked under ORS 809.600 as a habitual offender, by issuing the person a hardship permit.

(3) To qualify for a hardship permit, a person must do all of the following:

(a) The person must submit to the department an application for the permit that demonstrates the person's need for the permit.

(b) The person must present satisfactory evidence, as determined by the department by rule:

(A) That the person must operate a motor vehicle as a requisite of the person's occupation or employment;

(B) That the person must operate a motor vehicle to seek employment or to get to or from a place of employment;

(C) That the person must operate a motor vehicle to get to or from an alcohol or drug treatment or rehabilitation program;

(D) That the person or a member of the person's immediate family requires medical treatment on a regular basis and that the person must operate a motor vehicle in order that the treatment may be obtained;

(E) That the person must operate a motor vehicle to get to or from a gambling addiction treatment program; or

(F) That the person must operate a motor vehicle to provide necessary services to the person or to a member of the person's family. The department shall determine by rule what constitutes necessary services for purposes of this subparagraph. The rule shall include as necessary services, but need not be limited to, grocery shopping, driving the person or the person's children to school, driving to medical appointments and caring for elderly family members.

(c) If the person is applying for a permit because the person or a member of the person's immediate family requires medical treatment on a regular basis, the person must present, in addition to any evidence required by the department under paragraph (b) of this subsection, a statement signed by a licensed physician or licensed nurse practitioner that indicates that the person or a member of the person's immediate family requires medical treatment on a regular basis.

(d) The person must show that the person is not incompetent to drive nor a habitual incompetent, reckless or criminally negligent driver as established by the person's driving record in this or any other jurisdiction.

(e) The person must make a future responsibility filing.

(f) The person must submit any other information the department may require for purposes of determining whether the person qualifies under this section and ORS 813.520.

(4) If the department finds that the person meets the requirements of this section and any applicable requirements under ORS 813.520, the department may issue the person a hardship permit, valid for the duration of the suspension or revocation or for a shorter period of time established by the department unless sooner suspended or revoked under this section. If the department issues the permit for a period shorter than the suspension or revocation period, renewal of the permit shall be on such terms and conditions as the department may require. The permit:

(a) Shall limit the holder to operation of a motor vehicle only during specified times.

(b) May bear other reasonable limitations relating to the hardship permit or the operation of a motor vehicle that the department deems proper or necessary. The limitations may include any limitation, condition or requirement. Violation of a limitation is punishable as provided by ORS 811.175 or 811.182.

(5) The department, upon receiving satisfactory evidence of any violation of the limitations of a permit issued under this section, may suspend or revoke the hardship permit.

(6) The fee charged for application or issuance of a hardship driver permit is the hardship driver permit application fee under ORS 807.370. The department may not refund the fee if the application is denied or if the driver permit is suspended or revoked. The fee upon renewal of the driver permit is the same fee as that charged for renewal of a license. The application fee charged under this subsection is in addition to any fee charged for reinstatement of driving privileges under ORS 807.370.

(7) The department may issue a permit granting the same driving privileges as those suspended or revoked or may issue a permit granting fewer driving privileges, as the department determines necessary to assure safe operation of motor vehicles by the permit holder.

(8) The department may not issue a hardship permit to a person:

(a) Whose driver license or driver permit is suspended pursuant to ORS 25.750 to 25.783;

(b) Whose driving privileges are suspended pursuant to ORS 809.280 (2);

(c) That authorizes the person to operate a commercial motor vehicle;

(d) Whose suspension of driving privileges is based on a second or subsequent conviction of driving while under the influence of intoxicants in violation of ORS 813.010 or the statutory counterpart to ORS 813.010 in another jurisdiction and the suspension period is determined by ORS 809.428 (2)(b) or (c);

(e) Whose driving privileges are suspended for a conviction of assault in the second, third or fourth degree if the person, within 10 years preceding application for the permit, has been convicted of:

(A) Any degree of murder, manslaughter, criminally negligent homicide or assault resulting from the operation of a motor vehicle;

(B) Reckless driving, as defined in ORS 811.140;

(C) Driving while under the influence of intoxicants, as defined in ORS 813.010;

(D) Failure to perform the duties of a driver involved in a collision, as described in ORS 811.700 or 811.705;

(E) Criminal driving while suspended or revoked, as defined in ORS 811.182;

(F) Fleeing or attempting to elude a police officer, as defined in ORS 811.540;

(G) Aggravated vehicular homicide, as defined in ORS 163.149; or

(H) Aggravated driving while suspended or revoked, as defined in ORS 163.196; or

(f) Whose driving privileges are suspended for a conviction of assault in the second, third or fourth degree:

(A) For a period of four years from the date the department suspends driving privileges if the person's driving privileges are suspended for conviction of assault in the second degree and the person was not incarcerated for that conviction.

(B) For a period of four years from the date the person is released from incarceration for the conviction if the person's driving privileges are suspended for conviction of assault in the second degree and the person was incarcerated for that conviction.

(C) For a period of two years from the date the department suspends driving privileges if the person's driving privileges are suspended for conviction of assault in the third degree and the person was not incarcerated for that conviction.

(D) For a period of two years from the date the person is released from incarceration for the conviction if the person's driving privileges are suspended for conviction of assault in the third degree and the person was incarcerated for that conviction.

(E) For a period of six months from the date the department suspends driving privileges if the person's driving privileges are suspended for conviction of assault in the fourth degree and the person is not incarcerated for that conviction.

(F) For a period of six months from the date the person is released from incarceration for the conviction if the person's driving privileges are suspended for conviction of assault in the fourth degree and the person was incarcerated for that conviction.

(9) A conviction arising out of the same episode as the current suspension is not considered a conviction for purposes of subsection (8)(e) of this section.

(10) A person's driving privileges under a hardship permit are subject to suspension or revocation if the person does not maintain a good driving record, as defined by the administrative rules of the department, during the term of the permit.

## PHOTO SHARING WITH OTHER STATES

**SECTION 9.** ORS 807.115, as amended by section 4, chapter 63, Oregon Laws 2024, is amended to read:

807.115. (1) The Department of Transportation shall retain a digital image of each photograph and signature shown on a driver license under the provisions of ORS 807.110 or an identification card under ORS 807.400.

(2) The digital images of photographs may not be made available to anyone other than law enforcement officials, [and] employees of the department acting in an official capacity **or a driver licensing agency of another jurisdiction.**

(3) As used in this section, "law enforcement official" includes a humane special agent as defined in ORS 181A.345.

## SCHOOL TRANSPORTATION

**SECTION 10.** ORS 825.415 is amended to read:

825.415. (1) As used in this section, "school transportation provider" means a school district or a school district contractor that uses school buses or school activity vehicles for:

(a) The transportation of students or school personnel to or from school or school-related activities; or

(b) Public transportation purposes as provided in ORS 332.427.

(2) Every school transportation provider shall:

(a) Have an in-house drug and alcohol testing program that meets the federal requirements of 49 C.F.R. part 382; or

(b) Be a member of a consortium, as defined in 49 C.F.R. 382.107, that provides testing that meets the federal requirements.

(3) Each calendar year, a school transportation provider shall certify to the Department of Education that the provider is in compliance with subsection (2) of this section and, if the provider belongs to a consortium, shall provide the Department **of Education** with the names of persons who operate the consortium.

(4) When a medical review officer of a school transportation provider's testing program or of the consortium the provider belongs to determines that a positive test result is valid, the officer shall report the finding to the Department **of Education.**

## COMMERCIAL DRIVER LICENSES

**SECTION 11.** Section 12 of this 2025 Act is added to and made a part of the Oregon Vehicle Code.

**SECTION 12.** (1) The Department of Transportation may adopt rules necessary to administer regulations promulgated by the Federal Motor Carrier Safety Administration related to regulating commercial driving privileges.

(2) If a person is not in compliance with the rules adopted under this section, the department may deny the issuance or renewal of commercial driving privileges and may cancel, suspend or revoke commercial driving privileges.

(3) A person impacted by a rule adopted under this section is entitled to an administrative review or administrative hearing pursuant to ORS 809.140 and 809.440.

**SECTION 13.** Section 12 of this 2025 Act applies to federal regulations adopted on or after the effective date of this 2025 Act.

**SECTION 14.** ORS 809.400 is amended to read:

809.400. (1)(a) Except as otherwise provided in paragraph (b) of this subsection, the Department of Transportation may suspend or revoke the driving privileges of any resident of this state upon receiving notice of the conviction of such person in another jurisdiction of an offense therein that, if committed in this state, would be grounds for the suspension or revocation of the driving privileges of the person. A suspension or revocation under this subsection shall be initiated within 30 days of receipt of notice of the conviction. Violation of a suspension or revocation imposed under this subsection shall have the same legal effects and consequences as it would if the offense committed in the other jurisdiction had been committed in this jurisdiction.

(b) The department may not suspend or revoke **noncommercial** driving privileges under this subsection unless notice of conviction is received within 180 days of the date of the conviction.

(2) The department may suspend or revoke the driving privileges of any resident of this state upon receiving notice from another state, territory, federal possession or district or province of Canada that the person's driving privileges in that jurisdiction have been suspended or revoked. Violation of the suspension or revocation shall have the same legal effects and consequences as it would if the suspension or revocation had been imposed initially in this state upon the same grounds. The suspension or revocation under this subsection shall continue until the person suspended or revoked furnishes evidence of any of the following:

(a) Compliance with the law of the other jurisdiction or the restoration of driving privileges in that jurisdiction.

(b) That the revocation or suspension in the other jurisdiction was not under circumstances that would require the department to suspend or revoke the driving privileges of the person under the laws of this state.

(3) A person is entitled to administrative review of a suspension under this section.

**SECTION 15.** ORS 801.522 is amended to read:

801.522. (1) "Tank vehicle" means a commercial motor vehicle that is designed to transport any liquid or gaseous material within a tank or tanks having an individual rate capacity of more than 119 gallons and an aggregate rate capacity of 1,000 gallons or more that is either permanently or temporarily attached to the vehicle or the chassis.

(2) "Tank vehicle" does not include a commercial motor vehicle transporting an empty storage container tank **that is not designed for transportation** that has a rated capacity of 1,000 gallons or more and that is temporarily attached to a flatbed trailer.

## **PARK MODEL RV VIN INSPECTIONS**

**SECTION 16.** ORS 803.210 is amended to read:

803.210. (1) The Department of Transportation shall not issue title for a vehicle described in subsection (2) of this section unless:

(a) An inspection of the vehicle identification number or numbers of the vehicle is performed in accordance with ORS 803.212; and

(b) The fee established under ORS 803.215 is paid to the department for the inspection.



(2) Except as provided in subsection (3) of this section, the requirements of this section apply to all of the following:

(a) A vehicle from another jurisdiction.

(b) Any assembled or reconstructed vehicle.

(c) Any vehicle if the certificate of title has been or is required to be submitted to the department, or a person is required to report to the department, under ORS 819.010, 819.012, 819.014 or 819.030.

(d) Any vehicle if the department has received notice that the vehicle has been or will be wrecked, dismantled[,] **or** disassembled [*or substantially altered*] under ORS 819.010 or 822.135.

(e) Replicas.

(f) Other than a racing activity vehicle as defined in ORS 801.404, any vehicle the department has reason to believe was not certified by the original manufacturer as conforming to federal vehicle standards.

(3) The requirements of this section do not apply to the following vehicles if the person shown as the owner on an out-of-state title for the vehicle applies for an Oregon title in that person's name:

(a) A rental truck, rental truck tractor or rental trailer that is registered in Oregon under an interstate agreement that provides that a portion of the owner's fleet is to be registered in each state in which the fleet operates.

(b) A trailer or semitrailer that has permanent registration.

(4) The requirement to inspect a vehicle identification number or numbers of the vehicle under subsection (1) of this section does not apply to park model [*recreation*] **recreational** vehicles, as defined in ORS 803.036, **or former park model recreational vehicles**.

## VEHICLE APPRAISALS

**SECTION 17.** ORS 819.160 is amended to read:

819.160. (1) Except as otherwise provided by this section, a person shall have a lien on the vehicle and its contents if the person, at the request of an authority described under ORS 819.140, tows any of the following vehicles:

(a) An abandoned vehicle appraised at a value of more than [*\$500*] **\$1,000** by a person who holds a certificate issued under ORS 819.480.

(b) A vehicle taken into custody under ORS 819.110 or 819.120, unless it is an abandoned vehicle appraised at a value of [*\$500*] **\$1,000** or less by a person who holds a certificate issued under ORS 819.480.

(c) A vehicle left parked or standing in violation of ORS 811.555 or 811.570.

(2) A lien established under this section shall be on the vehicle and its contents for the just and reasonable charges for the towing service performed and any storage provided. However, the storage charge is limited subject to ORS 98.812 (3). A lien described under this section does not attach:

(a) To the contents of any vehicle taken from public property until 15 days after taking the vehicle into custody.

(b) To the contents of any vehicle that is taken into custody for violation of ORS 811.555 or 811.570.

(3) A person that tows any vehicle at the request of an authority under ORS 819.110 or 819.120 shall transmit by first class mail with a certificate of mailing, no later than the third business day after the vehicle and its contents are placed in storage, written notice, approved by the authority, containing information on the procedures necessary to obtain a hearing under ORS 819.190. The notice shall be provided to the owner, a person entitled to possession or any person with an interest recorded on the title to the vehicle. This subsection does not apply to a person that tows an abandoned vehicle that is appraised at a value of [*\$500*] **\$1,000** or less by a person who holds a certificate issued under ORS 819.480.

**SECTION 18.** ORS 819.215 is amended to read:

819.215. (1) If an abandoned vehicle is appraised at a value of [~~\$500~~] **\$1,000** or less by a person who holds a certificate issued under ORS 819.480, the person that towed the vehicle shall:

- (a) Notify the registered owner and secured parties as provided in subsection (3) of this section;
- (b) Photograph the vehicle;
- (c) Notify the Department of Transportation that the vehicle will be disposed of; and

(d) Unless the vehicle is claimed by a person entitled to possession of it within 15 days of the date of notice under subsection (3) of this section, dispose of the vehicle and its contents to a person who holds a valid dismantler certificate issued under ORS 822.110.

(2) The authority that requests towing of an abandoned vehicle shall provide to the person that tows the vehicle, at the time of the tow or as soon as possible thereafter, a written statement that contains the name and address of the registered owner of the vehicle, as shown by records of the department, and the names and addresses of any persons claiming interests in the vehicle, as shown by records of the department.

(3) Within 48 hours after the written statement is provided under subsection (2) of this section to a person that tows a vehicle, the person must give written notice to the persons whose names are furnished in the statement. The 48-hour period does not include Saturdays, Sundays or holidays. The notice shall state that a person that is entitled to possession of the vehicle has 15 days from the date the notice was mailed to claim the vehicle and that if the vehicle is not claimed, it will be disposed of as provided in this section.

(4) If the authority that requests towing of an abandoned vehicle does not provide to the person that tows the vehicle the written statement within 48 hours after the vehicle is towed, the person may dispose of the vehicle as provided in ORS 819.210.

(5) Disposal of a vehicle to a dismantler as provided in this section extinguishes all prior ownership and possessory rights.

(6) The department shall adopt rules specifying the form in which notification to the department required by subsection (1) of this section shall be submitted and what information shall be conveyed to the department. The person that tows the vehicle may submit to the dismantler a copy of any notification submitted to the department under this section instead of submitting to the dismantler ownership or other title documents for the vehicle.

**SECTION 19.** ORS 819.280 is amended to read:

819.280. (1) A person may make a request to an authority described in ORS 819.140 (1)(b) or (c) to dispose of a vehicle that is on the private property of the person and that is appraised at a value of [~~\$500~~] **\$1,000** or less, as determined by a holder of a certificate issued under ORS 819.480, if the person is in lawful possession of the vehicle. For the purposes of this subsection, a person need not have the certificate of title to be in lawful possession of the vehicle.

(2) If the authority requested to dispose of a vehicle under subsection (1) of this section chooses to dispose of the vehicle, the authority shall do all of the following:

- (a) Photograph the vehicle.
- (b) Verify that the person is in lawful possession of the vehicle.
- (c) Provide notification to the person requesting the disposal and the Department of Transportation of all of the following:

- (A) The name and address of the person requesting the disposal;
- (B) The vehicle identification number;
- (C) The appraised value of the vehicle;
- (D) The appraiser's certificate number and signature; and
- (E) The name and address of the authority disposing of the vehicle.

(d) Dispose of the vehicle and its contents to a person who holds a valid dismantler certificate issued under ORS 822.110.

(3) The authority disposing of the vehicle may charge the person requesting the disposal a fee to dispose of the vehicle.

(4) Disposal of a vehicle to a dismantler as provided in this section extinguishes all prior ownership and possessory rights.

(5) The department shall adopt rules specifying the form in which notification required by subsection (2) of this section shall be submitted and what additional information shall be conveyed to the department.

(6) In lieu of submitting ownership or other title documents for the vehicle, the authority disposing of the vehicle may submit to the dismantler a copy of the notification provided to the department under subsection (2) of this section.

## VEHICLE DEALERS

**SECTION 20.** ORS 822.043 is amended to read:

822.043. (1) As used in this section:

(a) "Integrator" has the meaning given that term in ORS 802.600.

(b) "Vehicle dealer" means a person issued a vehicle dealer certificate under ORS 822.020.

(2) A vehicle dealer that the Department of Transportation has designated to act as an agent of the department under ORS 802.031 may elect to prepare, submit, or prepare and submit documents necessary to:

(a) Issue or transfer a certificate of title for a vehicle;

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

(c) Issue a registration plate;

(d) Verify and clear a title;

(e) Perfect, release or satisfy a lien or other security interest;

(f) Comply with federal security requirements; or

(g) Render any other services for the purpose of complying with state and federal laws related to the sale of a vehicle.

(3) A vehicle dealer who prepares any documents described in subsection (2) of this section:

(a) May charge a purchaser of a vehicle a document processing fee for the preparation of those documents.

(b) May not charge a purchaser of a vehicle a document processing fee for the submission of any document or the issuance of a registration plate.

(c) May charge a purchaser of a vehicle a document processing fee for performing any of the services described in subsection (2) of this section in connection with preparing the documents described in subsection (2) of this section.

(4) **Other than the portion of the document processing fee a vehicle dealer pays to cover the costs of using an integrator under subsection (5) of this section,** a purchaser of a vehicle may negotiate the amount of the document processing fee with a vehicle dealer, but in no case shall the document processing fee charged by a vehicle dealer under this section exceed:

(a) \$250, if the vehicle dealer uses an integrator; or

(b) \$200, if the vehicle dealer does not use an integrator.

(5) If a vehicle dealer charges a document processing fee under subsection (4)(a) of this section, of the amount [collected] **charged**, \$35 shall be paid to the integrator.

(6) Unless otherwise provided by rule, if a vehicle dealer uses an integrator and charges a document processing fee greater than that charged for not using an integrator, the dealer must inform the purchaser of the vehicle of the option of using an integrator to prepare the documents. The purchaser may then elect whether or not to have the vehicle dealer use an integrator to prepare the documents.

(7) If the purchaser of a vehicle pays a document processing fee, the vehicle dealer shall prepare and submit all documents to complete the transaction as permitted by law.

(8)(a) A vehicle dealer who collects the privilege tax imposed under ORS 320.405 from the purchaser of a taxable motor vehicle may collect the privilege tax at the same time and in the same manner as the vehicle dealer collects document processing fees under this section. The amount of the privilege tax shall be in addition to and not in lieu of document processing fees collected under this section.

(b) A vehicle dealer may exclude the amount of the privilege tax from the capitalized cost and offering price of a taxable motor vehicle as those terms are defined by the Department of Justice by rule.

**(9) Except as provided in subsection (10) of this section, before finalizing a retail sales transaction a vehicle dealer shall:**

**(a)(A) If the vehicle is subject to the reporting requirements of the National Motor Vehicle Title Information System, conduct a vehicle record search using the National Motor Vehicle Title Information System; or**

**(B) Conduct a vehicle record search using an equivalent commercially available system to the National Motor Vehicle Title Information System that, at a minimum, maintains records from those states participating in data sharing with the National Motor Vehicle Title Information System;**

**(b) Verify the title information; and**

**(c) Inform the retail customer of any brand, defect or irregularity found in the search that could impact the vehicle's value.**

**(10) Subsection (9) of this section does not apply when a vehicle is sold with a salvage title certificate or with a document issued by another state with a title brand, as defined by the Department of Transportation by rule.**

**SECTION 21.** ORS 822.045 is amended to read:

822.045. (1) A vehicle dealer improperly conducts a vehicle dealer business and is subject to the penalties under this section if the vehicle dealer commits any of the following offenses:

(a) A vehicle dealer commits the offense of failure to obtain a supplemental vehicle dealer certificate if the vehicle dealer opens any additional place of business using the same business name as a place of business approved under a vehicle dealer certificate without first obtaining a supplemental dealer certificate under ORS 822.040.

(b) A vehicle dealer commits the offense of failure to obtain a corrected vehicle dealer certificate if the dealer moves a place of business or changes the business name without first obtaining a corrected dealer certificate under ORS 822.040.

(c) A vehicle dealer commits the offense of failure to maintain proper vehicle dealer records if the dealer does not keep records or books, whether maintained in paper or electronic form, with all of the following information concerning any used or secondhand vehicles or campers the dealer deals with:

(A) A record of the purchase, sale or exchange or of the dealer's receipt for purpose of sale.

(B) A description of the vehicle or camper.

(C) The name and address of the seller, the purchaser and the alleged owner or other person from whom the vehicle or camper was purchased or received or to whom it was sold or delivered.

(D) For motor vehicles, the vehicle identification number and any other numbers or identification marks as may be thereon and a statement that a number has been obliterated, defaced or changed, if such is a fact.

(E) For trailers and campers, the vehicle identification number and any other numbers or identification marks as may be thereon.

(F) A duly assigned certificate of title or other primary ownership record or a bill of sale from the registered owner of the vehicle or camper from the time of delivery to the dealer until the dealer disposes of the vehicle or camper. If title is issued for the vehicle in a form other than a certificate, or if the primary ownership record is in a form other than a document, a dealer shall keep records in accordance with rules adopted by the Department of Transportation for the purpose of complying with this subparagraph.

**(G) A copy of a National Motor Vehicle Title Information System vehicle record report obtained by the vehicle dealer through a National Motor Vehicle Title Information System data provider, or an equivalent commercially available system when permitted under ORS 822.043.**

(d) A vehicle dealer commits the offense of failure to allow administrative inspection if the dealer refuses to allow the department to conduct an inspection under ORS 822.035 at any time during normal business hours.

(e) A vehicle dealer commits the offense of failure to allow police inspection if the dealer refuses to allow any police officer to conduct an inspection under ORS 810.480 at any time during normal business hours.

(f) A vehicle dealer commits the offense of illegal use of dealer vehicle for hire if the dealer allows any vehicle operated under vehicle dealer registration to be loaned or rented with or without driver for hire or direct compensation.

(g) A vehicle dealer commits the offense of improper use of dealer plates or devices if the dealer or employee of the dealer causes or permits the display or use of any special vehicle dealer registration plate or device on any vehicle not owned or controlled by the dealer.

(h) A person commits the offense of improper display of dealer plates if the person operates over and along the highways of this state any unregistered vehicle owned or controlled by the dealer and any dealer plates issued are not displayed in the manner provided in ORS 803.540 for the display of registration plates.

(i) A vehicle dealer commits the offense of failure to exhibit the dealer certificate if the dealer fails to permanently exhibit the certificate at the place of business of the person at all times while the certificate is in force.

(j) Except as provided in subsection (2) of this section, a vehicle dealer commits the offense of failure to provide clear title if:

(A) Within 15 days of transfer of any interest in a vehicle or camper to the dealer by a consumer, the dealer fails to satisfy:

(i) The interest of any person from whom the dealer purchased or obtained the vehicle or camper;

(ii) The interest of any person from whom the person described in sub-subparagraph (i) of this subparagraph leased the vehicle or camper; and

(iii) All security interests in the vehicle or camper entered into prior to the time of transfer.

(B) Within 15 days of receiving clear title to a vehicle or camper from another dealer, the purchasing dealer fails to satisfy the interest of the dealer from which the purchasing dealer received the certificate of title or other primary ownership document. For purposes of this subparagraph, a purchasing dealer receives a certificate of title or other primary ownership document from a dealer on the date:

(i) The purchasing dealer or the Department of Transportation takes physical possession of the certificate or document; or

(ii) A written notice is mailed by certified or registered mail, return receipt requested, to the purchasing dealer from the dealer, stating that the certificate or document is available to be picked up at a place and time prearranged by both parties. The written notice must be mailed to a business address of the purchasing dealer that is on file with the department. Service by mail under this sub-subparagraph is effective on the date of mailing.

(k) Except as provided in subsection (3) of this section, a vehicle dealer commits the offense of failure to furnish certificate of title or application for title if, within 90 calendar days of transfer of any interest in a vehicle or camper by the dealer, the dealer has failed to:

(A) Furnish the certificate of title or other primary ownership record for the vehicle or camper and any release thereon or, if title has been issued or is to be issued in a form other than a certificate, any information or documents required by rule of the department, to the security interest holder next named, if any, otherwise to the lessor or, if none, to the purchaser; or

(B) Submit to the department in a manner that complies with any applicable statutes and rules, an application for title on behalf of the person to whom the title is to be furnished or whose name is to be shown on the title record.

(L) A vehicle dealer commits the offense of failure to maintain bond or letter of credit coverage if the dealer permits a bond or letter of credit to lapse during the period that the bond or letter of

credit is required under ORS 822.020 or if the dealer fails to purchase a bond or letter of credit required by ORS 822.030.

(m) A person commits the offense of acting as a vehicle dealer while under revocation, cancellation or suspension if the person conducts business as a vehicle dealer in this state and the person's vehicle dealer certificate is revoked, canceled or suspended, regardless of whether the person is licensed as a vehicle dealer in another jurisdiction. This paragraph does not apply if the person has other current, valid dealer certificates issued in this state.

(n) A vehicle dealer commits the offense of improper display of a vehicle for advertising purposes if the dealer displays a vehicle at a location other than the dealer's place of business for the purpose of advertising and the dealer does not comply with the provisions of ORS 822.040 (4).

(2) A dealer is not considered to have committed the offense described in subsection (1)(j)(A) of this section if the dealer fails to satisfy an interest in a vehicle or camper that arises from an inventory financing security interest for which the dealer is the debtor.

(3) A dealer is not considered to have committed the offense described in subsection (1)(k) of this section if the dealer demonstrates that:

(a) The dealer has made a good faith effort to comply; and

(b) The dealer's inability to provide title is due to circumstances beyond the dealer's control.

(4) The offenses described in this section are subject to the following penalties:

(a) The offense described in this section, failure to obtain a supplemental vehicle dealer certificate, is a Class A misdemeanor.

(b) The offense described in this section, failure to obtain a corrected vehicle dealer certificate, is a Class A misdemeanor.

(c) The offense described in this section, failure to maintain proper vehicle dealer records, is a Class A misdemeanor.

(d) The offense described in this section, failure to allow administrative inspection, is a Class A misdemeanor.

(e) The offense described in this section, failure to allow police inspection, is a Class A misdemeanor.

(f) The offense described in this section, illegal use of dealer vehicle for hire, is a Class B traffic violation.

(g) The offense described in this section, improper use of dealer plates or devices, is a Class D traffic violation.

(h) The offense described in this section, improper display of dealer plates, is a Class B traffic violation.

(i) The offense described in this section, failure to exhibit the dealer certificate, is a Class A misdemeanor.

(j) The offense described in this section, failure to provide clear title, is a Class A misdemeanor.

(k) The offense described in this section, failure to furnish certificate of title or application for title, is a Class A misdemeanor.

(L) The offense described in this section, failure to maintain bond or letter of credit coverage, is a Class A misdemeanor.

(m) The offense described in this section, acting as a vehicle dealer while under revocation, cancellation or suspension, is a Class A misdemeanor.

(n) The offense described in this section, improper display of a vehicle for advertising purposes, is a Class A misdemeanor.

**SECTION 22.** ORS 822.040 is amended to read:

822.040. (1) The holder of a current, valid vehicle dealer certificate issued under ORS 822.020 may exercise the following privileges under the certificate:

(a) Subject to ORS 822.045, a dealer is authorized, without violating ORS 803.025 or 803.300, to use and operate over and along the highways of this state vehicles displaying the dealer's plates whether registered or not or whether or not a title is issued for the vehicle if the vehicle:

(A) Is owned or controlled by the dealer;

(B) Is used by the dealer, members of the dealer's firm, any salesperson thereof or any person authorized by the dealer;

(C) Indicates it is offered for sale; and

(D) When offered for sale, is available for display during the vehicle dealer's normal business hours.

(b) A dealer is entitled to receive dealer plates or devices and replacement or additional dealer plates or devices. As many additional dealer plates as may be desired may be obtained upon the filing of a formal application for additional plates with the Department of Transportation. The plates issued to dealers shall require the payment of fees as provided under ORS 805.250.

(c) The person is not subject to the prohibitions and penalties under ORS 822.005 as long as the holder's vehicle dealer business is conducted in a location approved under the certificate.

(d) The dealer shall be considered the owner of vehicles manufactured or dealt in by the dealer, before delivery and sale of the vehicles, and of all vehicles in the dealer's possession and operated or driven by the dealer or the dealer's employees.

(e) Notwithstanding ORS 825.474, in lieu of paying the weight-mile tax imposed under ORS 825.474, the dealer may pay the fuel taxes imposed under ORS 319.020 and 319.530, when the vehicle:

(A) Displays the dealer's plates;

(B) Is actually owned or controlled by the dealer and in actual use by the dealer, members of the dealer's firm, any salesperson of the dealer or any person authorized by the dealer;

(C) Is operated on the highway for the purpose of test driving the vehicle; and

(D) Is unloaded.

**(f) The dealer may perform all activities of a dealer under ORS 822.005 without first obtaining a supplemental certificate if the activities are conducted entirely online or through other electronic means.**

(2) The holder of a vehicle dealer certificate may open additional places of business under the same business name by obtaining a supplemental certificate from the department under this subsection. The following all apply to a supplemental certificate issued under this subsection:

(a) The department may not issue a supplemental certificate under this subsection if the additional place of business opened will be operated under a different business name than that indicated on the current certificate. Any business that a vehicle dealer operates under a separate business name must be operated under a separate certificate and the dealer must apply for and pay the fees for a regular dealer certificate for the business.

(b) A supplemental certificate issued under this subsection is subject to the fee for supplemental certificate under ORS 822.700.

**(c) A supplemental certificate is not required for the holder to deliver a vehicle sold by the holder to a purchaser at a location other than the location approved under the certificate.**

(3) The holder of a vehicle dealer certificate may move a place of business or change a business name by obtaining a corrected certificate from the department. For purposes of this subsection, "place of business" includes a recreational vehicle service facility as defined in ORS 822.082. The following apply to a corrected certificate issued under this subsection:

(a) The department shall prescribe the form for application for a corrected certificate.

(b) A person applying for a corrected certificate shall pay the fee for the corrected certificate established in ORS 822.700.

(4) The department may establish by rule the requirements a holder of a vehicle dealer certificate must meet to display a vehicle at a location other than the dealer's place of business for the purpose of advertising without first obtaining a supplemental certificate from the department. In addition to any requirements established by the department by rule, all of the following apply:

(a) The dealer must have a signed agreement with the owner of the property or the person using the property where the vehicle is to be displayed stating that the vehicle is for an advertising promotion only and that the processing of any documents or other activities required to purchase a vehicle must be done at the dealer's place of business.

(b) The vehicle on display must be clearly marked with the dealer's name and contact information and a notice that the vehicle is displayed only for the purpose of advertising and may be purchased only at the dealer's place of business.

(c) Displaying the vehicle must not violate any zoning laws or ordinances.

(d) The dealer or the dealer's employees may not remain with the vehicle except for the purpose of moving the vehicle in or out of the display area.

**SECTION 23.** ORS 822.050 is amended to read:

822.050. (1) The Department of Transportation may **revoke or suspend the right of a person to renew a vehicle dealer certificate or apply for a vehicle dealer certificate for a different vehicle dealer business or in a different business name, and may** revoke, suspend or place on probation a vehicle dealer **certificate** if the department determines at any time for due cause that the dealer has done any of the following:

(a) Violated any grounds for revocation, suspension or probation adopted by the department by rule under ORS 822.035.

(b) Failed to comply with the requirements of the vehicle code with reference to notices or reports of the transfer of vehicles or campers.

(c) Caused or suffered or is permitting the unlawful use of any certificate or registration plates.

(d) Violated or caused or permitted to be violated ORS 815.410, 815.415, 815.425 or 815.430.

(e) Falsely certified under ORS 822.033 that the dealer is exempt from the requirement under ORS 822.020 to file a certificate of insurance.

(f) Continued to fail to provide clear title or repeatedly failed to provide clear title in violation of ORS 822.045.

(g) Knowingly certified false information required by the department on an application for a vehicle dealer certificate, supplemental certificate or corrected certificate.

(h) Failed to pay a civil penalty assessed under ORS 822.009 and the amount of penalty was not paid within 10 days after the order becomes final.

(i) Displayed dealer plates on vehicles unless the vehicle was offered for sale.

(2) The department shall cancel a vehicle dealer certificate 45 days after receipt of legal notice that the bond described under ORS 822.030 is canceled, unless the department receives proof from the vehicle dealer that the dealer has obtained another bond. Between the day that the department receives notice that the bond is canceled and the day the vehicle dealer presents proof of another bond, the vehicle dealer may not act as a vehicle dealer.

(3) The department shall cancel a vehicle dealer certificate 45 days after receipt of notice that the certificate of insurance required under ORS 822.033 is canceled, unless the department receives proof from the vehicle dealer that the dealer has obtained another certificate of insurance. Between the day that the department receives notice that the certificate of insurance is canceled and the day the vehicle dealer presents proof of another certificate of insurance, the vehicle dealer may not act as a vehicle dealer.

(4) The department shall cancel a vehicle dealer certificate immediately upon receipt of notice that zoning approval for the business has been revoked.

(5) Upon revocation, cancellation or suspension of a vehicle dealer certificate under this section, the department shall recall and demand the return of the certificate and any vehicle dealer plates issued.

**(6) The department may suspend a vehicle dealer certificate if the department determines that the holder of the certificate is not a vehicle dealer under ORS 822.035 (3).**

**SECTION 24.** ORS 822.145 is amended to read:

822.145. (1) In addition to any other penalty provided by law, the Department of Transportation may impose sanctions on any person holding a dismantler certificate issued under ORS 822.110 or identification card or supplemental dismantler certificate issued under ORS 822.125 including, but not limited to, **suspension or revocation of the right of a person to renew the dismantler certificate or apply for a certificate for a different vehicle dismantler business or in a different business name,** probation or suspension, revocation or cancellation of the dismantler cer-



tificate or identification card if the department determines at any time for due cause that any of the following has occurred:

(a) The person holding the certificate has failed to comply with any requirements for registration of vehicles under the vehicle code.

(b) The person holding the certificate has violated ORS 803.140, 819.012, 819.016, 819.040, 822.120, 822.125, 822.133, 822.135, 822.137 or 822.150.

(c) The person holding the certificate has caused or suffered or is permitting the unlawful use of the dismantler certificate.

(d) The person holding the certificate has violated any regulation adopted under ORS 822.135.

(e) The person holding the certificate has failed to allow the department to conduct inspections as provided under ORS 822.130.

(f) The person holding an identification card has unlawfully used or permitted unlawful use of the card.

(g) The person holding the certificate is convicted of an offense under ORS 468.922, 468.926, 468.929, 468.931, 468.936, 468.939, 468.943 or 468.946.

(2) The department shall cancel or suspend any dismantler certificate immediately:

(a) Upon receipt of legal notice that the bond described under ORS 822.120 is canceled; [or]

(b) For failure to pay any penalty imposed under ORS 822.135 or 822.137[.]; **or**

**(c) Upon receipt of written notice from the local government authority that approval of the dismantler location granted according to ORS 822.140 has been revoked.**

(3) Upon revocation, cancellation or suspension of a dismantler certificate or identification card under this section, the department shall recall and demand the return of the certificate or identification card.

(4) If the department has reason to believe that a person has engaged in or is engaging in any activity prohibited under ORS 822.100, the department may issue an order directed at the person to cease the activity.

(5) The department shall adopt rules establishing sanctions authorized by subsection (1) of this section.

**SECTION 25.** ORS 822.035 is amended to read:

822.035. The Department of Transportation:

(1) Upon receipt of an application for a vehicle dealer certificate, shall examine the application and may make an individual investigation relative to statements contained in the application.

(2) Upon being satisfied that an applicant is entitled to a vehicle dealer certificate and that the proper fees have been paid for the certificate, shall assign the vehicle dealer a distinctive dealer number that allows the dealer to conduct business under the certificate and shall forward to the dealer a vehicle dealer certificate stating thereon the dealer's number.

(3) Has authority to determine whether or not an applicant for a vehicle dealer certificate is a vehicle dealer.

(4) Has authority to make suitable rules for the issuance of vehicle dealer certificates to expire consistently with ORS 822.020.

(5) May make inspections of any vehicle dealer records required under ORS 822.045 and of any vehicles included in a vehicle dealer's inventory or located on the vehicle dealer's premises. Inspections authorized by this subsection may be conducted by the department at reasonable intervals and may not exceed a scope of inspection necessary for the department to determine the following:

(a) A vehicle dealer's compliance with statutes regulating vehicle dealers under the vehicle code;

(b) A vehicle dealer's compliance with those provisions of the vehicle code regulating the titling and registration of vehicles;

(c) A vehicle dealer's compliance with rules adopted by the department relating to the regulation of vehicle dealers and the registration and titling of vehicles; and

(d) The identification of stolen vehicles.

(6) May make inspections during the normal business hours of the department, from Monday through Friday.

(7) Shall provide a vehicle dealer with plates or devices authorized under ORS 805.200 to allow the exercise of the privileges granted under ORS 822.040.

(8) May provide a vehicle dealer with identification cards in the names of the owners of the business or in the names of authorized employees of the business.

(9) May not issue a vehicle dealer certificate under ORS 822.020 to an applicant who has been issued a similar certificate from another jurisdiction that has been revoked or is currently suspended unless the applicant possesses a current, valid vehicle dealer certificate issued under ORS 822.020.

(10) May not use the revocation or suspension by another jurisdiction of a vehicle dealer certificate or similar certificate as a basis for refusing to allow a vehicle dealer holding a current, valid vehicle dealer certificate issued under ORS 822.020 to obtain a vehicle dealer certificate under ORS 822.020 or a supplemental certificate under ORS 822.040.

(11) May adopt any reasonable rules necessary for the administration of the laws relating to the regulation of vehicle dealers, the issuance **or denial of issuance** of vehicle dealer certificates, the issuance of vehicle dealer identification cards, regulation of vehicle dealers designated as agents under ORS 802.031 and the issuance of vehicle dealer plates. The rules adopted under this subsection must be consistent with the statutory provisions of the vehicle code. The rules may include, but are not limited to, grounds and procedures for the revocation, denial, probation or suspension of vehicle dealer certificates or of a vehicle dealer's designation to act as an agent of the department.

**SECTION 26.** ORS 822.015 is amended to read:

822.015. (1) In addition to any exemptions from the vehicle code under ORS 801.026, ORS 822.005 does not apply to the following vehicles or persons:

(a) Road rollers, farm tractors, farm trailers, trolleys, implements of husbandry, emergency vehicles, well-drilling machinery and boat or utility trailers with a gross weight of 1,800 pounds or less.

(b) The owner of a vehicle as shown by the vehicle title issued by any jurisdiction if the person owned the vehicle primarily for personal, family or household purposes. If the person has sold, traded, displayed or offered for sale, trade or exchange more than five vehicles in one calendar year, the person shall have the burden of proving that the person owned the vehicles primarily for personal, family or household purposes or for other purposes that the Department of Transportation, by rule, defines as constituting an exemption under this section.

(c) A receiver, trustee, personal representative or public officer while performing any official duties.

(d) The lessor or security interest holder of a vehicle as shown by the vehicle title issued by any jurisdiction.

(e) Except as otherwise provided in this paragraph, a manufacturer who sells vehicles the manufacturer has manufactured in Oregon. Nothing in this paragraph prevents any manufacturer from obtaining a vehicle dealer certificate under ORS 822.020. This paragraph does not exempt a manufacturer who sells or trades campers or travel trailers.

(f) An insurance adjuster authorized to do business under ORS 744.515 or 744.521 who is disposing of vehicles for salvage.

(g) Except as otherwise provided in this paragraph, a person who sells or trades or offers to sell or trade a vehicle that has been used in the operation of the person's business. This paragraph does not exempt a person who is in the business of selling, trading, displaying, rebuilding, renting or leasing vehicles from any requirement to obtain a certificate for dealing in those vehicles.

(h) A person who receives no money, goods or services, either directly or indirectly, for displaying a vehicle or acting as an agent in the buying or selling of a vehicle.

(i) A person who collects, purchases, acquires, trades or disposes of vehicles and vehicle parts for the person's own use in order to preserve, restore and maintain vehicles for the person's own use or for hobby or historical purposes.

*[(j) A manufactured structure dealer subject to the licensing requirement of ORS 446.671 or a person exempt from licensing under ORS 446.676 when selling a vehicle, trailer or semitrailer accepted in trade as part of a manufactured structure transaction. A manufactured structure dealership or exempt person may not directly sell more than three vehicles per calendar year under authority of this paragraph, but by consignment with a dealer certified under ORS 822.020 may sell an unlimited number of vehicles acquired as described in this paragraph.]*

*[(k)] (j)* A lien claimant who sells vehicles in order to foreclose possessory liens.

*[(L)] (k)* A lien claimant who, in a 12-month period, sells 12 or fewer vehicles that the lien claimant acquired through possessory liens if the vehicles are sold at the business location of the lien claimant.

*[(m)] (L)* Electric personal assistive mobility devices.

*[(n)] (m)* A tower that received title for a vehicle under ORS 822.235.

(2) Notwithstanding ORS 822.005, the following may participate with other dealers in a display of vehicles, including but not limited to an auto show, if the display is an event that lasts for 10 days or less and is an event for which the public is charged admission:

(a) A person who is licensed as a vehicle dealer in another jurisdiction; or

(b) Any employee of a person who is licensed as a vehicle dealer in another jurisdiction.

(3) Notwithstanding ORS 822.005, a person who is licensed as a vehicle dealer in another jurisdiction or an employee of a person who is certified or licensed as a vehicle dealer may participate in a vehicle auction if the vehicle auction is:

(a) Conducted by a vehicle dealer who holds a vehicle dealer certificate issued under ORS 822.020; and

(b) Open only to certified or licensed vehicle dealers or their employees.

(4) The department shall adopt rules to carry out the provisions of this section, including but not limited to specifying which dealers may take vehicles on consignment from other jurisdictions.

**SECTION 27.** ORS 822.093 is amended to read:

822.093. (1) Notwithstanding *[ORS 822.015 (1)(k) or (L)]* **ORS 822.015 (1)(j) or (k)**, a lien claimant who sells or offers for sale vehicles being sold to foreclose possessory liens, or sells or offers for sale vehicles acquired through possessory liens, shall keep records sufficient to establish that all vehicles being sold or offered for sale were acquired by the lien claimant as the result of a possessory lien. Records kept in accordance with this subsection must be made available to the Department of Transportation on request.

(2) The department may adopt such rules as are necessary to carry out the provisions of this section, including but not limited to rules that:

(a) Specify the form in which the records must be kept, how the records must be maintained and the period for which they must be retained.

(b) Specify how the records will be provided to the department if requested.

(c) Specify how lien claimants will notify the department when vehicles are sold to foreclose possessory liens and when vehicles acquired through possessory liens are sold.

(3) Rules adopted under this section shall be developed in consultation with representatives of those lien claimants who may be affected by this section, including but not limited to towing business operators.

(4) The department may impose a civil penalty, in an amount not to exceed \$1,000 for each violation, against any person who violates this section or any rules adopted by the department under this section. Civil penalties shall be imposed as provided in ORS 183.745.

**SECTION 28.** ORS 822.094 is amended to read:

822.094. A sale, consignment or other transfer by a lien claimant does not constitute a sale for purposes of *[ORS 822.015 (1)(L)]* **ORS 822.015 (1)(k)** if the sale, consignment or other transfer is to

the holder of a current, valid dismantler certificate issued under ORS 822.110 or to the holder of a current, valid vehicle dealer certificate issued under ORS 822.020.

**NOTE:** Section 29 was deleted by amendment. Subsequent sections were not renumbered.

### TOTALED VEHICLES

**SECTION 30.** ORS 819.012 is amended to read:

819.012. (1) A person other than an insurer commits the offense of failure to follow procedures for a totaled vehicle if the person:

(a) Is the registered owner of a vehicle that is a totaled vehicle as defined in ORS 801.527 (1) and does not surrender the certificate of title for the vehicle either to the Department of Transportation or to the insurer within 30 days of the declaration [*or other relevant act*] by the insurer.

(b) Is the registered owner of a vehicle that is a totaled vehicle as defined in ORS 801.527 (2) and does not notify the department of the status of the vehicle within 30 days of the day that the vehicle became a totaled vehicle.

(c) Is the registered owner of a vehicle that is a totaled vehicle as defined in ORS 801.527 (3) and does not surrender the certificate of title for the vehicle to the department within 30 days of the date the vehicle became a totaled vehicle.

(d) Receives or purchases a totaled vehicle and does not surrender the certificate of title for the vehicle to the department within 30 days of purchase or receipt of the vehicle.

(2) A person is not required to surrender the certificate of title if the person is unable to obtain the certificate for the vehicle. If the person is unable to obtain the certificate, the person shall notify the department that the vehicle is a totaled vehicle and shall notify the department of the reason that the person is unable to surrender the certificate.

(3) A person is not required to surrender the certificate of title if:

(a) The person transferred their interest in the totaled vehicle to a tower pursuant to ORS 822.235; or

(b) The person is a tower that received interest in the totaled vehicle pursuant to ORS 822.235 and the tower subsequently transfers interest in the totaled vehicle to a dismantler within 30 days of the date the tower received interest in the totaled vehicle.

(4) If the vehicle is one for which title was issued in a form other than a certificate, the person shall notify the department that the vehicle is a totaled vehicle and shall follow procedures adopted by the department by rule.

(5) The offense described in this section, failure to follow procedures for a totaled vehicle, is a Class A misdemeanor.

**NOTE:** Section 31 was deleted by amendment. Subsequent sections were not renumbered.

### DESTROYED VEHICLES

**SECTION 32.** ORS 803.092 is amended to read:

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

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

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

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

(B) Is to an entity that is a member of the same affiliated group as the security holder or lessor;  
or

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

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

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

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

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

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

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

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

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

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

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

(4) For purposes of this section:

(a) "Affiliated group" has the meaning given to the term in section 1504(a) of the Internal Revenue Code of 1986, as amended (26 U.S.C. 1504(a)).

(b) A "transfer in bulk" is:

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

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

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

**SECTION 33.** ORS 803.092, as amended by section 3, chapter 428, Oregon Laws 2023, is amended to read:

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

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

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

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

(B) Is to an entity that is a member of the same affiliated group as the security holder or lessor;  
or

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

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

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

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

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

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

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

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

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

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

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

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

(b) When the primary security interest holder receives an electronic title, within 30 days of the release of the security interest the primary security interest holder shall electronically submit the release of interest to the department in the manner provided by the department by rule.

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

(d) The department shall adopt rules related to electronic application and the electronic release of liens and notice to lienholders.

(5) For purposes of this section:

(a) "Affiliated group" has the meaning given to the term in section 1504(a) of the Internal Revenue Code of 1986, as amended (26 U.S.C. 1504(a)).

(b) A "transfer in bulk" is:

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

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

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

**SECTION 34.** ORS 803.530 is amended to read:

803.530. (1) Registration plates assigned to a vehicle by the Department of Transportation shall remain with the vehicle to which the plates are assigned and are valid only during the registration period for which the plates are issued except as provided in this section.

- (2) The department may allow registration plates to be transferred to another vehicle if:
  - (a) The department receives an application;
  - (b) The applicant pays the plate transfer fee under ORS 803.575; and
  - (c) The applicant complies with the registration qualifications described in ORS 803.350.
- (3) The department shall transfer registration plates under this section if the applicant and the vehicle qualify for the plates and the plates are:
  - (a) Legible and capable of being used for identification purposes; and
  - (b) Any of the following:
    - (A) From a current issue of registration plates;
    - (B) Customized registration plates described under ORS 805.240;
    - (C) Oregon Trail commemorative registration plates issued under section 113, chapter 741, Oregon Laws 1993;
    - (D) Special registration plates issued under ORS 805.255, 805.260, 805.263, 805.266, 805.278 or 805.283;
    - (E) Group registration plates issued under ORS 805.205;
    - (F) Veterans' recognition registration plates issued under ORS 805.105;
    - (G) Pacific Wonderland registration plates issued under ORS 805.287;
    - (H) Registration plates issued through the special registration program under ORS 805.222; or
    - (I) Registration plates that are no longer currently issued that the department determines may still be transferred.
  - (4) Notwithstanding ORS 803.400, when registration plates are transferred from one vehicle to another vehicle owned by the same person, the registration period represented by the plates also transfers with the plates. When registration plates are transferred from one vehicle to another vehicle not owned by the same person, the remaining registration period represented by the transferred plates ceases for both the vehicle receiving the transferred plates and the vehicle from which the plates were removed.
  - (5) The owner of a registered vehicle to which a plate is assigned may replace a registration plate. The following apply to this subsection:
    - (a) To replace a plate under this subsection, the owner must apply to the department for replacement of the plate in a form prescribed by the department and pay the replacement plate fee established under ORS 803.575.
    - (b) The department, in lieu of replacement, may issue duplicate plates for the same fee as charged for replacements.
    - (c) The plates issued under this subsection are valid only for the period of the plates replaced.
    - (d) The replaced plates may not be considered customized plates when they are replaced, if:
      - (A) The original plates were from plates currently issued;
      - (B) The original plates were not customized plates; and
      - (C) The replacement plates are a duplicate of the original plates.
    - (e) When a vehicle is assigned a pair of plates and the owner wishes to replace a single plate, the department may replace a single plate rather than replace both plates.
    - (6) A county may replace a registration plate that is from a specially designed government series with a registration plate that is from a regular series. The following apply to this subsection:
      - (a) To replace a plate under this subsection, the county must apply to the department for replacement of the plate in a form prescribed by the department and pay the replacement plate fee established under ORS 803.575.
      - (b) The plates issued under this subsection are valid only for the period of the plates replaced.
    - (7) If the department retired the vehicle's registration under ORS 819.030 because the vehicle is totaled [*or substantially altered*], a person may apply under subsection (2) of this section to transfer the registration plates to another vehicle.
    - (8) Subject to subsections (2) and (4) of this section, after the department authorizes the use of special interest plates under ORS 805.210, a person may apply to transfer the plates to either:

(a) A vehicle that was previously determined by the department to qualify as a vehicle of special interest; or

(b) A vehicle approved by the department as a vehicle of special interest at the time of application.

(9) If a person described in subsection (8) of this section provides the department with only one special interest registration plate for transfer and the department's vehicle records show the special interest registration plate belongs to a vehicle record with no owner matching an applicant, the applicant shall provide proof, as determined by the department by rule, that the plate is no longer used on the vehicle it is currently showing being registered to in the department's vehicle records.

**SECTION 35.** ORS 819.030 is amended to read:

819.030. The Department of Transportation shall comply with the following procedures upon receiving a certificate of title or other notice in accordance with the provisions of ORS 819.010, 819.012 or 819.014:

(1) If the department is satisfied that the vehicle is wrecked, dismantled or disassembled, the department shall cancel and retire the registration and title of the vehicle. Except for issuance of a salvage title, the department may not register or title the vehicle again unless:

(a) The department is satisfied that the original title certificate, if any, was surrendered in error or that notice was submitted in error and the record canceled in error; or

(b) The vehicle is registered or titled as an assembled vehicle, a reconstructed vehicle or a replica.

(2) If the department is satisfied that the vehicle is wrecked, dismantled or disassembled, the department may issue a proof of compliance form if no salvage title is issued for the vehicle.

(3) If the department is satisfied that the vehicle is totaled [*or substantially altered*], the department may:

(a) Issue a salvage title, retire the vehicle's registration and cancel the title; or

(b) Issue a branded title.

(4) If a vehicle is recovered after a theft and the theft is the reason that the vehicle was considered a totaled vehicle or the department issues a branded title for a totaled [*or substantially altered*] vehicle, a person may apply with the department to keep the same registration plates and the remaining registration period represented by the plates with that vehicle. The department may allow the owner to keep the registration plates if the plates are legible and capable of being used for identification purposes.

(5) A person may apply with the department to transfer plates from a vehicle for which the department previously received a totaled [*or substantially altered*] notification. A plate transfer request must be in accordance with the provisions of ORS 803.530.

(6) The owner of a vehicle whose title and registration have been canceled and retired due to the department being notified it is totaled, wrecked, dismantled[,] **or** disassembled [*or substantially altered*] is entitled to an administrative review to determine whether the notification was correct.

**SECTION 36.** ORS 822.070 is amended to read:

822.070. (1) A person commits the offense of conducting an illegal vehicle rebuilding business if the person is not the holder of a valid current dealer certificate issued under ORS 822.020 and the person does any of the following as part of a business:

(a) Buys, sells or deals in assembled[,] **or** reconstructed [*or substantially altered*] motor vehicles.

(b) Engages in making assembled[,] **or** reconstructed [*or substantially altered*] vehicles from motor vehicle components.

(2) This section does not apply to the following persons or vehicles:

(a) An insurance adjuster authorized to do business under ORS 744.515 or 744.521 who is disposing of vehicles for salvage.

(b) Vehicles or persons exempt from the vehicle dealer certificate requirements by ORS 822.015 (1)(a) or (i).

(c) Motor vehicles that are not of a type required to be registered under the vehicle code.

(d) The holder of a dismantler certificate issued under ORS 822.110.



(3) The offense described in this section, conducting an illegal vehicle rebuilding business, is a Class A misdemeanor.

**SECTION 37.** ORS 822.133 is amended to read:

822.133. (1) As used in this section:

(a) "Crushed motor vehicle" means a motor vehicle, the frame or unibody of which is compacted or flattened so that it no longer resembles any particular year, model or make of motor vehicle and is less than half of the motor vehicle's original volume as measured in cubic feet.

(b) "Destroy" means to dismantle, disassemble[,] **or** damage [*or substantially alter*] a motor vehicle:

(A) With the intent of rendering the vehicle permanently inoperable;

(B) To the extent that the cost of repairing the vehicle exceeds the actual cash value of the vehicle prior to the damage; or

(C) To the extent that the sum of the cost of repairing the vehicle and the salvage value of the vehicle in its damaged condition exceeds the actual cash value of the vehicle in its repaired condition.

(c) "Mobile motor vehicle crusher" means a machine that compacts or flattens a motor vehicle into a crushed motor vehicle and is designed to be transported on a highway.

(d) "Wrecked vehicle" means a motor vehicle:

(A) That is destroyed, or is acquired with the intent to destroy, and that will never be operated as a motor vehicle; or

(B) That has sustained damage to an extent that the vehicle may not lawfully be operated on the highways of this state.

(2) In the operation of a motor vehicle dismantling business, a dismantler:

(a) Must physically separate or visually label a wrecked vehicle in a manner that readily identifies the ownership status of the wrecked vehicle if the dismantler takes possession of the wrecked vehicle without immediately obtaining an ownership record or salvage title certificate. A dismantler need not separate or visually identify a wrecked vehicle pursuant to this subsection if the vehicle is subject to an exemption under ORS 803.030 or is obtained from a jurisdiction that does not issue certificates of title.

(b) May not remove parts from or destroy a motor vehicle prior to obtaining an ownership record or salvage title certificate for the vehicle.

(c) Must demolish the registration plates of a wrecked vehicle at the time the ownership record is received.

(d) Must notify the Department of Transportation of any changes in the information provided to the department in the application for a dismantler certificate within 30 days of the change.

(e) Must furnish a written report to the department, in a form established by the department by rule, after a wrecked vehicle is dismantled or destroyed.

(f) Must, every year, have the premises inspected by local fire inspectors and furnish a written report to the department, in a form established by the department by rule, on the findings of the inspection.

(g) Must be in compliance with any agreement with, order of or program or process authorized by the Department of Environmental Quality that governs the conduct of the dismantler.

(3)(a) A dismantler using a mobile motor vehicle crusher shall:

(A) Hold a current, valid dismantler certificate issued under ORS 822.110.

(B) Conspicuously display on the mobile motor vehicle crusher the name of the dismantler's business as listed on the dismantler's application submitted pursuant to ORS 822.110 and the dismantler certificate number issued by the Department of Transportation.

(C) Comply with all of the applicable statutes and rules regulating dismantlers at each location where the dismantler uses the mobile motor vehicle crusher. If the dismantler is using a mobile motor vehicle crusher at a location approved under a dismantler certificate, the dismantler who holds the dismantler certificate for the location shall be responsible for complying with all statutes and rules regarding dismantlers.

(b) If a dismantler is using a mobile motor vehicle crusher at a temporary location for 15 consecutive business days or less, the dismantler is exempt from obtaining a supplemental dismantler certificate under ORS 822.125 for the temporary location.

**SECTION 38.** ORS 822.135 is amended to read:

822.135. (1) A person commits the offense of improperly conducting a motor vehicle dismantling business if the person holds a dismantler certificate issued under ORS 822.110 and the person does any of the following:

(a) Fails to permanently exhibit a dismantler certificate at a place of business of the person at all times while the certificate is in force.

(b) Expands the dimensions of or moves any of the person's places of business or opens any additional places of business without obtaining a supplemental dismantler certificate by the procedure under ORS 822.125.

(c) Fails to maintain records at the person's established place of business that record and describe the following:

(A) Every motor vehicle purchased, transferred, wrecked, dismantled, disassembled or substantially altered by the person;

(B) The name and address of the person to and from whom the vehicle was transferred;

(C) The vehicle identification number and other identification marks or numbers on the vehicle; and

(D) A statement indicating any such numbers or marks that have been obliterated, defaced or changed.

(d) Except as otherwise provided, fails to surrender to the Department of Transportation, within 30 days after the date the person acquires the title, a certificate of title or other primary ownership document or ownership record for a motor vehicle. If the vehicle is delivered to the person under the provisions of ORS 819.215 or 819.280, a copy of the notification to the department under ORS 819.215 or 819.280 is sufficient to comply with the provisions of this paragraph.

(e) Refuses, at any time, to allow a police officer or an employee of the department to inspect the books, records, inventory or premises of the person's motor vehicle dismantling business.

(f) Fails to maintain, for the purposes of the person's motor vehicle dismantling business, a building or an enclosure or other barrier at least six feet in height that is constructed, established or formed in compliance with rules adopted by the department.

(g) Fails to keep the premises on the outside of the establishment clear and clean at all times.

(h) Conducts any wrecking, dismantling or altering of vehicles outside the building, enclosure or barrier on the premises of the business.

(i) Stores or displays any motor vehicles or major component parts or conducts the motor vehicle dismantling business outside of the building, enclosure or barrier of the place of business.

(j) Fails to immediately file with the department, upon transfer of a wrecked or dismantled motor vehicle **to another person who holds a dismantler certificate**, the form furnished by the department to report the date of transfer, a description of the vehicle, the name and address of the [purchaser] **purchasing dismantler** and other information respecting the vehicle required by the department.

(k) Except as otherwise provided in this paragraph, fails to keep the business hidden or adequately screened by the terrain or other natural objects or by plantings, fences or other appropriate means so as not to be visible from the main traveled way of the highway in accordance with the rules of the Director of Transportation. This paragraph does not apply to a business that is:

(A) Located in an area zoned for industrial use under authority of the laws of this state; or

(B) A business established before June 30, 1967.

(L) Expands or moves any place of business approved under a dismantler certificate or opens any additional locations for the business without obtaining a supplemental certificate under ORS 822.125 or obtaining an additional dismantler certificate.

(m) Fails to allow the department to conduct inspections as provided under ORS 822.130.

(n) Fails to deploy or remove any air bag containing sodium azide from a vehicle before the vehicle is wrecked or dismantled.

(o) Fails to ensure that an air bag containing sodium azide that has been removed from a vehicle is deployed within seven days of removal unless the air bag is properly stored by a motor vehicle dealer, automobile repair facility or dismantler certified under ORS 822.110.

(2) The offense described in this section, improperly conducting a motor vehicle dismantling business, is a:

(a) Class A misdemeanor if the person violates subsection (1)(a) to (m) of this section.

(b) Class D violation if the person violates subsection (1)(n) or (o) of this section.

(c) Class C misdemeanor, notwithstanding paragraph (b) of this subsection, if the person violates subsection (1)(n) or (o) of this section and the person has two or more previous convictions for violating subsection (1)(n) or (o) of this section.

**SECTION 39.** ORS 822.137 is amended to read:

822.137. (1) As used in this section **and ORS 822.135**, “major component part” includes significant parts of a motor vehicle such as engines, short blocks, frames, transmissions, transfer cases, cabs, doors, differentials, front or rear clips, quarter panels, truck beds or boxes, hoods, bumpers, fenders, catalytic converters and airbags. The Department of Transportation may by rule designate other motor vehicle parts not specified in this subsection as major component parts. “Major component part” does not include cores or parts of cores that require remanufacturing or that are limited in value to that of scrap metal.

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

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

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

(c) Possesses, sells or otherwise disposes of a motor vehicle or any part of a motor vehicle knowing that the vehicle or part has been stolen.

(d) Sells, buys, receives, conceals, possesses or disposes of a motor vehicle or any part of a motor vehicle having a missing, defaced, intentionally altered or covered vehicle identification number, unless directed to do so by a law enforcement official.

(e) Commits forgery in the second degree, as defined in ORS 165.007, or misstates a material fact relating to a certificate of title, registration or other document related to a motor vehicle that has been reassembled from parts of other motor vehicles.

(f) Fraudulently obtains, creates or modifies a dismantler certificate.

(g) Fails to maintain records at the certified place of business for three years from the date of acquisition of a motor vehicle that describe and identify the vehicle, including:

(A) The certificate of title number;

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

(C) The number of the last registration plate issued and the state of issuance, if applicable;

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

(E) The vehicle identification number;

(F) The date acquired;

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

(H) Any other information required by the department.

(h) Fails to maintain records at the certified place of business for three years from the date of acquisition of a major component part that describe and identify the part, including:

(A) The physical characteristics of the part;

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

(C) The vehicle identification number of the motor vehicle from which the part came;

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

(E) Any other information required by the department.

(i) Commits a dishonest act or omission during the sale of a motor vehicle or major component part that, as determined by the department, causes a loss to the purchaser.

(j) Is convicted of a crime involving false statements or dishonesty that directly relates to the business of the dismantler or suffers any civil judgment imposed for conduct involving fraud, misrepresentation or conversion.

(k) Fails to comply with any provision of ORS 822.133.

## PLATE EXCHANGE

**SECTION 40.** ORS 805.060 is amended to read:

805.060. (1) The Department of Transportation may issue registration plates or other evidence of registration from any regular series rather than from any specially designed government series for a vehicle operated by a federal, state, county, city or Indian tribal law enforcement, parole or probation agency in discharging its undercover criminal investigation duties if requested to do so by the agency. The registration period for a vehicle described under this section shall be the same as the regular registration period for the type of vehicle registered. The fee for registration or renewal of registration of a vehicle under this section shall be the fee established for registration or renewal of police undercover vehicles under ORS 803.420.

**(2) The Department of Transportation may enter into agreements with agencies of other states to provide for the reciprocal exchange of vehicle registration plates or stickers for use on vehicles otherwise eligible to obtain regular series registration plates under subsection (1) of this section. The department may provide registration plates or stickers of other states obtained pursuant to this subsection to the law enforcement, parole or probation agencies described in subsection (1) of this section. Vehicle registration plates of other states obtained pursuant to this subsection may be used on vehicles in place of the vehicle registration plates issued by the department under subsection (1) of this section.**

[2] (3) Any vehicle registered under this section and not exempt from the requirements to comply with certificates of compliance for pollution control equipment by ORS 815.300, must be certified as complying with the requirements for pollution control equipment under ORS 815.310.

## INSURANCE

**SECTION 41.** ORS 809.095 is amended to read:

809.095. (1) The Department of Transportation may cancel the registration of, or right to apply for registration for, any vehicle owned by a person if the person falsely certifies compliance with financial responsibility requirements, submits to the department unsatisfactory proof of such compliance or otherwise fails to comply with financial responsibility requirements.

[2] Cancellation under this [section] **subsection** shall continue until the person complies with any applicable financial responsibility filing requirements.

**(2) If the department requests that a person provide proof of compliance with financial responsibility requirements as authorized under ORS 806.150, the department may suspend the registration of, or right to apply for registration for, a vehicle owned by a person if the person is a registered owner of the vehicle and the person:**

**(a) Does not provide proof of compliance; or**

**(b) Provides proof of compliance and the department determines that information contained in the proof of compliance is incorrect.**

**(3) A suspension under subsection (2) of this section continues until:**

**(a) The department receives proof of compliance from the registered owner; and**

**(b) The department determines the proof of compliance is correct.**

**(4) The department may reinstate the registration, or right to apply for registration for the vehicle, if the department determines that the vehicle is covered under a motor vehicle liability insurance policy that meets the requirements described under ORS 806.080.**

**(5) If the department determines that the person is exempt from financial responsibility requirements, the department may reinstate the registration or right to apply for registration.**

**SECTION 42.** ORS 809.415 is amended to read:

809.415. (1)(a) The Department of Transportation shall suspend the driving privileges of a person who has a judgment of the type described under ORS 806.040 rendered against the person if the person does not settle the judgment in the manner described under ORS 809.470 within 60 days after its entry.

(b) A suspension under this subsection shall continue until the person does one of the following:

(A) Settles the judgment in the manner described in ORS 809.470.

(B) Has an insurer that has been found by the department to be obligated to pay the judgment, provided that there has been no final adjudication by a court that the insurer has no such obligation.

(C) Gives evidence to the department that a period of seven years has elapsed since the entry of the judgment.

(D) Receives from the court that rendered the judgment an order permitting the payment of the judgment in installments.

(c) A person is entitled to administrative review under ORS 809.440 of a suspension under this subsection.

(2)[(a)] The department shall suspend the driving privileges of a person who falsely certifies the existence of a motor vehicle liability insurance policy or the existence of some other means of satisfying financial responsibility requirements or of a person who, after certifying the existence of a motor vehicle liability insurance policy or other means of satisfying the requirements, allows the policy to lapse or be canceled or otherwise fails to remain in compliance with financial responsibility requirements.

*[(b) Notwithstanding paragraph (a) of this subsection, the department may suspend under this subsection only if proof of compliance with financial responsibility requirements as of the date specified by the department by rule under ORS 806.150 is not submitted within the time specified by the department by rule under this section.]*

*[(c) A suspension under this subsection shall continue until the person complies with future responsibility filings.]*

(3)(a) The department shall suspend the driving privileges of a person who fails to comply with future responsibility filings whenever required under the vehicle code or fails to provide new proof of compliance for future responsibility filings when requested by the department.

(b) A suspension under this subsection shall continue until the person complies with future responsibility filings.

(c) A person whose initial obligation to make future responsibility filings is not based upon a conviction or other action by a court is entitled to a hearing under ORS 809.440 prior to a suspension under this subsection. A person whose obligation to make future responsibility filings is based upon a conviction or other action by a court is entitled to administrative review under ORS 809.440 of a suspension under this subsection. A person whose suspension under this subsection is based on lapses in filing after the initial filing has been made is entitled to administrative review under ORS 809.440.

(4)(a) The department shall suspend driving privileges when provided under ORS 809.416. The suspension shall continue until the earlier of the following:

(A) The person establishes to the satisfaction of the department that the person has performed all acts necessary under ORS 809.416 to make the person not subject to suspension.

(B) Ten years from the date the traffic offense or violation of ORS 471.430 occurred if the suspension is imposed for a reason described in ORS 809.416.

(b) A person is entitled to administrative review under ORS 809.440 of a suspension under this subsection.

(5) Upon determination by the department that a person has committed an act that constitutes an offense described in ORS 809.310, the department may suspend any driving privileges or any identification card of the person determined to have committed the act. A suspension under this subsection shall continue for a period of one year.

(6) Upon determination by the department that a person has submitted false information to the department for the purpose of establishing or maintaining qualification to operate a commercial motor vehicle or hold commercial driving privileges, the department shall suspend the commercial driving privileges or the person's right to apply for commercial driving privileges for a period of one year.

**SECTION 43.** ORS 806.010 is amended to read:

806.010. (1) A person commits the offense of driving uninsured if the person operates a motor vehicle in this state on any highway or premises open to the public in this state without either:

(a) The person being insured while driving the vehicle under a motor vehicle liability insurance policy that meets the requirements described under ORS 806.080; or

(b) The person or the owner of the vehicle providing the Department of Transportation with other satisfactory proof of compliance with the financial responsibility requirements of this state.

(2) Exemptions from this section are established under ORS 806.020.

(3) In addition to other penalties under this section the following apply:

(a) A person who is involved in a motor vehicle accident at any time the person is in violation of this section is subject to suspension of the person's driving privileges under ORS 809.417.

(b) A person who is convicted of violating this section is subject to ORS 806.230, if the person does not make future responsibility filings as required by that section.

(4) A person convicted for violation of this section must file with the department, and thereafter maintain for a period of [*three years*] **one year**, proof of financial responsibility that complies with ORS 806.060. Failure to comply with this subsection is subject to ORS 809.415.

(5) The offense described in this section, driving uninsured, is a Class B traffic violation.

**SECTION 44.** ORS 809.417 is amended to read:

809.417. (1)(a) The Department of Transportation shall suspend the driving privileges of a person who fails to file an accident report required under ORS 811.725 [*or 811.730*].

(b) A suspension under this subsection shall continue until the person files the required report or for five years from the date of suspension, whichever is sooner.

*[(2) The department shall suspend the driving privileges of any person for a period of time required by this subsection if the person is involved in a motor vehicle accident at any time when the department determines the person has been operating a vehicle in violation of ORS 806.010. A suspension under this subsection shall be for a period of one year except that the department shall not reinstate any driving privileges to the person until the person complies with future responsibility filing requirements.]*

**(2)(a) If the department determines the person has been operating a vehicle in violation of ORS 806.010 and the person fails to make a financial responsibility filing with the department within 30 days after the date of the accident, the department shall suspend the person's driving privileges.**

**(b) A suspension under this subsection continues until the person complies with future financial responsibility filing requirements or until the filing requirement terminates, whichever is sooner.**

(3)(a) The department may suspend the driving privileges of a person who, while operating a motor vehicle, causes or contributes to an accident resulting in death to any other person if the department has reason to believe that the person's incompetence, recklessness, criminal negligence or unlawful operation of the vehicle caused or contributed to the accident.

(b) A suspension under this subsection shall continue for a period determined by the department and shall be subject to any conditions the department determines to be necessary.

(c) The department may impose an immediate suspension of driving privileges of any person described in paragraph (a) of this subsection without hearing and without receiving a record of the conviction of the person of a crime if the department has reason to believe that the person may endanger people or property if the person's driving privileges are not immediately suspended. A suspension under this paragraph is subject to a post-imposition hearing under ORS 809.440.

**SECTION 45.** ORS 806.245 is amended to read:

806.245. A termination of the requirement to maintain a future responsibility filing does not remove a person's responsibility to comply with financial responsibility requirements. The Department of Transportation shall terminate requirements for a future responsibility filing when any of the following occurs:

(1) The person on whose behalf the filing was made dies.

(2) More than **one year has passed from the date the filing was required under ORS 806.200 or 806.230 or more than** three years have passed from the date the filing was required.

(3) A person on whose behalf the filing was made requests termination and either:

(a) The person was required to file because of an error committed by the department; or

(b) The person was required to file because of an error committed by an insurance company in notifying the department regarding the correctness of proof of compliance with financial responsibility requirements provided under ORS 806.150.

(4) A person who was required to file under ORS 806.150 requests termination and the department determines either:

(a) That the person was in fact in compliance with financial responsibility requirements as of the date specified by the department by rule under ORS 806.150; or

(b) That the person reasonably and in good faith believed that the person was in compliance with financial responsibility requirements on the date specified by the department by rule under ORS 806.150.

(5) A person who was required to file because of failure to prove under ORS 806.210 that the person was in compliance with financial responsibility requirements requests termination and the department determines either:

(a) That the person was in fact in compliance with financial responsibility requirements at the time of the accident; or

(b) That the person reasonably and in good faith believed that the person was in compliance with financial responsibility requirements at the time of the accident.

(6) A person's hardship permit expires and the filing was required only for issuance of the hardship permit under ORS 807.240.

## INSURANCE

**SECTION 46. ORS 806.220 is repealed.**

**SECTION 47.** ORS 806.240 is amended to read:

806.240. Future responsibility filings required by ORS 806.200[, 806.220] or 806.230 or by any other law of this state are subject to all of the following:

(1) Except as provided in subsection (3) of this section, the person required to make the filing must file with the Department of Transportation, or have filed with the department for the benefit of the person, proof of compliance that meets the requirements of this section and must maintain the proof of compliance as required under ORS 806.245. The filing is made on the date it is received by the department if it is received during regular business hours.

(2) The proof of compliance filed under subsection (1) of this section must be:

(a) A certificate or certificates of insurance that meet the requirements under ORS 806.270; or

(b) A valid certificate of self-insurance issued by the department under ORS 806.130.

(3) The owner of a motor vehicle may make a future responsibility filing under this section on behalf of the owner's employee or a member of the owner's immediate family or household in lieu of the filing being made by the person. Filing under this subsection permits the person on whose behalf the filing is made to operate only a motor vehicle covered by the proof of compliance given in the filing. The department shall endorse restrictions, as appropriate, on any license or driver permit the person holds as the department determines necessary to limit the person's ability to operate vehicles consistent with this subsection.

(4) Whenever proof of compliance filed under this section no longer meets the requirements of this section, the department shall require the furnishing of other proof of compliance for the future responsibility filing. If other proof of compliance is not furnished, the department shall suspend the driving privileges of the person as provided under ORS 809.415.

## **DRIVER RECORDS**

**SECTION 48.** ORS 802.200 is amended to read:

802.200. In addition to any other records the Department of Transportation may establish, the department is subject to the following provisions concerning records:

(1) The department shall maintain records concerning the titling of vehicles in this state. The records under this subsection shall include the following:

(a) For vehicles issued a title by this state, the records shall identify the vehicle and contain the following:

(A) The name of the vehicle owner and any security interest holders in order of priority, except that a security interest holder need not be identified if the debtor who granted the interest is in the business of selling vehicles and the vehicles constitute inventory held for sale;

(B) The name of any lessor of the vehicle;

(C) The vehicle description; and

(D) Whether a certificate of title was issued for the vehicle.

(b) If the vehicle is an antique vehicle that is reconstructed, the records shall indicate that the vehicle is reconstructed.

(c) If the vehicle is a replica, the records shall indicate that the vehicle is a replica.

(d) Any other information concerning the titling of vehicles that the department considers convenient or appropriate.

(e) All odometer disclosures and readings for a vehicle that are reported to the department under provisions of the vehicle code. The department shall keep the most recent version of records required under this paragraph in electronic form.

(f) If the vehicle has been reported to the department as a totaled vehicle under the provisions of ORS 819.012 or 819.014, the records shall indicate that the vehicle is a totaled vehicle unless the reason for the report was theft and the vehicle has been recovered.

(2) If a vehicle that has been registered or titled in another jurisdiction is registered or titled in this state, the department shall retain a record of any odometer readings shown on the title or registration documents submitted to the department at the time of registration or title.

(3) Except as otherwise provided in ORS 826.003, the department shall maintain records concerning the registration of vehicles required to be registered by the department. The records concerning the registration of vehicles may be stored along with records concerning the titling of vehicles. The records under this subsection shall include the following:

(a) For vehicles registered by the department, the records shall identify the vehicle and contain the following:

(A) The registration plate number assigned by the department to the vehicle;

(B) The name of the vehicle owner;

(C) The vehicle description and vehicle identification number; and



(D) An indication that the vehicle is a totaled vehicle if it has been reported to the department as a totaled vehicle under the provisions of ORS 819.012 or 819.014, unless the reason for the report was theft and the vehicle has been recovered.

(b) Any other information concerning the registration of vehicles that the department considers convenient or appropriate.

(4) The department shall maintain separate records for the regulation of vehicle dealers. The records required under this subsection shall include the following information about persons issued dealer certificates:

(a) The person's application for a vehicle dealer certificate.

(b) An alphabetical index of the name of each person applying for a vehicle dealer certificate.

(c) A numerical index according to the distinctive number assigned to each vehicle dealer.

(5) The department shall maintain a file on vehicles for which the title record is canceled under ORS 819.030. The records required under this subsection shall disclose the last registered owner of each vehicle, any security interest holder or holders and lessors of each vehicle as shown by the canceled title record for each vehicle and the make and year model for each vehicle.

(6) The department shall maintain a record of each agreement or declaration under ORS 802.500 and 802.520.

(7) The department shall maintain separate and comprehensive records of all transactions affecting the Revolving Account for Emergency Cash Advances described under ORS 802.100.

(8) The department shall maintain suitable records of driver licenses, driver permits and identification cards. The records required under this subsection shall include all of the following:

(a) An index by name and number.

(b) Supporting documentation of all driver licenses, driver permits or identification cards issued.

(c) Every application for a driver license, driver permit or identification card.

(d) All driver licenses, [or] driver permits **or identification cards** that have been suspended, revoked or canceled.

(e)(A) For each driver license, driver permit or identification card, the Social Security number of the person to whom the driver license, driver permit or identification card is issued or the written statement that the person has not been assigned a Social Security number.

(B) As used in this paragraph, a "driver license," "driver permit" or "identification card" means a driver license, driver permit or identification card that is not a:

(i) Real ID;

(ii) Commercial driver license; or

(iii) Commercial learner driver permit.

(f) For each commercial driver license and commercial learner driver permit, the Social Security number of the person to whom the license or permit is issued, or any other number or identifying information that the Secretary of the United States Department of Transportation determines appropriate to identify the person.

(g) For each Real ID, the Social Security number of the person to whom the Real ID is issued, or proof that the person is not eligible for a Social Security number.

(h) Emergency contact information provided under ORS 802.275.

(9) The Department of Transportation shall maintain a two-part driving record consisting of an employment driving record and a nonemployment driving record for each person as required under this subsection. All of the following apply to the records required under this subsection:

(a) The department shall maintain driving records [on] **for** each person the department determines requires an Oregon driving record to comply with federal regulations or provisions of the vehicle code. **The department may establish and maintain driving records for each person without an Oregon driving record when the department requests or receives information ordinarily maintained as part of the driving record.** The department shall [establish] **adopt** rules for maintaining driving records under this subsection.

(b) In addition to other information required by this paragraph, the employment driving record shall include all reports of drug test results that are made to the department under ORS 825.410 or

825.415. Notwithstanding any other provision of law, release of the portion of the employment driving record that shows drug test results reported under ORS 825.410 or 825.415 is permitted only in accordance with ORS 802.202. The employment driving record shall also include all motor vehicle accidents that the person is required to report under ORS 811.720, all suspensions of driving privileges required to be placed on the record under ORS 809.280, all suspensions of the person's commercial driving privileges that result from operation or use of a commercial motor vehicle and all convictions, as determined by the department by rule, of the person for violation of motor vehicle laws except convictions for offenses requiring mandatory revocation or suspension of driving privileges under ORS 809.409, 809.411, 809.510 to 809.545 and 813.400, but shall include only such accidents, suspensions and convictions that occur while the person is driving a motor vehicle:

(A) In the course of the person's employment when the person is employed by another for the principal purpose of driving a motor vehicle;

(B) Carrying persons or property for compensation;

(C) In the course of the person's employment in the collection, transportation or delivery of mail if the vehicle is government owned or marked for the collection, transportation or delivery of mail in accordance with government rules;

(D) That is an authorized emergency vehicle;

(E) That is a commercial motor vehicle; or

(F) In the course of the person's employment with a federal, state or local government in a public works project involving repair or maintenance of water, sewer or road systems.

(c) The nonemployment driving record shall include the person's:

(A) Motor vehicle accidents that the person is required to report under ORS 811.720, other than the motor vehicle accidents that are included on the person's employment driving record;

(B) Suspensions, cancellations and revocations of **driver** licenses, **driver** permits, [and] driving privileges **and the right to apply for driving privileges**;

(C) Judgments and convictions, as determined by the department by rule, for violation of the motor vehicle laws including, for each violation of ORS 811.100 or 811.111, the speed at which the person was convicted of traveling and the posted speed, the speed limit or the speed that constitutes prima facie evidence of violation of the basic speed rule, as appropriate; and

(D) Diversion agreements entered into under ORS 813.220 within the preceding 15 years.

(d) The department may record other entries to indicate correspondence, interviews, participation in driver improvement programs or other matters concerning the status of the driving privileges of the person.

(e) When **the department establishes a driving record for a person, or when** a person is issued a driver license or driver permit by this state, the department may request **or receive** a copy of driving records that exist for the person in any other jurisdiction. The department shall adopt rules specifying when the department may request **or receive** driving records from other jurisdictions and may apply entries from [out-of-state] **the records of other jurisdictions** for use in Oregon.

(f) When a suspension of a driver permit, driver license or other driving privilege is placed on the driving record under ORS 809.280 for failure to appear in court on a traffic crime, the department shall note on the record that the suspension was for failure to appear in court and shall also note the offense charged against the person on which the person failed to appear.

(g) The Department of Transportation, in consultation with the Department of State Police, shall devise and implement a method of noting suspensions and revocations of driving privileges on the record in such a way that police agencies can determine directly from the record what class of offense, as provided by law, is committed by a person who drives in violation of the suspension or revocation. If the Department of Transportation and the Department of State Police devise a mutually agreeable alternative method of informing police agencies of the nature of a suspension or revocation and the consequences of its violation, the implementation of that method shall satisfy the duty of the Department of Transportation under this paragraph.

(10) The department shall maintain accident reports filed with the department under ORS 810.460 and 811.725 to 811.735.

(11) The department shall maintain records of bank checks or money orders returned under ORS 802.110.

(12) The department shall maintain records of trip permits issued by the department under ORS 803.600, as provided under this subsection. The records required by this subsection shall include the following:

- (a) A description of the vehicle sufficient to identify the vehicle.
- (b) The person to whom the permit was issued.
- (c) When the permit was issued.
- (d) The type of permit issued.
- (e) For registration weight trip permits, the maximum allowable registration weight permitted for operation under the permit.
- (f) Any other information the department determines appropriate or convenient.

**SECTION 49.** ORS 802.220 is amended to read:

802.220. (1) Except as otherwise provided in this subsection and ORS 802.177, the records the Department of Transportation maintains under ORS 802.200 on vehicles are public records. The records of vehicles registered under ORS 805.060 are not public records and are exempt from public inspection as provided under ORS 181A.220 and are for the confidential use of criminal justice agencies described under ORS 181A.010. The department may charge the fee established under ORS 802.230 for furnishing information under this section concerning a vehicle or its owner.

(2) The department may charge the fee established under ORS 802.230 for furnishing to the public information from the records the department maintains under ORS 802.200 concerning driver licenses or driver permits.

(3) The records the department keeps under ORS 802.200 on judgments or convictions under ORS 810.375 shall be open to the inspection of any person during reasonable business hours. Nothing in this subsection authorizes the release of personal information as defined in ORS 802.175.

(4) The department shall upon request furnish any person certified abstracts of the employment driving record and the nonemployment driving record of any person whose driving records are maintained under ORS 802.200. If an abstract of the employment driving record is not specifically requested, the department shall only furnish an abstract of the nonemployment driving record. Nothing in this subsection authorizes the release of personal information as defined in ORS 802.175. The department shall collect the fee established for abstracts of driving records under ORS 802.230. A certified abstract issued under this section shall not contain any of the following, unless the abstract is being requested under ORS 746.265 (3):

(a) Any accident or conviction for violation of motor vehicles laws that occurred more than three years immediately preceding a request for abstract.

(b) Any suspension ordered under ORS 809.220 after the department has received notice to reinstate a person's suspended driving privileges under ORS 809.220.

(c) Any diversion agreement under ORS 813.220 entered into more than three years immediately preceding a request for the abstract.

(5) Except as otherwise provided in this subsection, accident reports filed with the department under ORS 811.725, 811.730 or 811.735 shall be without prejudice to the individual filing the report and shall be for the confidential use of state administrative and enforcement agencies. The department may use the confidential accident reports to provide the following information to the persons described:

(a) Upon request, the department shall disclose the following information to any party involved in the accident or to their personal representative or any member of the family of a party involved in the accident:

(A) The identity of the owner, driver, occupants and the registration number of a vehicle involved in the accident;

(B) The names of any companies insuring the owner or driver of a vehicle involved in the accident; and

(C) The names of any witnesses to the accident.

(b) The department shall furnish a certificate showing that a specified accident report has or has not been made to the department upon demand of any person who has or claims to have made such a report or upon demand of a court.

**(6) The department may furnish a driving record maintained by the department under ORS 802.200 to another jurisdiction upon request of the other jurisdiction.**

[6] (7) The department shall tabulate and may analyze all accident reports to develop statistical information based thereon as to the number and circumstances of traffic accidents. The department shall publish information compiled under this section in the manner provided under ORS 802.050.

[7] (8) Except as otherwise provided in this subsection, the records the department is required under ORS 802.200 to maintain on trip permits issued under ORS 803.600 are public records. The department may charge a fee established under ORS 802.230 for furnishing information from the records on trip permits. Nothing in this subsection authorizes the release of personal information as defined in ORS 802.175.

[8] (9) The records the department maintains under ORS 802.200 concerning odometer readings for vehicles are public records. The department may separately furnish information concerning odometer readings shown by its records. The department may charge the fee established under ORS 802.230 for information separately provided under this subsection. Nothing in this subsection authorizes the release of personal information as defined in ORS 802.175.

## COMMERCIAL DRIVING PRIVILEGES

**SECTION 50.** ORS 809.520 is amended to read:

809.520. (1) [Notwithstanding ORS 809.510 (1) to (5) and (7),] The Department of Transportation shall permanently suspend a person's commercial driving privileges for the lifetime of the person if the department receives a record of conviction for a crime punishable as a felony in which a motor vehicle was used and that involved the manufacturing, distributing or dispensing of a controlled substance, as defined in ORS 475.005. The department may not reinstate commercial driving privileges of a person whose commercial driving privileges are suspended under this subsection.

(2) [Notwithstanding ORS 809.510 (1) to (5) and (7),] The department shall permanently suspend a person's commercial driving privileges for the lifetime of the person if the department receives a record of conviction for a crime in which a commercial motor vehicle was used and that involved an act or practice of severe forms of trafficking in persons as defined by the department by rule. The department may not reinstate commercial driving privileges of a person whose commercial driving privileges are suspended under this subsection.

(3)(a) [Notwithstanding ORS 809.510 (1) to (5) and (7),] The department shall suspend a person's commercial driving privileges for the lifetime of the person if the department receives a second or subsequent record, report or notice described in ORS 809.510 [(1) to (5) and (7)] that does not arise out of the same incident and that would be grounds for suspension of the person's commercial driving privileges under ORS 809.510 [(1) to (5) and (7)].

(b) The department may adopt rules providing for the reinstatement of commercial driving privileges suspended under this subsection. The department may not reinstate commercial driving **privileges** [privilege suspensions] under this subsection earlier than 10 years after the date that the person's commercial driving privileges are suspended under paragraph (a) of this subsection.

(c) The department shall permanently suspend a person's commercial driving privileges for the lifetime of the person if the department receives a record, report or notice described in paragraph (a) of this subsection that relates to conduct that occurred after the person's commercial driving privileges were reinstated under paragraph (b) of this subsection. The department may not reinstate the commercial driving privileges of a person whose commercial driving privileges are suspended under this paragraph.

**(4) The department shall suspend a person's commercial driving privileges under this section if the department receives a notice of a conviction in another jurisdiction of an of-**

fense that, if committed in this state, would be grounds for suspending the person's commercial driving privileges under this section. The department's authority to reinstate a person's commercial driving privileges under this section is the same as if the conviction were for an offense committed in this state. For the purposes of this subsection, "conviction" has the meaning given that term in ORS 809.510 (6).

[4] (5) A suspension imposed under this section is consecutive to any other suspension imposed under ORS 809.510, 809.525, 809.530 or 809.535, if the suspensions do not arise out of the same incident.

## TEMPORARY REGISTRATION PERMITS

**SECTION 51.** ORS 803.350 is amended to read:

803.350. This section establishes the requirements for qualification for registration. The Department of Transportation may not issue registration to a vehicle if the requirements under this section are not met. The department, in the absence of just cause for refusing to register a vehicle upon application, shall assign a distinctive number or other distinctive means of identification and shall issue registration for a vehicle if all of the following requirements are met:

(1) The applicant applies for and is granted title in the applicant's name at the same time the person makes application for registration, or presents satisfactory evidence that title covering the vehicle has been previously issued to the applicant.

(2) The applicant completes an application described under ORS 803.370. If the vehicle is a reconstructed or assembled vehicle or a replica, the person must indicate that fact in the application or be subject to ORS 803.225.

(3) The applicant pays the department the registration fee established under ORS 803.420 and 803.422 and any applicable fees for issuance of registration plates.

(4) For motor vehicles, proof of compliance with pollution control equipment requirements is provided to the department **before the department issues stickers, registration and plates. Nothing in this subsection prohibits a vehicle dealer from issuing a temporary registration permit for a vehicle that does not have proof of compliance at the time the vehicle is sold. The dealer shall provide the purchaser with a written notice as prescribed in ORS 803.625.** Proof required to comply with this subsection is described under ORS 815.310. This subsection does not apply if the vehicle is exempt from the requirements for proof of compliance under ORS 815.300.

(5) The applicant is domiciled in this state, as described in ORS 803.355, if required by ORS 803.360 to be domiciled in the state in order to register a vehicle. If the department has reason to believe that the applicant is not domiciled in this state and is required to be in order to register a vehicle, the department may require the person to submit proof of domicile. The department shall determine by rule what constitutes proof of domicile.

(6) The applicant owns a vehicle that qualifies under ORS 803.360 (2) for registration in this state, if the owner is not domiciled in this state and is not required by ORS 803.200, or any other provision of law, to register the vehicle in this state.

(7) The applicant surrenders all evidence of any former registration or title as required by ORS 803.380.

(8)(a) Beginning with 2009 model year new motor vehicles, the applicant provides proof of compliance with low emission motor vehicle standards adopted pursuant to ORS 468A.360. The department shall determine by rule what constitutes proof of compliance with low emission motor vehicle standards.

(b) The department shall determine by rule which new motor vehicles are exempt from the requirements of this subsection. Any rules adopted pursuant to this paragraph shall be consistent with the Environmental Quality Commission standards adopted pursuant to ORS 468A.360.

(c) For purposes of this subsection, “new motor vehicle” means a motor vehicle with 7,500 miles or less on the odometer when the vehicle is initially registered under ORS 803.420 (6)(a), 805.100, 805.110 or 805.120.

(9) If required to do so by the department, the applicant provides the department with satisfactory proof that the vehicle was designed to be operated on highways and meets equipment requirements imposed by statute or rule for the lawful operation of a vehicle on highways. The department may adopt rules specifying the kinds of vehicles that are subject to this subsection and what constitutes satisfactory proof under this subsection.

**SECTION 52.** ORS 803.625 is amended to read:

803.625. (1) The holder of a current, valid vehicle dealer certificate issued under ORS 822.020 may issue temporary **registration** permits for the operation of vehicles or the transporting of a camper pending the receipt of permanent registration from the Department of **Transportation**.

(2) Forms for temporary **registration** permits issued under this section shall be furnished and, subject to ORS 803.640, prescribed by the department.

**(3) A vehicle dealer may issue a temporary registration permit for a motor vehicle being sold that is subject to the pollution control equipment requirements under ORS 815.295 and does not have proof of compliance with the requirements. The dealer shall provide the purchaser of the vehicle with a written notice along with the temporary registration permit. The notice must inform the purchaser of the following:**

**(a) The vehicle is subject to the pollution control equipment requirements under ORS 815.295;**

**(b) The purchaser is required to comply with ORS 815.295 before the temporary registration permit expires or the purchaser will be required to reapply to register the vehicle;**

**(c) The vehicle may not be registered in this state unless proof of compliance with pollution control equipment requirements is provided to the department;**

**(d) The purchaser agrees to immediately notify the vehicle dealer if the vehicle does not pass testing and is not issued proof of compliance under ORS 815.310;**

**(e) The vehicle dealer is required to ensure the vehicle complies with the pollution control equipment requirements; and**

**(f) After the requirement described in paragraph (e) of this subsection is satisfied, the vehicle dealer is not obligated to ensure the vehicle complies with future testing requirements.**

[(3)] (4) The department shall specify, by rule, the procedures to be followed by persons issuing and using temporary **registration** permits issued under this section. Persons violating rules established by the department under this subsection are subject to penalty under ORS 803.630 and 803.635.

## CAPTIONS

**SECTION 53.** The unit captions used in this 2025 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2025 Act.

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**Passed by Senate May 29, 2025**

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Obadiah Rutledge, Secretary of Senate

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Rob Wagner, President of Senate

**Passed by House June 13, 2025**

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Julie Fahey, Speaker of House

**Received by Governor:**

.....M,....., 2025

**Approved:**

.....M,....., 2025

.....  
Tina Kotek, Governor

**Filed in Office of Secretary of State:**

.....M,....., 2025

.....  
Tobias Read, Secretary of State