

SENATE AMENDMENTS TO SENATE BILL 840

By JOINT COMMITTEE ON TRANSPORTATION

May 23

1 On page 1 of the printed bill, line 2, delete “and” and after “801.522,” insert “802.200,
2 802.220,”.

3 In line 3, delete “803.530,” and insert “803.350, 803.530, 803.625,” and after “806.010,” insert
4 “806.240,”.

5 In line 4, after “809.500,” insert “809.520,” and delete “819.014,”.

6 In line 5, delete “822.030,”.

7 In line 6, after “825.415” insert “; and repealing ORS 806.220”.

8 On page 3, line 42, delete “, color”.

9 On page 8, line 45, delete “established” and insert “adopted”.

10 On page 9, delete lines 3 through 5 and insert:

11 “(3) A person impacted by a rule adopted under this section is entitled to an administrative re-
12 view or administrative hearing pursuant to ORS 809.140 and 809.440.”.

13 On page 12, delete lines 26 through 45.

14 On page 13, delete lines 1 through 27 and insert:

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

16 “822.043. (1) As used in this section:

17 “(a) ‘Integrator’ has the meaning given that term in ORS 802.600.

18 “(b) ‘Vehicle dealer’ means a person issued a vehicle dealer certificate under ORS 822.020.

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

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

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

24 “(c) Issue a registration plate;

25 “(d) Verify and clear a title;

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

27 “(f) Comply with federal security requirements; or

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

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

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

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

35 “(c) May charge a purchaser of a vehicle a document processing fee for performing any of the

1 services described in subsection (2) of this section in connection with preparing the documents de-
2 scribed in subsection (2) of this section.

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

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

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

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

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

16 **“(7) If the purchaser of a vehicle pays a document processing fee, the vehicle dealer shall pre-**
17 **pare and submit all documents to complete the transaction as permitted by law.**

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

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

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

28 **“(a)(A) If the vehicle is subject to the reporting requirements of the National Motor Ve-**
29 **hicle Title Information System, conduct a vehicle record search using the National Motor**
30 **Vehicle Title Information System; or**

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

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

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

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

41 On page 14, line 12, delete “title” and insert “record”.

42 In line 14, after “provider” insert “, or an equivalent commercially available system when per-
43 mitted under ORS 822.043”.

44 On page 19, line 14, delete “or”.

45 In line 15, delete the period and insert “; or”.

1 On page 22, delete lines 15 through 45.

2 On page 23, delete lines 1 through 15 and insert:

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

4 On page 24, delete lines 3 through 24 and insert:

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

6 On page 29, delete lines 24 through 45 and delete pages 30 through 33.

7 On page 34, delete lines 1 through 4 and insert:

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

9 “822.133. (1) As used in this section:

10 “(a) ‘Crushed motor vehicle’ means a motor vehicle, the frame or unibody of which is compacted

11 or flattened so that it no longer resembles any particular year, model or make of motor vehicle and

12 is less than half of the motor vehicle’s original volume as measured in cubic feet.

13 “(b) ‘Destroy’ means to dismantle, disassemble[,] **or** damage [*or substantially alter*] a motor ve-

14 hicle:

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

16 “(B) To the extent that the cost of repairing the vehicle exceeds the actual cash value of the

17 vehicle prior to the damage; or

18 “(C) To the extent that the sum of the cost of repairing the vehicle and the salvage value of the

19 vehicle in its damaged condition exceeds the actual cash value of the vehicle in its repaired condi-

20 tion.

21 “(c) ‘Mobile motor vehicle crusher’ means a machine that compacts or flattens a motor vehicle

22 into a crushed motor vehicle and is designed to be transported on a highway.

23 “(d) ‘Wrecked vehicle’ means a motor vehicle:

24 “(A) That is destroyed, or is acquired with the intent to destroy, and that will never be operated

25 as a motor vehicle; or

26 “(B) That has sustained damage to an extent that the vehicle may not lawfully be operated on

27 the highways of this state.

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

29 “(a) Must physically separate or visually label a wrecked vehicle in a manner that readily

30 identifies the ownership status of the wrecked vehicle if the dismantler takes possession of the

31 wrecked vehicle without immediately obtaining an ownership record or salvage title certificate. A

32 dismantler need not separate or visually identify a wrecked vehicle pursuant to this subsection if

33 the vehicle is subject to an exemption under ORS 803.030 or is obtained from a jurisdiction that does

34 not issue certificates of title.

35 “(b) May not remove parts from or destroy a motor vehicle prior to obtaining an ownership re-

36 cord or salvage title certificate for the vehicle.

37 “(c) Must demolish the registration plates of a wrecked vehicle at the time the ownership record

38 is received.

39 “(d) Must notify the Department of Transportation of any changes in the information provided

40 to the department in the application for a dismantler certificate within 30 days of the change.

41 “(e) Must furnish a written report to the department, in a form established by the department

42 by rule, after a wrecked vehicle is dismantled or destroyed.

43 “(f) Must, every year, have the premises inspected by local fire inspectors and furnish a written

44 report to the department, in a form established by the department by rule, on the findings of the

45 inspection.

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

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

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

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

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

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

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

17 “822.135. (1) A person commits the offense of improperly conducting a motor vehicle dismantling
18 business if the person holds a dismantler certificate issued under ORS 822.110 and the person does
19 any of the following:

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

22 “(b) Expands the dimensions of or moves any of the person’s places of business or opens any
23 additional places of business without obtaining a supplemental dismantler certificate by the proce-
24 dure under ORS 822.125.

25 “(c) Fails to maintain records at the person’s established place of business that record and de-
26 scribe the following:

27 “(A) Every motor vehicle purchased, transferred, wrecked, dismantled, disassembled or substan-
28 tially altered by the person;

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

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

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

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

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

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

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

45 “(h) Conducts any wrecking, dismantling or altering of vehicles outside the building, enclosure

1 or barrier on the premises of the business.

2 “(i) Stores or displays any motor vehicles or major component parts or conducts the motor ve-
3 hicle dismantling business outside of the building, enclosure or barrier of the place of business.

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

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

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

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

15 “(L) Expands or moves any place of business approved under a dismantler certificate or opens
16 any additional locations for the business without obtaining a supplemental certificate under ORS
17 822.125 or obtaining an additional dismantler certificate.

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

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

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

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

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

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

28 “(c) Class C misdemeanor, notwithstanding paragraph (b) of this subsection, if the person vio-
29 lates subsection (1)(n) or (o) of this section and the person has two or more previous convictions for
30 violating subsection (1)(n) or (o) of this section.

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

32 “822.137. (1) As used in this section **and ORS 822.135**, ‘major component part’ includes signif-
33 icant parts of a motor vehicle such as engines, short blocks, frames, transmissions, transfer cases,
34 cabs, doors, differentials, front or rear clips, quarter panels, truck beds or boxes, hoods, bumpers,
35 fenders, catalytic converters and airbags. The Department of Transportation may by rule designate
36 other motor vehicle parts not specified in this subsection as major component parts. ‘Major compo-
37 nent part’ does not include cores or parts of cores that require remanufacturing or that are limited
38 in value to that of scrap metal.

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

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

44 “(b) Acquires a catalytic converter or a component of a catalytic converter, that has been re-
45 moved from a vehicle and is offered for sale as an independent item, separate and distinct from a

1 vehicle acquisition, whether individually or as part of a bundle, bale or in other bulk form.

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

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

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

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

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

13 “(A) The certificate of title number;

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

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

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

17 “(E) The vehicle identification number;

18 “(F) The date acquired;

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

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

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

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

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

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

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

29 “(E) Any other information required by the department.

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

32 “(j) Is convicted of a crime involving false statements or dishonesty that directly relates to the
33 business of the dismantler or suffers any civil judgment imposed for conduct involving fraud, mis-
34 representation or conversion.

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

36 On page 37, line 6, delete “in compliance with ORS 806.060”.

37 In line 9, delete “described under ORS 806.245”.

38 In line 29, delete “under ORS” and insert a period.

39 Delete line 30.

40 On page 38, after line 6, insert:

42 “INSURANCE

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

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

1 “806.240. Future responsibility filings required by ORS 806.200[, 806.220] or 806.230 or by any
2 other law of this state are subject to all of the following:

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

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

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

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

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

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

22 “DRIVER RECORDS

23
24
25 “**SECTION 48.** ORS 802.200 is amended to read:

26 “802.200. In addition to any other records the Department of Transportation may establish, the
27 department is subject to the following provisions concerning records:

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

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

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

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

36 “(C) The vehicle description; and

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

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

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

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

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

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

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

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

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

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

14 “(B) The name of the vehicle owner;

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

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

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

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

24 “(a) The person’s application for a vehicle dealer certificate.

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

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

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

31 “(6) The department shall maintain a record of each agreement or declaration under ORS
32 802.500 and 802.520.

33 “(7) The department shall maintain separate and comprehensive records of all transactions af-
34 fecting the Revolving Account for Emergency Cash Advances described under ORS 802.100.

35 “(8) The department shall maintain suitable records of driver licenses, driver permits and iden-
36 tification cards. The records required under this subsection shall include all of the following:

37 “(a) An index by name and number.

38 “(b) Supporting documentation of all driver licenses, driver permits or identification cards is-
39 sued.

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

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

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

1 “(B) As used in this paragraph, a ‘driver license,’ ‘driver permit’ or ‘identification card’ means
2 a driver license, driver permit or identification card that is not a:

3 “(i) Real ID;

4 “(ii) Commercial driver license; or

5 “(iii) Commercial learner driver permit.

6 “(f) For each commercial driver license and commercial learner driver permit, the Social Secu-
7 rity number of the person to whom the license or permit is issued, or any other number or identi-
8 fying information that the Secretary of the United States Department of Transportation determines
9 appropriate to identify the person.

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

12 “(h) Emergency contact information provided under ORS 802.275.

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

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

22 “(b) In addition to other information required by this paragraph, the employment driving record
23 shall include all reports of drug test results that are made to the department under ORS 825.410 or
24 825.415. Notwithstanding any other provision of law, release of the portion of the employment driv-
25 ing record that shows drug test results reported under ORS 825.410 or 825.415 is permitted only in
26 accordance with ORS 802.202. The employment driving record shall also include all motor vehicle
27 accidents that the person is required to report under ORS 811.720, all suspensions of driving privi-
28 leges required to be placed on the record under ORS 809.280, all suspensions of the person’s com-
29 mercial driving privileges that result from operation or use of a commercial motor vehicle and all
30 convictions, as determined by the department by rule, of the person for violation of motor vehicle
31 laws except convictions for offenses requiring mandatory revocation or suspension of driving privi-
32 leges under ORS 809.409, 809.411, 809.510 to 809.545 and 813.400, but shall include only such acci-
33 dents, suspensions and convictions that occur while the person is driving a motor vehicle:

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

36 “(B) Carrying persons or property for compensation;

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

40 “(D) That is an authorized emergency vehicle;

41 “(E) That is a commercial motor vehicle; or

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

44 “(c) The nonemployment driving record shall include the person’s:

45 “(A) Motor vehicle accidents that the person is required to report under ORS 811.720, other

1 than the motor vehicle accidents that are included on the person's employment driving record;

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

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

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

9 " (d) The department may record other entries to indicate correspondence, interviews, partic-
10 ipation in driver improvement programs or other matters concerning the status of the driving priv-
11 ileges of the person.

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

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

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

29 " (10) The department shall maintain accident reports filed with the department under ORS
30 810.460 and 811.725 to 811.735.

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

33 " (12) The department shall maintain records of trip permits issued by the department under ORS
34 803.600, as provided under this subsection. The records required by this subsection shall include the
35 following:

36 " (a) A description of the vehicle sufficient to identify the vehicle.

37 " (b) The person to whom the permit was issued.

38 " (c) When the permit was issued.

39 " (d) The type of permit issued.

40 " (e) For registration weight trip permits, the maximum allowable registration weight permitted
41 for operation under the permit.

42 " (f) Any other information the department determines appropriate or convenient.

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

44 "802.220. (1) Except as otherwise provided in this subsection and ORS 802.177, the records the
45 Department of Transportation maintains under ORS 802.200 on vehicles are public records. The re-

1 cords of vehicles registered under ORS 805.060 are not public records and are exempt from public
2 inspection as provided under ORS 181A.220 and are for the confidential use of criminal justice
3 agencies described under ORS 181A.010. The department may charge the fee established under ORS
4 802.230 for furnishing information under this section concerning a vehicle or its owner.

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

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

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

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

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

23 “(c) Any diversion agreement under ORS 813.220 entered into more than three years imme-
24 diately preceding a request for the abstract.

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

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

33 “(A) The identity of the owner, driver, occupants and the registration number of a vehicle in-
34 volved in the accident;

35 “(B) The names of any companies insuring the owner or driver of a vehicle involved in the ac-
36 cident; and

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

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

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

43 “[6)] (7) The department shall tabulate and may analyze all accident reports to develop statis-
44 tical information based thereon as to the number and circumstances of traffic accidents. The de-
45 partment shall publish information compiled under this section in the manner provided under ORS

1 802.050.

2 “[(7)] (8) Except as otherwise provided in this subsection, the records the department is required
3 under ORS 802.200 to maintain on trip permits issued under ORS 803.600 are public records. The
4 department may charge a fee established under ORS 802.230 for furnishing information from the re-
5 cords on trip permits. Nothing in this subsection authorizes the release of personal information as
6 defined in ORS 802.175.

7 “[8)] (9) The records the department maintains under ORS 802.200 concerning odometer
8 readings for vehicles are public records. The department may separately furnish information con-
9 cerning odometer readings shown by its records. The department may charge the fee established
10 under ORS 802.230 for information separately provided under this subsection. Nothing in this sub-
11 section authorizes the release of personal information as defined in ORS 802.175.

12 13 “COMMERCIAL DRIVING PRIVILEGES 14

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

16 “809.520. (1) [*Notwithstanding ORS 809.510 (1) to (5) and (7),*] The Department of Transportation
17 shall permanently suspend a person’s commercial driving privileges for the lifetime of the person if
18 the department receives a record of conviction for a crime punishable as a felony in which a motor
19 vehicle was used and that involved the manufacturing, distributing or dispensing of a controlled
20 substance, as defined in ORS 475.005. The department may not reinstate commercial driving privi-
21 leges of a person whose commercial driving privileges are suspended under this subsection.

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

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

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

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

43 “(4) **The department shall suspend a person’s commercial driving privileges under this**
44 **section if the department receives a notice of a conviction in another jurisdiction of an of-**
45 **fense that, if committed in this state, would be grounds for suspending the person’s com-**

1 **mercial driving privileges under this section. The department's authority to reinstate a**
2 **person's commercial driving privileges under this section is the same as if the conviction**
3 **were for an offense committed in this state. For the purposes of this subsection,**
4 **'conviction' has the meaning given that term in ORS 809.510 (6).**

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

8 9 **"TEMPORARY REGISTRATION PERMITS**

10
11 **"SECTION 51.** ORS 803.350 is amended to read:

12 "803.350. This section establishes the requirements for qualification for registration. The De-
13 partment of Transportation may not issue registration to a vehicle if the requirements under this
14 section are not met. The department, in the absence of just cause for refusing to register a vehicle
15 upon application, shall assign a distinctive number or other distinctive means of identification and
16 shall issue registration for a vehicle if all of the following requirements are met:

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

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

23 "(3) The applicant pays the department the registration fee established under ORS 803.420 and
24 803.422 and any applicable fees for issuance of registration plates.

25 "(4) For motor vehicles, proof of compliance with pollution control equipment requirements is
26 provided to the department **before the department issues stickers, registration and**
27 **plates. Nothing in this subsection prohibits a vehicle dealer from issuing a temporary regis-**
28 **tration permit for a vehicle that does not have proof of compliance at the time the vehicle**
29 **is sold. The dealer shall provide the purchaser with a written notice as prescribed in ORS**
30 **803.625.** Proof required to comply with this subsection is described under ORS 815.310. This sub-
31 section does not apply if the vehicle is exempt from the requirements for proof of compliance under
32 ORS 815.300.

33 "(5) The applicant is domiciled in this state, as described in ORS 803.355, if required by ORS
34 803.360 to be domiciled in the state in order to register a vehicle. If the department has reason to
35 believe that the applicant is not domiciled in this state and is required to be in order to register a
36 vehicle, the department may require the person to submit proof of domicile. The department shall
37 determine by rule what constitutes proof of domicile.

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

41 "(7) The applicant surrenders all evidence of any former registration or title as required by ORS
42 803.380.

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

hicle 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.”.

In line 10, delete “46” and insert “53”.