

SB 840-12
(LC 435)
5/21/25 (HE/ps)

Requested by JOINT COMMITTEE ON TRANSPORTATION (at the request of Senator Chris Gorsek, Representative Susan McLain)

**PROPOSED AMENDMENTS TO
SENATE BILL 840**

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

3 In line 3, delete “803.530,” and insert “803.350, 803.530, 803.625,” and after
4 “806.010,” insert “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
12 an administrative review or administrative hearing pursuant to ORS 809.140
13 and 809.440.”.

14 On page 12, delete lines 26 through 45.

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

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

17 “822.043. (1) As used in this section:

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

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

21 “(2) A vehicle dealer that the Department of Transportation has desig-

1 nated to act as an agent of the department under ORS 802.031 may elect to
2 prepare, submit, or prepare and submit documents necessary to:

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

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

5 “(c) Issue a registration plate;

6 “(d) Verify and clear a title;

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

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

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

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

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

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

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

21 “(4) **Other than the portion of the document processing fee a vehicle**
22 **dealer pays to cover the costs of using an integrator under subsection**
23 **(5) of this section,** a purchaser of a vehicle may negotiate the amount of
24 the document processing fee with a vehicle dealer, but in no case shall the
25 document processing fee charged by a vehicle dealer under this section ex-
26 ceed:

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

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

29 “(5) If a vehicle dealer charges a document processing fee under sub-
30 section (4)(a) of this section, of the amount [*collected*] **charged**, \$35 shall be

1 paid to the integrator.

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

8 “(7) If the purchaser of a vehicle pays a document processing fee, the ve-
9 hicle dealer shall prepare and submit all documents to complete the trans-
10 action as permitted by law.

11 “(8)(a) A vehicle dealer who collects the privilege tax imposed under ORS
12 320.405 from the purchaser of a taxable motor vehicle may collect the privi-
13 lege tax at the same time and in the same manner as the vehicle dealer
14 collects document processing fees under this section. The amount of the
15 privilege tax shall be in addition to and not in lieu of document processing
16 fees collected under this section.

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

20 “(9) **Except as provided in subsection (10) of this section, before fi-**
21 **nalizing a retail sales transaction a vehicle dealer shall:**

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

26 “(B) **Conduct a vehicle record search using an equivalent commer-**
27 **cially available system to the National Motor Vehicle Title Informa-**
28 **tion System that, at a minimum, maintains records from those states**
29 **participating in data sharing with the National Motor Vehicle Title**
30 **Information System;**

1 “(b) Verify the title information; and

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

4 “(10) Subsection (9) of this section does not apply when a vehicle is
5 sold with a salvage title certificate or with a document issued by an-
6 other state with a title brand, as defined by the Department of
7 Transportation by rule.”.

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

9 In line 14, after “provider” insert “, or an equivalent commercially avail-
10 able system when permitted under ORS 822.043”.

11 On page 19, line 14, delete “or”.

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

13 On page 22, delete lines 15 through 45.

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

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

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

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

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

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

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

23 “822.133. (1) As used in this section:

24 “(a) ‘Crushed motor vehicle’ means a motor vehicle, the frame or unibody
25 of which is compacted or flattened so that it no longer resembles any par-
26 ticular year, model or make of motor vehicle and is less than half of the
27 motor vehicle’s original volume as measured in cubic feet.

28 “(b) ‘Destroy’ means to dismantle, disassemble[,] **or** damage [*or substan-*
29 *tially alter*] a motor vehicle:

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

1 “(B) To the extent that the cost of repairing the vehicle exceeds the ac-
2 tual cash value of the vehicle prior to the damage; or

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

6 “(c) ‘Mobile motor vehicle crusher’ means a machine that compacts or
7 flattens a motor vehicle into a crushed motor vehicle and is designed to be
8 transported on a highway.

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

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

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

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

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

23 “(b) May not remove parts from or destroy a motor vehicle prior to ob-
24 taining an ownership record or salvage title certificate for the vehicle.

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

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

30 “(e) Must furnish a written report to the department, in a form estab-

lished 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

1 business of the person at all times while the certificate is in force.

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

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

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

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

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

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

15 “(d) Except as otherwise provided, fails to surrender to the Department
16 of Transportation, within 30 days after the date the person acquires the title,
17 a certificate of title or other primary ownership document or ownership re-
18 cord for a motor vehicle. If the vehicle is delivered to the person under the
19 provisions of ORS 819.215 or 819.280, a copy of the notification to the de-
20 partment under ORS 819.215 or 819.280 is sufficient to comply with the pro-
21 visions of this paragraph.

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

25 “(f) Fails to maintain, for the purposes of the person’s motor vehicle dis-
26 mantling business, a building or an enclosure or other barrier at least six
27 feet in height that is constructed, established or formed in compliance with
28 rules adopted by the department.

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

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

3 “(i) Stores or displays any motor vehicles or major component parts or
4 conducts the motor vehicle dismantling business outside of the building, en-
5 closure or barrier of the place of business.

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

12 “(k) Except as otherwise provided in this paragraph, fails to keep the
13 business hidden or adequately screened by the terrain or other natural ob-
14 jects or by plantings, fences or other appropriate means so as not to be vis-
15 ible from the main traveled way of the highway in accordance with the rules
16 of the Director of Transportation. This paragraph does not apply to a busi-
17 ness that is:

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

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

21 “(L) Expands or moves any place of business approved under a dismantler
22 certificate or opens any additional locations for the business without ob-
23 taining a supplemental certificate under ORS 822.125 or obtaining an addi-
24 tional dismantler certificate.

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

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

29 “(o) Fails to ensure that an air bag containing sodium azide that has been
30 removed from a vehicle is deployed within seven days of removal unless the

1 air bag is properly stored by a motor vehicle dealer, automobile repair fa-
2 cility or dismantler certified under ORS 822.110.

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

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

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

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

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

14 “822.137. (1) As used in this section **and ORS 822.135**, ‘major component
15 part’ includes significant parts of a motor vehicle such as engines, short
16 blocks, frames, transmissions, transfer cases, cabs, doors, differentials, front
17 or rear clips, quarter panels, truck beds or boxes, hoods, bumpers, fenders,
18 catalytic converters and airbags. The Department of Transportation may by
19 rule designate other motor vehicle parts not specified in this subsection as
20 major component parts. ‘Major component part’ does not include cores or
21 parts of cores that require remanufacturing or that are limited in value to
22 that of scrap metal.

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

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

28 “(b) Acquires a catalytic converter or a component of a catalytic con-
29 verter, that has been removed from a vehicle and is offered for sale as an
30 independent item, separate and distinct from a vehicle acquisition, whether

1 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
3 of a motor vehicle knowing that the vehicle or part has been stolen.

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

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

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

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

16 “(A) The certificate of title number;

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

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

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

21 “(E) The vehicle identification number;

22 “(F) The date acquired;

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

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

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

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

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

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

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

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

8 “(i) Commits a dishonest act or omission during the sale of a motor ve-
9 hicle or major component part that, as determined by the department, causes
10 a loss to the purchaser.

11 “(j) Is convicted of a crime involving false statements or dishonesty that
12 directly relates to the business of the dismantler or suffers any civil judg-
13 ment imposed for conduct involving fraud, misrepresentation or conversion.

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

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

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

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

18 Delete line 30.

19 On page 38, after line 6, insert:

21 “INSURANCE

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

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

25 “806.240. Future responsibility filings required by ORS 806.200[, 806.220]
26 or 806.230 or by any other law of this state are subject to all of the following:

27 “(1) Except as provided in subsection (3) of this section, the person re-
28 quired to make the filing must file with the Department of Transportation,
29 or have filed with the department for the benefit of the person, proof of
30 compliance that meets the requirements of this section and must maintain

1 the proof of compliance as required under ORS 806.245. The filing is made
2 on the date it is received by the department if it is received during regular
3 business hours.

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

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

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

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

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

24 25 “**DRIVER RECORDS**

26
27 “**SECTION 48.** ORS 802.200 is amended to read:

28 “802.200. In addition to any other records the Department of Transporta-
29 tion may establish, the department is subject to the following provisions
30 concerning records:

1 “(1) The department shall maintain records concerning the titling of ve-
2 hicles in this state. The records under this subsection shall include the fol-
3 lowing:

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

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

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

11 “(C) The vehicle description; and

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

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

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

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

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

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

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

1 “(3) Except as otherwise provided in ORS 826.003, the department shall
2 maintain records concerning the registration of vehicles required to be reg-
3 istered by the department. The records concerning the registration of vehi-
4 cles may be stored along with records concerning the titling of vehicles. The
5 records under this subsection shall include the following:

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

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

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

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

12 “(D) An indication that the vehicle is a totaled vehicle if it has been re-
13 ported to the department as a totaled vehicle under the provisions of ORS
14 819.012 or 819.014, unless the reason for the report was theft and the vehicle
15 has been recovered.

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

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

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

22 “(b) An alphabetical index of the name of each person applying for a ve-
23 hicle dealer certificate.

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

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

1 vehicle.

2 “(6) The department shall maintain a record of each agreement or decla-
3 ration under ORS 802.500 and 802.520.

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

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

10 “(a) An index by name and number.

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

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

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

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

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

24 “(i) Real ID;

25 “(ii) Commercial driver license; or

26 “(iii) Commercial learner driver permit.

27 “(f) For each commercial driver license and commercial learner driver
28 permit, the Social Security number of the person to whom the license or
29 permit is issued, or any other number or identifying information that the
30 Secretary of the United States Department of Transportation determines ap-

1 propriate to identify the person.

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

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

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

10 “(a) The department shall maintain driving records [*on*] **for** each person
11 the department determines requires an Oregon driving record to comply with
12 federal regulations or provisions of the vehicle code. **The department may**
13 **establish and maintain driving records for each person without an**
14 **Oregon driving record when the department requests or receives in-**
15 **formation ordinarily maintained as part of the driving record.** The de-
16 partment shall [*establish*] **adopt** rules for maintaining driving records under
17 this subsection.

18 “(b) In addition to other information required by this paragraph, the em-
19 ployment driving record shall include all reports of drug test results that are
20 made to the department under ORS 825.410 or 825.415. Notwithstanding any
21 other provision of law, release of the portion of the employment driving re-
22 cord that shows drug test results reported under ORS 825.410 or 825.415 is
23 permitted only in accordance with ORS 802.202. The employment driving re-
24 cord shall also include all motor vehicle accidents that the person is required
25 to report under ORS 811.720, all suspensions of driving privileges required
26 to be placed on the record under ORS 809.280, all suspensions of the person’s
27 commercial driving privileges that result from operation or use of a com-
28 mercial motor vehicle and all convictions, as determined by the department
29 by rule, of the person for violation of motor vehicle laws except convictions
30 for offenses requiring mandatory revocation or suspension of driving privi-

leges 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,

1 interviews, participation in driver improvement programs or other matters
2 concerning the status of the driving privileges of the person.

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

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

15 “(g) The Department of Transportation, in consultation with the Depart-
16 ment of State Police, shall devise and implement a method of noting sus-
17 pensions and revocations of driving privileges on the record in such a way
18 that police agencies can determine directly from the record what class of
19 offense, as provided by law, is committed by a person who drives in violation
20 of the suspension or revocation. If the Department of Transportation and the
21 Department of State Police devise a mutually agreeable alternative method
22 of informing police agencies of the nature of a suspension or revocation and
23 the consequences of its violation, the implementation of that method shall
24 satisfy the duty of the Department of Transportation under this paragraph.

25 “(10) The department shall maintain accident reports filed with the de-
26 partment under ORS 810.460 and 811.725 to 811.735.

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

29 “(12) The department shall maintain records of trip permits issued by the
30 department under ORS 803.600, as provided under this subsection. The re-

1 cords required by this subsection shall include the following:

2 “(a) A description of the vehicle sufficient to identify the vehicle.

3 “(b) The person to whom the permit was issued.

4 “(c) When the permit was issued.

5 “(d) The type of permit issued.

6 “(e) For registration weight trip permits, the maximum allowable regis-
7 tration weight permitted for operation under the permit.

8 “(f) Any other information the department determines appropriate or
9 convenient.

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

11 “802.220. (1) Except as otherwise provided in this subsection and ORS
12 802.177, the records the Department of Transportation maintains under ORS
13 802.200 on vehicles are public records. The records of vehicles registered
14 under ORS 805.060 are not public records and are exempt from public in-
15 spection as provided under ORS 181A.220 and are for the confidential use of
16 criminal justice agencies described under ORS 181A.010. The department may
17 charge the fee established under ORS 802.230 for furnishing information un-
18 der this section concerning a vehicle or its owner.

19 “(2) The department may charge the fee established under ORS 802.230 for
20 furnishing to the public information from the records the department main-
21 tains under ORS 802.200 concerning driver licenses or driver permits.

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

26 “(4) The department shall upon request furnish any person certified ab-
27 stracts of the employment driving record and the nonemployment driving
28 record of any person whose driving records are maintained under ORS
29 802.200. If an abstract of the employment driving record is not specifically
30 requested, the department shall only furnish an abstract of the nonemploy-

1 ment driving record. Nothing in this subsection authorizes the release of
2 personal information as defined in ORS 802.175. The department shall collect
3 the fee established for abstracts of driving records under ORS 802.230. A
4 certified abstract issued under this section shall not contain any of the fol-
5 lowing, unless the abstract is being requested under ORS 746.265 (3):

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

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

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

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

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

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

24 “(B) The names of any companies insuring the owner or driver of a ve-
25 hicle involved in the accident; and

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

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

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

4 “[(6)] (7) The department shall tabulate and may analyze all accident re-
5 ports to develop statistical information based thereon as to the number and
6 circumstances of traffic accidents. The department shall publish information
7 compiled under this section in the manner provided under ORS 802.050.

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

14 “[(8)] (9) The records the department maintains under ORS 802.200 con-
15 cerning odometer readings for vehicles are public records. The department
16 may separately furnish information concerning odometer readings shown by
17 its records. The department may charge the fee established under ORS
18 802.230 for information separately provided under this subsection. Nothing
19 in this subsection authorizes the release of personal information as defined
20 in ORS 802.175.

21 22 “COMMERCIAL DRIVING PRIVILEGES

23
24 “**SECTION 50.** ORS 809.520 is amended to read:

25 “809.520. (1) [*Notwithstanding ORS 809.510 (1) to (5) and (7),*] The De-
26 partment of Transportation shall permanently suspend a person’s commercial
27 driving privileges for the lifetime of the person if the department receives a
28 record of conviction for a crime punishable as a felony in which a motor
29 vehicle was used and that involved the manufacturing, distributing or dis-
30 pensing of a controlled substance, as defined in ORS 475.005. The department

1 may not reinstate commercial driving privileges of a person whose commer-
2 cial driving privileges are suspended under this subsection.

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

11 “(3)(a) [*Notwithstanding ORS 809.510 (1) to (5) and (7),*] The department
12 shall suspend a person’s commercial driving privileges for the lifetime of the
13 person if the department receives a second or subsequent record, report or
14 notice described in ORS 809.510 [*(1) to (5) and (7)*] that does not arise out
15 of the same incident and that would be grounds for suspension of the
16 person’s commercial driving privileges under ORS 809.510 [*(1) to (5) and*
17 *(7)*].

18 “(b) The department may adopt rules providing for the reinstatement of
19 commercial driving privileges suspended under this subsection. The depart-
20 ment may not reinstate commercial driving **privileges** [*privilege*
21 *suspensions*] under this subsection earlier than 10 years after the date that
22 the person’s commercial driving privileges are suspended under paragraph (a)
23 of this subsection.

24 “(c) The department shall permanently suspend a person’s commercial
25 driving privileges for the lifetime of the person if the department receives a
26 record, report or notice described in paragraph (a) of this subsection that
27 relates to conduct that occurred after the person’s commercial driving privi-
28 leges were reinstated under paragraph (b) of this subsection. The department
29 may not reinstate the commercial driving privileges of a person whose com-
30 mercial driving privileges are suspended under this paragraph.

1 “(4) The department shall suspend a person’s commercial driving
2 privileges under this section if the department receives a notice of a
3 conviction in another jurisdiction of an offense that, if committed in
4 this state, would be grounds for suspending the person’s commercial
5 driving privileges under this section. The department’s authority to
6 reinstate a person’s commercial driving privileges under this section
7 is the same as if the conviction were for an offense committed in this
8 state. For the purposes of this subsection, ‘conviction’ has the mean-
9 ing given that term in ORS 809.510 (6).

10 “[(4)] (5) A suspension imposed under this section is consecutive to any
11 other suspension imposed under ORS 809.510, 809.525, 809.530 or 809.535, if
12 the suspensions do not arise out of the same incident.

13 14 **“TEMPORARY REGISTRATION PERMITS**

15
16 **“SECTION 51.** ORS 803.350 is amended to read:

17 “803.350. This section establishes the requirements for qualification for
18 registration. The Department of Transportation may not issue registration
19 to a vehicle if the requirements under this section are not met. The depart-
20 ment, in the absence of just cause for refusing to register a vehicle upon
21 application, shall assign a distinctive number or other distinctive means of
22 identification and shall issue registration for a vehicle if all of the following
23 requirements are met:

24 “(1) The applicant applies for and is granted title in the applicant’s name
25 at the same time the person makes application for registration, or presents
26 satisfactory evidence that title covering the vehicle has been previously is-
27 sued to the applicant.

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

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

4 “(4) For motor vehicles, proof of compliance with pollution control
5 equipment requirements is provided to the department **before the depart-**
6 **ment issues stickers, registration and plates. Nothing in this sub-**
7 **section prohibits a vehicle dealer from issuing a temporary**
8 **registration permit for a vehicle that does not have proof of compli-**
9 **ance at the time the vehicle is sold. The dealer shall provide the pur-**
10 **chaser with a written notice as prescribed in ORS 803.625.** Proof required
11 to comply with this subsection is described under ORS 815.310. This sub-
12 section does not apply if the vehicle is exempt from the requirements for
13 proof of compliance under ORS 815.300.

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

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

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

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

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

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

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

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

15 “803.625. (1) The holder of a current, valid vehicle dealer certificate issued
16 under ORS 822.020 may issue temporary **registration** permits for the opera-
17 tion of vehicles or the transporting of a camper pending the receipt of per-
18 manent registration from the Department **of Transportation**.

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

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

28 “(a) **The vehicle is subject to the pollution control equipment re-**
29 **quirements under ORS 815.295;**

30 “(b) **The purchaser is required to comply with ORS 815.295 before**

1 the temporary registration permit expires or the purchaser will be re-
2 quired to reapply to register the vehicle;

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

6 “(d) The purchaser agrees to immediately notify the vehicle dealer
7 if the vehicle does not pass testing and is not issued proof of compli-
8 ance under ORS 815.310;

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

11 “(f) After the requirement described in paragraph (e) of this sub-
12 section is satisfied, the vehicle dealer is not obligated to ensure the
13 vehicle complies with future testing requirements.

14 “[3)] (4) The department shall specify, by rule, the procedures to be fol-
15 lowed by persons issuing and using temporary **registration** permits issued
16 under this section. Persons violating rules established by the department
17 under this subsection are subject to penalty under ORS 803.630 and
18 803.635.”.

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