

House Bill 3088

Sponsored by Representative GILMAN (at the request of Darrell Fuller)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Authorizes vehicle dealer to operate vehicle currently registered and titled in any other county, state or territory while displaying dealer plates.

A BILL FOR AN ACT

1 Relating to vehicle dealer certificates; creating new provisions; and amending ORS 822.040.

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

3 **SECTION 1.** ORS 822.040 is amended to read:

4 822.040. (1) The holder of a current, valid vehicle dealer certificate issued under ORS 822.020
5 may exercise the following privileges under the certificate:

6 (a) A dealer is authorized, without violating ORS 803.025 or 803.300, to use and operate over
7 and along the highways of this state all vehicles displaying the dealer's plates whether registered
8 or not or whether or not a title is issued for the vehicle subject to the following:

9 (A) This paragraph does not authorize dealers to use or operate vehicles under dealer plates
10 unless the vehicles are actually owned or controlled by the dealer and in actual use by the dealer,
11 members of the dealer's firm, any salesperson thereof or any person authorized by the dealer. Ve-
12 hicles operated under dealer plates may be used for the same purposes as are any other vehicles
13 registered in this state that are registered by payment of the fee under ORS 803.420. This paragraph
14 is subject to the limitations under ORS 822.045.

15 (B) Nothing in this paragraph allows dealers to use or operate manufactured structures under
16 dealer plates. All movement of manufactured structures by dealers shall be by trip permits issued
17 under ORS 803.600 and 820.560.

18 *[(C) Vehicles registered or titled in another state, country, province, territory or the District of
19 Columbia are subject to the provisions under ORS 803.300 and 803.305 applicable to such vehicles.]*

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

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

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

29 (2) The holder of a vehicle dealer certificate may open additional places of business under the
30 same business name by obtaining a supplemental certificate from the department under this sub-
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NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 section. The following all apply to a supplemental certificate issued under this subsection:

2 (a) The department shall not issue a supplemental certificate under this subsection if the addi-
 3 tional place of business opened will be operated under a different business name than that indicated
 4 on the current certificate. Any business that a vehicle dealer operates under a separate business
 5 name must be operated under a separate certificate and the dealer must apply for and pay the fees
 6 for a regular dealer certificate for the business.

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

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

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

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

16 (4) A vehicle dealer certificate is valid for a three-year period and may be renewed as provided
 17 by the department. The department shall only renew a certificate if the applicant for renewal does
 18 all of the following:

19 (a) Pays the required fee for renewal under ORS 822.700.

20 (b) Delivers to the department a bond that meets the requirements under ORS 822.030.

21 (c) Delivers to the department a certificate of insurance that meets the requirements under ORS
 22 822.033.

23 (d) Provides the names of all partners or corporate officers.

24 (e) Certifies completion of the education requirements of ORS 822.027 (1) if the person is a
 25 dealer subject to the education requirements.

26 (f) If the dealer offers new recreational vehicles for sale under the certificate, certifies that the
 27 dealer maintains a recreational vehicle service facility as listed in the dealer certificate application
 28 described in ORS 822.025.

29 (5) The department may adopt suitable rules for the issuance and renewal of certificates under
 30 this section and ORS 822.020.

31 **SECTION 2.** ORS 822.040, as amended by section 129, chapter 655, Oregon Laws 2003, is
 32 amended to read:

33 822.040. (1) The holder of a current, valid vehicle dealer certificate issued under ORS 822.020
 34 may exercise the following privileges under the certificate:

35 (a) A dealer is authorized, without violating ORS 803.025 or 803.300, to use and operate over
 36 and along the highways of this state all vehicles displaying the dealer’s plates whether registered
 37 or not or whether or not a title is issued for the vehicle. *[subject to the following:]*

38 [(A)] This paragraph does not authorize dealers to use or operate vehicles under dealer plates
 39 unless the vehicles are actually owned or controlled by the dealer and in actual use by the dealer,
 40 members of the dealer’s firm, any salesperson thereof or any person authorized by the dealer. Ve-
 41 hicles operated under dealer plates may be used for the same purposes as are any other vehicles
 42 registered in this state that are registered by payment of the fee under ORS 803.420. This paragraph
 43 is subject to the limitations under ORS 822.045.

44 [(B) *Vehicles registered or titled in another state, country, province, territory or the District of*
 45 *Columbia are subject to the provisions under ORS 803.300 and 803.305 applicable to such vehicles.*]

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

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

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

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

13 (a) The department shall not issue a supplemental certificate under this subsection if the addi-
 14 tional place of business opened will be operated under a different business name than that indicated
 15 on the current certificate. Any business that a vehicle dealer operates under a separate business
 16 name must be operated under a separate certificate and the dealer must apply for and pay the fees
 17 for a regular dealer certificate for the business.

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

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

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

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

27 (4) A vehicle dealer certificate is valid for a three-year period and may be renewed as provided
 28 by the department. The department shall only renew a certificate if the applicant for renewal does
 29 all of the following:

30 (a) Pays the required fee for renewal under ORS 822.700.

31 (b) Delivers to the department a bond that meets the requirements under ORS 822.030.

32 (c) Delivers to the department a certificate of insurance that meets the requirements under ORS
 33 822.033.

34 (d) Provides the names of all partners or corporate officers.

35 (e) Certifies completion of the education requirements of ORS 822.027 (1) if the person is a
 36 dealer subject to the education requirements.

37 (f) If the dealer offers new recreational vehicles for sale under the certificate, certifies that the
 38 dealer maintains a recreational vehicle service facility as listed in the dealer certificate application
 39 described in ORS 822.025.

40 (5) The department may adopt suitable rules for the issuance and renewal of certificates under
 41 this section and ORS 822.020.

42 **SECTION 3. The amendments to ORS 822.040 by sections 1 and 2 of this 2005 Act apply**
 43 **to the operation of vehicles with dealer plates on or after the effective date of this 2005 Act.**
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