

# House Bill 3089

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 display vehicle at location other than dealer's place of business for purpose of advertising, subject to limitations.

Creates offense of improper display of vehicle for advertising purposes. Punishes by maximum of one year's imprisonment, \$6,250 fine, or both.

## A BILL FOR AN ACT

1  
2 Relating to motor vehicle dealers; creating new provisions; and amending ORS 822.040 and 822.045.

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

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

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

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

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

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

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

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

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

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

30 (2) The holder of a vehicle dealer certificate may open additional places of business under the

**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 same business name by obtaining a supplemental certificate from the department under this sub-  
 2 section. The following all apply to a supplemental certificate issued under this subsection:

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

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

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

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

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

17 **(4) The holder of a vehicle dealer certificate may display a vehicle at a location other  
 18 than the dealer's place of business for the purpose of advertising without obtaining a sup-  
 19 plemental certificate from the department. All of the following apply to this subsection:**

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

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

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

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

30 ~~[(4)]~~ **(5)** A vehicle dealer certificate is valid for a three-year period and may be renewed as  
 31 provided by the department. The department shall only renew a certificate if the applicant for re-  
 32 newal does all of the following:

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

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

35 (c) Delivers to the department a certificate of insurance that meets the requirements under ORS  
 36 822.033.

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

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

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

43 ~~[(5)]~~ **(6)** The department may adopt suitable rules for the issuance and renewal of certificates  
 44 under this section and ORS 822.020.

45 **SECTION 2.** ORS 822.040, as amended by section 129, chapter 655, Oregon Laws 2003, is

1 amended to read:

2 822.040. (1) The holder of a current, valid vehicle dealer certificate issued under ORS 822.020  
 3 may exercise the following privileges under the certificate:

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

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

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

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

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

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

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

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

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

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

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

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

41 **(4) The holder of a vehicle dealer certificate may display a vehicle at a location other**  
 42 **than the dealer's place of business for the purpose of advertising without obtaining a sup-**  
 43 **plemental certificate from the department. All of the following apply to this subsection:**

44 **(a) The dealer must have a signed agreement with the owner of the property or the**  
 45 **person using the property where the vehicle is to be displayed stating that the vehicle is for**

1 **an advertising promotion only and that the processing of any documents or other activities**  
2 **required to purchase a vehicle must be done at the dealer's place of business.**

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

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

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

9 [(4)] (5) A vehicle dealer certificate is valid for a three-year period and may be renewed as  
10 provided by the department. The department shall only renew a certificate if the applicant for re-  
11 newal does all of the following:

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

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

14 (c) Delivers to the department a certificate of insurance that meets the requirements under ORS  
15 822.033.

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

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

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

22 [(5)] (6) The department may adopt suitable rules for the issuance and renewal of certificates  
23 under this section and ORS 822.020.

24 **SECTION 3.** ORS 822.045 is amended to read:

25 822.045. (1) A vehicle dealer improperly conducts a vehicle dealer business and is subject to the  
26 penalties under this section if the vehicle dealer commits any of the following offenses:

27 (a) A vehicle dealer commits the offense of failure to obtain a supplemental vehicle dealer cer-  
28 tificate if the vehicle dealer opens any additional place of business using the same business name  
29 as a place of business approved under a vehicle dealer certificate without first obtaining a supple-  
30 mental dealer certificate under ORS 822.040.

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

34 (c) A vehicle dealer commits the offense of failure to maintain proper vehicle dealer records if  
35 the dealer does not keep records or books with all of the following information concerning any used  
36 or secondhand vehicles or campers the dealer deals with:

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

38 (B) A description of the vehicle or camper.

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

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

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

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

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

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

13 (f) A vehicle dealer commits the offense of improper dealer movement of a manufactured struc-  
14 ture if the dealer moves a manufactured structure on the highways of this state without first ob-  
15 taining a trip permit under ORS 803.600 and 820.560.

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

19 (h) A vehicle dealer commits the offense of improper use of dealer plates or devices if the dealer  
20 or employee of the dealer causes or permits the display or use of any special vehicle dealer regis-  
21 tration plate or device on any vehicle not owned or controlled by the dealer.

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

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

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

31 (A) Within 15 days of transfer of any interest in a vehicle or camper to the dealer by a con-  
32 sumer, the dealer fails to satisfy:

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

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

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

38 (B) Within 15 days of receiving clear title to a vehicle or camper from another dealer, the pur-  
39 chasing dealer fails to satisfy the interest of the selling dealer.

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

43 (A) Furnish the certificate of title or other primary ownership record for the vehicle or camper  
44 and any release thereon or, if title has been issued or is to be issued in a form other than a certif-  
45 icate, any information or documents required by rule of the department, to the security interest

1 holder next named, if any, otherwise to the lessor or, if none, to the purchaser; or

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

5 (m) A vehicle dealer commits the offense of failure to maintain bond or letter of credit coverage  
6 if the dealer permits a bond or letter of credit to lapse during the period that the bond or letter of  
7 credit is required under ORS 822.020 or 822.040 or if the dealer fails to purchase a bond or letter  
8 of credit required by ORS 822.030.

9 (n) A person commits the offense of acting as a vehicle dealer while under revocation, cancel-  
10 lation or suspension if the person conducts business as a vehicle dealer in this state and the person's  
11 vehicle dealer certificate is revoked, canceled or suspended, regardless of whether the person is li-  
12 censed as a vehicle dealer in another jurisdiction. This paragraph does not apply if the person has  
13 other current, valid dealer certificates issued in this state.

14 (o) **A vehicle dealer commits the offense of improper display of a vehicle for advertising**  
15 **purposes if the dealer displays a vehicle at a location other than the dealer's place of busi-**  
16 **ness for the purpose of advertising and the dealer does not comply with the provisions of**  
17 **ORS 822.040 (4).**

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

21 (3) A dealer shall not be considered to have committed the offense described in subsection (1)(L)  
22 of this section if the dealer demonstrates that:

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

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

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

26 (a) The offense described in this section, failure to obtain a supplemental vehicle dealer certif-  
27 icate, is a Class A misdemeanor.

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

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

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

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

36 (f) The offense described in this section, improper dealer movement of a manufactured structure,  
37 is a Class B traffic violation.

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

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

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

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

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

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

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

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

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

10 **SECTION 4.** ORS 822.045, as amended by section 131, chapter 655, Oregon Laws 2003, is  
11 amended to read:

12 822.045. (1) A vehicle dealer improperly conducts a vehicle dealer business and is subject to the  
13 penalties under this section if the vehicle dealer commits any of the following offenses:

14 (a) A vehicle dealer commits the offense of failure to obtain a supplemental vehicle dealer cer-  
15 tificate if the vehicle dealer opens any additional place of business using the same business name  
16 as a place of business approved under a vehicle dealer certificate without first obtaining a supple-  
17 mental dealer certificate under ORS 822.040.

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

21 (c) A vehicle dealer commits the offense of failure to maintain proper vehicle dealer records if  
22 the dealer does not keep records or books with all of the following information concerning any used  
23 or secondhand vehicles or campers the dealer deals with:

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

25 (B) A description of the vehicle or camper.

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

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

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

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

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

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

45 (f) A vehicle dealer commits the offense of illegal use of dealer vehicle for hire if the dealer

1 allows any vehicle operated under vehicle dealer registration to be loaned or rented with or without  
2 driver for hire or direct compensation.

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

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

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

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

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

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

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

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

22 (B) Within 15 days of receiving clear title to a vehicle or camper from another dealer, the pur-  
23 chasing dealer fails to satisfy the interest of the selling dealer.

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

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

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

34 (L) A vehicle dealer commits the offense of failure to maintain bond or letter of credit coverage  
35 if the dealer permits a bond or letter of credit to lapse during the period that the bond or letter of  
36 credit is required under ORS 822.020 or 822.040 or if the dealer fails to purchase a bond or letter  
37 of credit required by ORS 822.030.

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

43 **(n) A vehicle dealer commits the offense of improper display of a vehicle for advertising**  
44 **purposes if the dealer displays a vehicle at a location other than the dealer's place of busi-**  
45 **ness for the purpose of advertising and the dealer does not comply with the provisions of**

1 **ORS 822.040 (4).**

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

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

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

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

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

10 (a) The offense described in this section, failure to obtain a supplemental vehicle dealer certifi-  
11 cate, is a Class A misdemeanor.

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

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

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

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

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

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

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

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

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

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

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

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

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

37 **SECTION 5. The amendments to ORS 822.040 and 822.045 by sections 1 to 4 of this 2005**  
38 **Act apply to displays of vehicles for advertising purposes on or after the effective date of this**  
39 **2005 Act.**

40