

Enrolled Senate Bill 75

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CHAPTER

AN ACT

Relating to financial responsibility requirements; amending ORS 806.150; and declaring an emergency.

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

SECTION 1. ORS 806.150 is amended to read:

806.150. The Department of Transportation shall provide a program of verification of compliance with financial responsibility requirements under ORS 803.460 and 806.010. The program established by the department under this section shall comply with all of the following:

(1) The verification shall be based on motor vehicles registered in this state.

[(2) The department may select vehicles for verification at various times it considers necessary or appropriate but shall annually select for verification not more than 10 percent of the motor vehicles registered in this state.]

[(3) Selection shall be on a random sample basis. In addition, however, the department is authorized to emphasize, in accordance with rules it adopts, verification of individuals who have been convicted of violating ORS 806.010 whose certifications of compliance with financial responsibility requirements have been previously found to be incorrect or who the department has reasonable grounds to believe are not in compliance with financial responsibility requirements.]

(2) The department may select vehicles for verification when the department considers the selection necessary or appropriate. The department may emphasize, in accordance with rules adopted by the department, verification of vehicles registered to individuals who:

(a) Have been convicted of violating ORS 806.010;

(b) Have submitted certifications of compliance with financial responsibility requirements that have been previously found to be incorrect; or

(c) The department has reasonable grounds to believe are not in compliance with financial responsibility requirements.

[(4)] **(3)** When a vehicle is selected for verification under this section, the department shall mail a letter and certification form described under ORS 806.180 to the registered owner of the vehicle notifying the owner that the vehicle has been selected for verification and requiring the owner to respond within 30 days and certify that the owner is in compliance with financial responsibility requirements as of the date of the letter. In addition, the department may seek verification by communicating directly with an insurer or its designee.

[(5)] (4) Failure of an owner either to return the certification of compliance with financial responsibility requirements to the department within 30 days after mailing by the department or to certify compliance as of the date of the letter, or a determination by the department that a certification is not accurate constitutes reasonable grounds for the department to proceed with a demand for verification under ORS 806.160.

[(6)] (5) The department shall investigate all certifications returned to the department under this section as follows:

(a) If the owner certifies the existence of insurance described under ORS 806.080, the department shall forward the certification to the listed insurer to determine whether the certification is correct. An insurer shall notify the department if the certification is not correct.

(b) The department may also determine the correctness of certifications of other means of satisfying financial responsibility requirements for the vehicle.

[(7)] (6) No civil liability shall accrue to the insurer or any of its employees for reports made to the department under this section when the reports are made in good faith based on the most recent information available to the insurer.

SECTION 2. This 2005 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2005 Act takes effect on its passage.

Passed by Senate March 22, 2005

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Secretary of Senate

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President of Senate

Passed by House May 20, 2005

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Speaker of House

Received by Governor:

.....M,....., 2005

Approved:

.....M,....., 2005

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Governor

Filed in Office of Secretary of State:

.....M,....., 2005

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Secretary of State