

Senate Bill 75

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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**.

Allows Department of Transportation to select certain vehicles for verification of compliance with financial responsibility requirements.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to financial responsibility requirements; amending ORS 806.150; and declaring an emer-
3 gency.

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

5 **SECTION 1.** ORS 806.150 is amended to read:

6 806.150. The Department of Transportation shall provide a program of verification of compliance
7 with financial responsibility requirements under ORS 803.460 and 806.010. The program established
8 by the department under this section shall comply with all of the following:

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

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

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

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

21 **(a) Have been convicted of violating ORS 806.010;**

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

24 **(c) The department has reasonable grounds to believe are not in compliance with finan-**
25 **cial responsibility requirements.**

26 [(4)] **(3)** When a vehicle is selected for verification under this section, the department shall mail
27 a letter and certification form described under ORS 806.180 to the registered owner of the vehicle
28 notifying the owner that the vehicle has been selected for verification and requiring the owner to
29 respond within 30 days and certify that the owner is in compliance with financial responsibility re-
30 quirements as of the date of the letter. In addition, the department may seek verification by com-

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 communicating directly with an insurer or its designee.

2 [(5)] (4) Failure of an owner either to return the certification of compliance with financial re-
3 sponsibility requirements to the department within 30 days after mailing by the department or to
4 certify compliance as of the date of the letter, or a determination by the department that a certif-
5 ication is not accurate constitutes reasonable grounds for the department to proceed with a demand
6 for verification under ORS 806.160.

7 [(6)] (5) The department shall investigate all certifications returned to the department under this
8 section as follows:

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

12 (b) The department may also determine the correctness of certifications of other means of sat-
13 isfying financial responsibility requirements for the vehicle.

14 [(7)] (6) No civil liability shall accrue to the insurer or any of its employees for reports made
15 to the department under this section when the reports are made in good faith based on the most
16 recent information available to the insurer.

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

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