

Enrolled
Senate Bill 997

Sponsored by COMMITTEE ON RULES (at the request of Oregon Auto Dealers Association)

CHAPTER

AN ACT

Relating to vehicle dealers; creating new provisions; and amending ORS 802.033 and 802.600.

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

SECTION 1. ORS 802.033 is amended to read:

802.033. *[The Department of Transportation may adopt rules to limit the amount that a licensed vehicle dealer may charge a purchaser for the dealer to collect fees and to complete and submit documents necessary for the transference of a certificate of title and registration for a vehicle. The limit established by department rule may not be less than \$50.]*

(1) As used in this section:

(a) "Integrator" has the meaning given that term in ORS 802.600.

(b) "Vehicle dealer" means a person issued a vehicle dealer certificate under ORS 822.020.

(2) A vehicle dealer may elect to prepare, submit, or prepare and submit documents necessary to:

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

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

(c) Issue a registration plate.

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

(a) May charge a purchaser of a vehicle a fee for the preparation of those documents.

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

(4) The Department of Transportation may adopt rules to:

(a) Limit the amount of a fee charged under subsection (3) of this section. The limit established by rule may not be less than:

(A) \$75, if the vehicle dealer uses an integrator; or

(B) \$50, if the vehicle dealer does not use an integrator.

(b) Determine when a vehicle dealer is required to inform the purchaser of the vehicle of the option of using an integrator and when the purchaser has the option of electing to use an integrator.

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

SECTION 2. ORS 802.600 is amended to read:

802.600. (1) After completion of the study required by section 3, chapter 583, Oregon Laws 1997, and the report to the Joint Legislative Committee on Information Management and Technology as required by section 4, chapter 583, Oregon Laws 1997, the Department of Transportation may enter into an agreement with any person who is not an employee of the department, including but not limited to an integrator, enabling the person to transact on behalf of the department the functions of the department specified in section 3, chapter 583, Oregon Laws 1997.

(2) An agreement described in subsection (1) of this section may be in any form and may contain any provisions that the department determines to be in the best interests of the public and convenient for the department, including but not necessarily limited to provisions that allow the department to:

(a) Ensure product quality control.

(b) Audit activities of the person entering into the agreement to ensure compliance with the agreement.

(c) Impose sanctions on a person for violation of the agreement.

(3) A person authorized to transact business for the department under this section, including but not limited to a person who transacts business under contract with an integrator, may charge a fee for the services provided. Fees authorized under this subsection are in addition to any charges or fees that the department is authorized by statute to collect for the transaction.

(4)(a) The department may adopt such rules as are necessary to carry out the provisions of this section, including but not limited to rules that:

(A) Specify criteria for eligibility of a person to enter into an agreement with the department under this section.

(B) Specify the manner in which fees authorized by this section will be collected and establish any notification the person is required to give the public about the fees.

(C) Require a bond in an amount determined by the department from a person acting under an agreement described in this section.

(D) Prohibit disclosure of personal information from driver or vehicle records except in accordance with applicable laws.

(b) **Except as provided in ORS 802.033**, the department may not adopt rules establishing the amount of a fee to be charged by a person acting under this section.

(c) Rules adopted under this subsection shall be developed in consultation with persons who might enter into agreements with the department under this section, including but not limited to integrators and vehicle dealers.

(5) As used in this section and section 3, chapter 583, Oregon Laws 1997, "integrator" means a person who enters into a contract with the Department of Transportation:

(a) To provide information and supplies to a person who transacts business for the department under an agreement described in this section; and

(b) To collect moneys due from persons who transact the business and remit the moneys to the department.

SECTION 3. The amendments to ORS 802.033 by section 1 of this 2005 Act apply only to vehicles purchased on or after the effective date of this 2005 Act.

Passed by Senate April 20, 2005

Repassed by Senate June 10, 2005

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Secretary of Senate

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President of Senate

Passed by House June 7, 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