Chapter 822

2009 EDITION

Regulation of Vehicle Related Businesses

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VEHICLE DEALERS

(Generally)

822.005 Acting as vehicle dealer without certificate; penalty. (1) A person commits the offense of acting as a vehicle dealer without a certificate if the person is not the holder of a valid, current vehicle dealer certificate issued under ORS 822.020 and the person:

(a) Buys, sells, brokers, trades or exchanges vehicles either outright or by means of any conditional sale, bailment, lease, security interest, consignment or otherwise;

(b) Displays a new or used vehicle, trailer or semitrailer for sale; or

(c) Acts as any type of agent for the owner of a vehicle to sell the vehicle or acts as any type of agent for a person interested in buying a vehicle to buy a vehicle.

(2) This section does not apply to persons or vehicles exempted from this section under ORS 822.015.

(3) The offense described in this section, acting as a vehicle dealer without a certificate, is a Class A misdemeanor. [1983 c.338 §790; 1985 c.16 §389; 1985 c.598 §1; 1997 c.469 §1; 2003 c.655 §124]

822.007 Injunction against person acting as vehicle dealer in violation of vehicle code or rule; court-imposed monetary penalties. (1) In addition to any other remedies provided by law, the Department of Transportation may petition the circuit court to enjoin a person from acting as a vehicle dealer in violation of the Oregon Vehicle Code or any rule adopted by the department.

(2) A single act in violation of the provisions of the Oregon Vehicle Code or of any rules adopted by the department relating to vehicle dealers shall be sufficient ground for the court to issue the injunction.

(3) In addition to issuing an injunction, the court may assess a penalty not to exceed $15,000 if the department proves by a preponderance of the evidence that a person is acting as a vehicle dealer without possessing a vehicle dealer certificate. The court shall also award reasonable costs and disbursements, attorney and enforcement fees. [1991 c.541 §2]

822.009 Civil penalties for violations of statutes or rules. (1) The Department of Transportation may levy and collect a civil penalty, in an amount not to exceed $1,000 for each violation, against any person who has a vehicle dealer certificate if it finds that the dealer has violated any provisions of the Oregon Vehicle Code or of any rules adopted by the department relating to the sale of vehicles, vehicle titling or vehicle registration.

(2) The department may levy and collect a civil penalty, in an amount not to exceed $5,000 for each vehicle improperly sold, brokered, exchanged or offered or displayed for sale, against any person if it finds that the person is in violation of:

(a) ORS 822.005 (1); or

(b) Any rules adopted by the department relating to the sale of vehicles and the person is not subject to subsection (1) of this section. [1991 c.541 §3; 1993 c.180 §1; 1997 c.469 §2; 2001 c.543 §1]

822.010 [1985 c.16 §388; 1989 c.171 §93; repealed by 1997 c.469 §11]

822.015 Exemptions from vehicle dealer certification requirement; rules. (1) In addition to any exemptions from the vehicle code under ORS 801.026, ORS 822.005 does not apply to the following vehicles or persons:

(a) Road rollers, farm tractors, farm trailers, trolleys, implements of husbandry, emergency vehicles, well-drilling machinery and boat or utility trailers with a gross weight of 1,800 pounds or less.

(b) The owner of a vehicle as shown by the vehicle title issued by any jurisdiction if the person owned the vehicle primarily for personal, family or household purposes. If the person has sold, traded, displayed or offered for sale, trade or exchange more than five vehicles in one calendar year, the person shall have the burden of proving that the person owned the vehicles primarily for personal, family or household purposes or for other purposes that the Department of Transportation, by rule, defines as constituting an exemption under this section.

(c) A receiver, trustee, personal representative or public officer while performing any official duties.

(d) The lessor or security interest holder of a vehicle as shown by the vehicle title issued by any jurisdiction.

(e) Except as otherwise provided in this paragraph, a manufacturer who sells vehicles the manufacturer has manufactured in Oregon. Nothing in this paragraph prevents any manufacturer from obtaining a vehicle dealer certificate under ORS 822.020. This paragraph does not exempt a manufacturer who sells or trades campers or travel trailers.

(f) An insurance adjuster authorized to do business under ORS 744.505 or 744.515 who is disposing of vehicles for salvage.

(g) Except as otherwise provided in this paragraph, a person who sells or trades or offers to sell or trade a vehicle that has been used in the operation of the person's business. This paragraph does not exempt a person who is in the business of selling, trading,

displaying, rebuilding, renting or leasing vehicles from any requirement to obtain a certificate for dealing in those vehicles.

(h) A person who is licensed as a vehicle dealer in another jurisdiction, or who is an authorized representative of a vehicle dealer licensed in another jurisdiction, and who:

(A) Participates with other dealers in a display of vehicles, including but not limited to an auto show, if the display is an event that lasts for 10 days or less and is an event for which the public is charged admission; or

(B) Participates in a vehicle auction conducted by a vehicle dealer who holds a vehicle dealer certificate issued or renewed under ORS 822.020 or 822.040, provided that only certified or licensed vehicle dealers and their authorized representatives are permitted to participate in the auction.

(i) A person who receives no money, goods or services, either directly or indirectly, for displaying a vehicle or acting as an agent in the buying or selling of a vehicle.

(j) A person who collects, purchases, acquires, trades or disposes of vehicles and vehicle parts for the person's own use in order to preserve, restore and maintain vehicles for the person's own use or for hobby or historical purposes.

(k) A manufactured structure dealer subject to the licensing requirement of ORS 446.671 or a person exempt from licensing under ORS 446.676 when selling a vehicle, trailer or semitrailer accepted in trade as part of a manufactured structure transaction. A manufactured structure dealership or exempt person may not directly sell more than three vehicles per calendar year under authority of this paragraph, but by consignment with a dealer certified under ORS 822.020 or 822.040 may sell an unlimited number of vehicles acquired as described in this paragraph.

(L) A lien claimant who sells vehicles in order to foreclose possessory liens.

(m) A lien claimant who, in a 12-month period, sells 12 or fewer vehicles that the lien claimant acquired through possessory liens if the vehicles are sold at the business location of the lien claimant.

(n) Electric personal assistive mobility devices.

(2) The department shall adopt rules to carry out the provisions of this section, including but not limited to specifying which dealers may take vehicles on consignment from other jurisdictions. [1983 c.338 §791; 1985 c.16 §390; 1985 c.316 §8; 1985 c.598 §2; 1987 c.217 §10; 1987 c.261 §6; 1991 c.541 §8; 1995 c.57 §1; 1997 c.469 §3; 2001 c.172 §5; 2001 c.543 §2; 2003 c.341 §21; 2003 c.459 §1; 2003 c.655 §125; 2009 c.551 §3]

822.020 Issuance of certificate; fee. Except as provided in ORS 822.035 (8), the Department of Transportation shall issue a vehicle dealer certificate to any person if the person meets all of the following requirements:

(1) The person must complete the application for a dealer certificate described under ORS 822.025.

(2) The person must deliver to the department a bond or letter of credit that meets the requirements under ORS 822.030.

(3) The person must deliver to the department a certificate of insurance that meets the requirements established by ORS 822.033.

(4) The person must pay the fee required under ORS 822.700 for issuance of a vehicle dealer certificate.

(5) The person must certify completion of the education and test requirements of ORS 822.027 (1) if the person is a dealer subject to the education and test requirements. [1983 c.338 §792; 1985 c.16 §391; 1989 c.434 §1; 1991 c.331 §144; 1999 c.277 §3; 2001 c.555 §1]

822.025 Application contents. An application for a vehicle dealer certificate issued by the Department of Transportation under ORS 822.020 shall be in a form prescribed by the department and shall contain all of the following:

(1) The names and residence addresses of the persons applying:

(a) If the applicant is a firm or partnership, the name of the firm or partnership with the names and residence addresses of all members thereof.

(b) If the applicant is a corporation, the name of the corporation with the names of the principal officers and their residence addresses and the name of the state under whose laws the corporation is organized.

(2) The name under which the business will be conducted.

(3) The street address, including city and county in Oregon, where the business will be conducted.

(4) Whether or not used vehicles are handled.

(5) A certificate from the applicant showing that the applicant will act as a vehicle dealer and will conduct business at the location given on the application.

(6) A certificate signed by a person authorized by the local governing body to do so, stating that the location of the business as given in the application for a certificate complies with any land use ordinances or business regulatory ordinances of the city or county. The provisions of this subsection do

not apply to renewal of a vehicle dealer certificate under ORS 822.040 unless the location of the business is being changed at the time of renewal.

(7) Any information required by the department to efficiently administer the registration of vehicles and regulation of dealers or other relevant information required by the department.

(8) A certificate from the provider of each education program or test showing that the applicant has completed the education programs and passed the test required under ORS 822.027 (1) if the applicant is a dealer subject to the education and test requirements.

(9) If the applicant will offer new recreational vehicles for sale, a certificate from the applicant stating that the applicant will maintain a recreational vehicle service facility at the street address provided by the applicant pursuant to subsection (3) of this section. [1983 c.338 §793; 1985 c.598 §3; 1993 c.751 §84; 1997 c.469 §4; 1999 c.277 §4; 1999 c.593 §1; 2001 c.172 §6; 2003 c.655 §126]

822.027 Education requirements for vehicle dealers. (1) Except as provided in subsection (2) of this section, the following education requirements apply to an applicant for a vehicle dealer certificate under ORS 822.020 or 822.040:

(a) An applicant for a vehicle dealer certificate under ORS 822.020 must complete a minimum of eight hours of approved education programs described in subsection (4) of this section and pass a test within one year prior to submitting an application for the certificate; and

(b) An applicant for a renewal certificate under ORS 822.040 must complete a minimum of five hours per year in a licensing period of approved continuing education programs described in subsection (4) of this section prior to submitting an application for the renewal certificate.

(2) The education requirements in subsection (1)(a) of this section do not apply to an applicant for a vehicle dealer certificate under ORS 822.020 or 822.040 if, at the time of application, the applicant holds another certificate issued under ORS 822.020 or 822.040.

(3) The continuing education requirements of subsection (1)(b) of this section do not apply to an applicant for renewal of a vehicle dealer certificate under ORS 822.040 if the applicant is:

(a) A dealer having a franchise in this state for nationally advertised and recognized motor vehicles;

(b) A dealer having a franchise in this state for new recreational vehicles;

(c) A motor vehicle rental company having a national franchise under the ownership of a corporation that operates throughout the United States; or

(d) A national auction company that holds a vehicle dealer certificate and a dismantler certificate whose primary activity in this state is the sale or disposition of totaled vehicles.

(4) Education programs and the test required in subsection (1) of this section may be developed by any motor vehicle industry organization including, but not limited to, the Oregon Independent Auto Dealers Association and shall be submitted to the advisory committee established under ORS 802.370 for approval. The committee shall approve any program or test that pertains to the motor vehicle industry and includes state and federal law in at least the following areas:

(a) Motor vehicle advertising;

(b) Odometer laws and regulations;

(c) Vehicle licensing and registration;

(d) Unlawful dealer activities;

(e) Environmental rules and regulations;

(f) Oregon and industry standard motor vehicle forms;

(g) Truthful lending practices;

(h) Motor vehicle financing;

(i) Service and warranty contracts; and

(j) Land use regulations governing motor vehicle dealers.

(5) Education programs and the test required in subsection (1) of this section may be provided by accredited educational institutions, private vocational schools, correspondence schools or trade associations if the education programs and test have been approved by the advisory committee established under ORS 802.370 as required in subsection (4) of this section. [1999 c.277 §2; 2001 c.727 §1; 2003 c.179 §1; 2003 c.655 §127; 2005 c.654 §§32,33; 2007 c.370 §1]

822.030 Bond or letter of credit requirements; rights of action. (1) A bond or letter of credit required to qualify for a vehicle dealer certificate under ORS 822.020 or to qualify for renewal of a certificate under ORS 822.040 must comply with all of the following:

(a) The bond shall have a corporate surety licensed to do business within this state. A letter of credit shall be an irrevocable letter of credit issued by an insured institution, as defined in ORS 706.008. The surety or institution shall notify the Department of Transportation if the bond or letter of credit is canceled for any reason. The surety or institution shall continue to be lia-

ble under the bond or letter of credit until the department receives the notice required by this paragraph, or until the cancellation date specified in the notice, whichever is later.

(b) The bond or letter of credit shall be executed to the State of Oregon.

(c) Except as otherwise provided in this paragraph, the bond or letter of credit shall be in the following sum:

(A) If the applicant is seeking a certificate to be a dealer exclusively in motorcycles, mopeds, Class I all-terrain vehicles or snowmobiles or any combination of those vehicles, the bond or letter of credit shall be for $2,000.

(B) Except as provided in subparagraph (A) of this paragraph, if the applicant is seeking a certificate to be a vehicle dealer, the bond or letter of credit shall be for $40,000 for each year the certificate is valid.

(d) The bond or letter of credit described in this subsection shall be approved as to form by the Attorney General.

(e) The bond or letter of credit must be conditioned that the person issued the certificate shall conduct business as a vehicle dealer without fraud or fraudulent representation and without violating any provisions of the vehicle code relating to vehicle registration, vehicle permits, the transfer or alteration of vehicles or the regulation of vehicle dealers.

(f) The bond or letter of credit must be filed and held in the office of the department.

(g) The vehicle dealer shall purchase a bond or letter of credit under this subsection annually on or before each anniversary of the issuance of the vehicle dealer's certificate.

(2) Any person shall have a right of action against a vehicle dealer, against the surety on the vehicle dealer's bond and against the letter of credit in the person's own name if the person suffers any loss or damage by reason of the vehicle dealer's fraud, fraudulent representations or violations of provisions of the vehicle code relating to:

(a) Vehicle registration;

(b) Vehicle permits;

(c) The transfer or alteration of vehicles; or

(d) The regulation of vehicle dealers.

(3) Notwithstanding subsection (2) of this section, the maximum amount available under a bond described in subsection (1)(c)(B) of this section for the payment of claims by persons other than retail customers of the dealer is $20,000.

(4) If the certificate of a vehicle dealer is not renewed or is voluntarily or involuntarily canceled, the sureties on the bond and the issuer of the letter of credit are relieved from liability that accrues after the department cancels the certificate. [1983 c.338 §794; 1985 c.16 §392; 1985 c.598 §6; 1987 c.261 §7; 1989 c.434 §2; 1991 c.331 §145; 1997 c.631 §556; 1999 c.593 §§2,5; 2001 c.141 §§2,3,4,5]

822.033 Requirements for certificate of insurance; exemptions. A certificate of insurance required to qualify for a vehicle dealer certificate under ORS 822.020 or to qualify for renewal of a certificate under ORS 822.040 must comply with all of the following:

(1) The certificate shall:

(a) Be issued by an insurance carrier licensed to do business within this state;

(b) Show that the dealer is insured by a policy that provides the minimum limits of coverage required under ORS 806.070;

(c) Show that the dealer is insured by a policy that provides for payment of judgments of the type described in ORS 806.040;

(d) Show that the dealer is insured by a policy covering all vehicles manufactured, owned, operated, used or maintained by or under the control of the dealer;

(e) Show that the dealer is insured by a policy that also covers all other persons who, with the consent of the dealer, use or operate vehicles manufactured, owned or maintained by or under the control of the dealer;

(f) Be dated as of the date of the motor vehicle policy for which it is given;

(g) Contain the policy number; and

(h) Provide that the insurer shall give the Department of Transportation written notice of any cancellation of the policy and that the insurer shall continue to be liable under the policy until the department receives the notice required by this paragraph or until the cancellation date specified in the notice, whichever is later.

(2) The certificate of insurance must be filed and held in the office of the department.

(3) A dealer is exempt from the requirement to file the certificate of insurance described in this section if the dealer certifies, in such form as may be required by the department, that the dealer will be dealing exclusively in one or more of the following:

(a) Antique motor vehicles issued permanent registration under ORS 805.010;

(b) Farm trailers;

(c) Farm tractors;

(d) Implements of husbandry; or

(e) Snowmobiles, Class I or Class III all-terrain vehicles. [1989 c.434 §3a; 1993 c.180 §2; 2003 c.655 §128]

822.035 Investigation of application; dealer number; rules; records inspection; dealer plates and identification card; effect of revocation or suspension in another jurisdiction. The Department of Transportation:

(1) Upon receipt of an application for a vehicle dealer certificate, shall examine the application and may make an individual investigation relative to statements contained in the application.

(2) Upon being satisfied that an applicant is entitled to a vehicle dealer certificate and that the proper fees have been paid for the certificate, shall assign the vehicle dealer a distinctive dealer number that allows the dealer to conduct business under the certificate and shall forward to the dealer a vehicle dealer certificate stating thereon the dealer's number.

(3) Has authority to determine whether or not an applicant for a vehicle dealer certificate is a vehicle dealer.

(4) Has authority to make suitable rules for the issuance of vehicle dealer certificates to expire consistently with ORS 822.040.

(5) May make inspections of any vehicle dealer records required under ORS 822.045 and of any vehicles included in a vehicle dealer's inventory or located on the vehicle dealer's premises. Inspections authorized by this subsection may be conducted by the department at reasonable intervals, during normal business hours, and may not exceed a scope of inspection necessary for the department to determine the following:

(a) A vehicle dealer's compliance with statutes regulating vehicle dealers under the vehicle code;

(b) A vehicle dealer's compliance with those provisions of the vehicle code regulating the titling and registration of vehicles;

(c) A vehicle dealer's compliance with rules adopted by the department relating to the regulation of vehicle dealers and the registration and titling of vehicles; and

(d) The identification of stolen vehicles.

(6) Shall provide a vehicle dealer with plates or devices authorized under ORS 805.200 to allow the exercise of the privileges granted under ORS 822.040.

(7) May provide a vehicle dealer with identification cards in the names of the owners of the business or in the names of authorized employees of the business.

(8) May not issue a vehicle dealer certificate under ORS 822.020 to an applicant who has been issued a similar certificate from another jurisdiction that has been revoked or is currently suspended unless the applicant possesses a current, valid vehicle dealer certificate issued under ORS 822.020.

(9) May not use the revocation or suspension by another state of a vehicle dealer certificate or similar certificate as a basis for refusing to allow a vehicle dealer holding a current, valid vehicle dealer certificate issued under ORS 822.020 to obtain a vehicle dealer certificate under ORS 822.020 or a supplemental certificate under ORS 822.040 or to renew a certificate under ORS 822.040.

(10) May adopt any reasonable rules necessary for the administration of the laws relating to the regulation of vehicle dealers, the issuance of vehicle dealer certificates, the issuance of vehicle dealer identification cards and the issuance of vehicle dealer plates. The rules adopted under this subsection must be consistent with the statutory provisions of the vehicle code. The rules may include, but are not limited to, grounds and procedures for the revocation, denial or suspension of vehicle dealer certificates and for placing vehicle dealers on probationary status. [1983 c.338 §796; 1985 c.16 §394; 1987 c.261 §7a; 1993 c.741 §140; 2001 c.555 §2]

822.040 Privileges granted by certificate; supplemental or corrected certificate; duration; renewal; rules. (1) The holder of a current, valid vehicle dealer certificate issued under ORS 822.020 may exercise the following privileges under the certificate:

(a) A dealer is authorized, without violating ORS 803.025 or 803.300, to use and operate over and along the highways of this state all vehicles displaying the dealer's plates whether registered or not or whether or not a title is issued for the vehicle. This paragraph does not authorize dealers to use or operate vehicles under dealer plates unless the vehicles are actually owned or controlled by the dealer and in actual use by the dealer, members of the dealer's firm, any salesperson thereof or any person authorized by the dealer. Vehicles operated under dealer plates may be used for the same purposes as are any other vehicles registered in this state that are registered by payment of the fee under ORS 803.420. This paragraph is subject to the limitations under ORS 822.045.

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

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

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

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

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

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

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

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

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

(4) The department may establish by rule the requirements a holder of a vehicle dealer certificate must meet to display a vehicle at a location other than the dealer's place of business for the purpose of advertising without first obtaining a supplemental certificate from the department. In addition to any requirements established by the department by rule, all of the following apply:

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

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

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

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

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

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

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

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

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

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

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

(6) The department may adopt suitable rules for the issuance and renewal of certificates under this section and ORS 822.020. [1983 c.338 §795; 1985 c.16 §393; 1985 c.174 §12; 1985 c.400 §5; 1985 c.598 §7a; 1989 c.434 §4; 1993 c.233 §70; 1993 c.741 §141; 1997 c.469 §5; 1999 c.277 §5; 1999 c.593 §3; 2001 c.172 §7; 2003 c.655 §129; 2005 c.132 §§1,2; 2005 c.133 §§1,2]

822.042 Procedures for transfer of interest in vehicle by vehicle dealer. (1) A vehicle dealer transferring any interest in a vehicle or camper shall:

(a) Within 25 calendar days of the transfer furnish the certificate of title or other primary ownership document for the vehicle and any release thereon to the security interest holder next named, if any, otherwise to the lessor or, if none, to the purchaser;

(b) Within 30 calendar days of the transfer submit to the Department of Transportation, in a manner that complies with any

applicable statutes and rules, an application for title on behalf of the person to whom the title is to be furnished or whose name is to appear on the title record;

(c) Comply with rules adopted by the department if title has not been or will not be issued in the form of a certificate; or

(d) Within 25 business days of the transfer provide a notice of delay to the security interest holder next named, if any, the lessor, if any, and the purchaser. The notice shall contain:

(A) The reason for the delay;

(B) The anticipated extent of the delay; and

(C) A statement of the rights and remedies available to the purchaser if the delay becomes unreasonably extended.

(2) A vehicle dealer shall maintain records as determined by the department by rule to show whether the dealer has complied with subsection (1) of this section.

(3) A vehicle dealer that fails to comply with the provisions of subsection (1) of this section is subject to revocation, cancellation or suspension of the dealer's certificate pursuant to ORS 822.050. [1989 c.452 §2; 1991 c.873 §44; 1993 c.233 §71; 1997 c.469 §6; 2001 c.104 §309; 2003 c.655 §130]

822.043 Dealer preparation and submission of documents; rules. (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. [Formerly 802.033]

Note: 822.043 was enacted into law by the Legislative Assembly but was not added to or made a part of the Oregon Vehicle Code or any chapter or series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

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

(a) A vehicle dealer commits the offense of failure to obtain a supplemental vehicle dealer certificate if the vehicle dealer opens any additional place of business using the same business name as a place of business approved under a vehicle dealer certificate without first obtaining a supplemental dealer certificate under ORS 822.040.

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

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

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

(B) A description of the vehicle or camper.

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

(D) For motor vehicles, the vehicle identification number and any other numbers or

identification marks as may be thereon and a statement that a number has been obliterated, defaced or changed, if such is a fact.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(n) A vehicle dealer commits the offense of improper display of a vehicle for advertising purposes if the dealer displays a vehicle at a location other than the dealer's place of business for the purpose of advertising and the dealer does not comply with the provisions of ORS 822.040 (4).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(n) The offense described in this section, improper display of a vehicle for advertising purposes, is a Class A misdemeanor. [1983 c.338 §797; 1985 c.16 §395; 1985 c.598 §8; 1987 c.261 §8; 1989 c.452 §3; 1991 c.873 §45; 1993 c.233 §72; 1993 c.741 §142; 1995 c.383 §114; 1997 c.469 §7; 1999 c.593 §4; 2001 c.682 §1; 2003 c.332 §1; 2003 c.655 §131; 2005 c.133 §§3,4]

822.046 Vehicle dealer's duty to inform potential buyer if vehicle used for manufacture of controlled substances. (1) As used in this section, "controlled substance" means a drug or its immediate precursor classified in Schedule I or II under the federal Controlled Substances Act, 21 U.S.C. 811 to 812, as modified under ORS 475.035.

(2) A vehicle dealer shall inform a potential buyer if the dealer has received written notice that the vehicle to be sold to the buyer was used in the unlawful manufacture of controlled substances prior to sale to the buyer. Disclosure shall be in writing and shall be made to the buyer and to any lender financing the purchase of the vehicle prior to completion of the sale. Unless the vehicle is found fit for use under ORS 453.885, the dealer shall also post a notice on the vehicle stating that the vehicle was used in the unlawful manufacture of controlled substances. [1995 c.788 §1; 2003 c.655 §132]

Note: 822.046 was enacted into law by the Legislative Assembly but was not added to or made a part of the Oregon Vehicle Code or any chapter or series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

822.047 Brokerage services. (1) As used in this section:

(a) "Brokerage services" means the arrangements or negotiations conducted by a motor vehicle broker for the purpose of obtaining a motor vehicle for a buyer or lessee from a seller or lessor through a method that does not include:

(A) Accepting the motor vehicle on consignment;

(B) If the motor vehicle broker has a franchise as defined in ORS 650.120, exchanging new motor vehicles with another motor vehicle dealer who has a franchise that is with the same franchisor as the motor vehicle broker; or

(C) Receiving a referral fee from another motor vehicle dealer for referring a buyer or lessee when the motor vehicle broker did not participate in the arrangement or negotiation for the sale or lease of the motor vehicle.

(b) "Motor vehicle broker" means a person who holds a valid, current vehicle dealer certificate issued under ORS 822.020 and who receives a fee for acting on behalf of a buyer or lessee to arrange or negotiate the purchase or sale of a motor vehicle between a buyer and a seller, or the lease of a motor vehicle between a lessee and a lessor.

(2) At the time of entering into an agreement to provide brokerage services, a motor vehicle broker shall provide the buyer or lessee with a written disclosure that includes:

(a) A description of the specific brokerage services to be provided by the motor vehicle broker;

(b) A description of the fees the motor vehicle broker will charge for the brokerage services and a description of any deposits that are required to be paid before the motor vehicle is delivered to the buyer or lessee;

(c) A description of how the motor vehicle broker will charge and collect the fees and deposits described in paragraph (b) of this subsection; and

(d) A statement of whether or not the motor vehicle broker is responsible for warranty service work on the motor vehicle.

(3) In addition to the written disclosure required under subsection (2) of this section, a motor vehicle broker shall provide a statement to the buyer or lessee if the motor vehicle broker adds a fee for brokerage services to the purchase price or capitalized cost of the motor vehicle and the fee was negotiated with the seller or lessor on behalf of the buyer or lessee. The statement required under this subsection must:

(a) Inform the buyer or lessee that fees for brokerage services have been added to the purchase price or capitalized cost;

(b) State that the fees for brokerage services will be paid to the motor vehicle broker by the seller or lessor; and

(c) Be clear and conspicuous in not less than 14-point bold type.

(4) A motor vehicle broker may not:

(a) Calculate any fee charged to the buyer or lessee as a percentage of the savings achieved by the motor vehicle broker for the buyer or lessee on the purchase or lease of the motor vehicle;

(b) Collect from both the buyer and seller or both the lessee and lessor a fee for brokerage services that are for the same transaction;

(c) Represent that the motor vehicle broker is providing a free service to the buyer or lessee, unless the motor vehicle broker has not received and will not receive any compensation from the transaction; or

(d) If the fee for the brokerage services will be paid out of the proceeds of the purchase or lease, make any representation that could cause a buyer or lessee to believe that the motor vehicle broker will be compensated by the seller or lessor for the transaction.

(5) When representing a buyer or lessee, a motor vehicle broker shall act only as an agent for the buyer or lessee.

(6) If a motor vehicle broker maintains a dealer inventory, the motor vehicle broker:

(a) Shall inform the buyer or lessee whether or not the broker is acting as a broker or dealer for the transaction; and

(b) May not do any of the following if the motor vehicle broker entered into an agreement to act as a broker on behalf of the buyer or lessee and later negotiated to sell or lease a motor vehicle from the broker's dealer inventory to the buyer or lessee:

(A) Act as an agent for or represent the buyer or lessee;

(B) Charge the buyer or lessee a fee for brokerage services;

(C) Purchase or lease a motor vehicle on behalf of a buyer or lessee and then sell or lease that vehicle to the buyer or lessee as a motor vehicle dealer; or

(D) Sell a motor vehicle to a buyer or lease a motor vehicle to a lessee, unless the motor vehicle broker provides the buyer or lessee with a clear and conspicuous written disclosure that is signed by the buyer or lessee and that states the following:

(i) The motor vehicle broker is no longer acting as the agent for the buyer or lessee for the purposes of the sale or lease; and

(ii) The motor vehicle broker is acting as a motor vehicle dealer with whom the buyer or lessee is free to negotiate the purchase price or lease terms of the motor vehicle. [1993 c.464 §2; 2005 c.190 §1]

822.050 Revocation, cancellation or suspension of certificate. (1) The Department of Transportation may revoke, suspend or place on probation a vehicle dealer if the department determines at any time for due cause that the dealer has done any of the following:

(a) Violated any grounds for revocation, suspension or probation adopted by the department by rule under ORS 822.035.

(b) Failed to comply with the requirements of the vehicle code with reference to notices or reports of the transfer of vehicles or campers.

(c) Caused or suffered or is permitting the unlawful use of any certificate or registration plates.

(d) Violated or caused or permitted to be violated ORS 815.410, 815.415, 815.425 or 815.430.

(e) Falsely certified under ORS 822.033 that the dealer is exempt from the requirement under ORS 822.020 or 822.040 to file a certificate of insurance.

(f) Continued to fail to provide clear title or repeatedly failed to provide clear title in violation of ORS 822.045.

(g) Knowingly certified false information required by the department on an application for a vehicle dealer certificate, supplemental certificate or corrected certificate.

(2) The department shall cancel a vehicle dealer certificate 45 days after receipt of legal notice that the bond described under ORS 822.030 is canceled, unless the department receives proof from the vehicle dealer that the dealer has obtained another bond. Between the day that the department receives notice that the bond is canceled and the day the vehicle dealer presents proof of another bond, the vehicle dealer may not act as a vehicle dealer.

(3) The department shall cancel a vehicle dealer certificate 45 days after receipt of notice that the certificate of insurance required under ORS 822.033 is canceled, unless the department receives proof from the vehicle dealer that the dealer has obtained another certificate of insurance. Between the day that the department receives notice that the certificate of insurance is canceled and the day the vehicle dealer presents proof of another certificate of insurance, the vehicle dealer may not act as a vehicle dealer.

(4) The department shall cancel a vehicle dealer certificate immediately upon receipt of notice that zoning approval for the business has been revoked.

(5) Upon revocation, cancellation or suspension of a vehicle dealer certificate under this section, the department shall recall and demand the return of the certificate and any vehicle dealer plates issued. [1983 c.338 §798; 1985 c.16 §396; 1985 c.251 §26; 1987 c.158 §176; 1989 c.434 §5; 1989 c.452 §4; 1993 c.741 §143; 1995 c.79 §382; 1997 c.469 §8; 2003 c.471 §1; 2003 c.655 §133]

822.055 Failure to return revoked, canceled or suspended certificate; penalty. (1) A person commits the offense of failure to return a revoked, canceled or suspended vehicle dealer certificate if the Department of Transportation recalls and demands the person to return any certificate or registration plates under ORS 822.050 and the person has those items requested and does not return them to the department without further demand.

(2) The offense described in this section, failure to return revoked, canceled or suspended vehicle dealer certificate, is a Class A misdemeanor. [1983 c.338 §799; 1985 c.393 §56; 1987 c.158 §177]

822.060 Illegal consignment practices; penalty; rules. (1) A person who holds a vehicle dealer certificate issued or renewed under ORS 822.020 or 822.040 commits the offense of illegal consignment practices if the person does any of the following:

(a) Takes a vehicle on consignment from a person who does not hold a vehicle dealer certificate issued or renewed under ORS 822.020 or 822.040, or who is not licensed as a vehicle dealer in another jurisdiction, and who does not have proof that the consignor is the registered owner, a security interest holder or lessor of the vehicle.

(b) Takes a vehicle on consignment from a security interest holder without the security interest holder first completing a repossession action prior to consigning the vehicle and providing the dealer with proper documentary proof of the repossession action.

(c) Takes a vehicle on consignment and does not have the terms of the consignment agreement in writing and provide a copy of the agreement to the consignor. The agreement shall include a provision stating that if the terms of the agreement are not met, the consignor may file a complaint in writing with the Department of Transportation, Salem, Oregon.

(d) Sells a vehicle that the dealer has on consignment and does not pay the consignor within 10 days of the sale.

(e) Sells a vehicle that the dealer has on consignment and does not either provide the purchaser with a certificate of title to the vehicle or with other primary ownership records in the form of documents or apply to the department in the purchaser's name for title to the vehicle within 30 days of the sale in a manner provided by the department by rule.

(f) Does not allow the department or any duly authorized representative to inspect and audit any records of any separate accounts into which the dealer deposits any funds received or handled by the dealer or in the course of business as a dealer from consignment sale of vehicles at such times as the department may direct.

(g) Takes any part of any money paid to the dealer in connection with any consignment transaction as part or all of the dealer's commission or fee until the transaction has been completed or terminated.

(h) Does not make arrangement for the disposition of money from a consignment transaction with the seller at the time of establishing a consignment agreement.

(i) Sells a vehicle that the dealer has taken on consignment without first giving the purchaser the following disclosure in writing:

DISCLOSURE REGARDING
CONSIGNMENT SALE

_____ (Name of Dealer) is selling the following described vehicle: _____ (Year) _____ (Make) _____ (Model) _____ (Vehicle Identification Number) on consignment.

[ ] There is a security interest in this vehicle.

[ ] There is not a security interest in this vehicle.

YOU SHOULD TAKE ACTION TO ENSURE THAT ANY SECURITY INTERESTS ARE RELEASED AND THAT THE TITLE TO THE VEHICLE IS TRANSFERRED TO YOU. OTHERWISE, YOU MAY TAKE TITLE SUBJECT TO ANY UNSATISFIED SECURITY INTERESTS.

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(2) The offense described in this section, illegal consignment practices, is a Class A misdemeanor.

(3) The department shall adopt rules to carry out the provisions of this section, including but not limited to rules to specify which persons may take and sell vehicles on consignment and to regulate the taking and selling of vehicles on consignment from other jurisdictions. [1985 c.16 §398; 1991 c.873 §46; 1993 c.180 §3; 1993 c.233 §73; 1997 c.834 §2; 2007 c.371 §1; 2009 c.551 §4]

822.065 Violation of consigned vehicle transfer; penalty. (1) A person commits the offense of violation of a consigned vehicle transfer if the person consigns a vehicle to a vehicle dealer issued a certificate under ORS 822.020 and the person fails or refuses to deliver the certificate of title or other primary ownership document for the vehicle to the dealer or purchaser upon sale of the vehicle under consignment or, if there is no certificate of title or primary ownership record in the form of a document, fails to comply with rules of the Department of Transportation on consignment.

(2) The offense described in this section, violation of a consigned vehicle transfer, is a Class A misdemeanor. [1985 c.16 §399; 1991 c.873 §47; 1993 c.233 §74]

822.070 Conducting illegal vehicle rebuilding business; penalty. (1) A person commits the offense of conducting an illegal vehicle rebuilding business if the person is not the holder of a valid current dealer certificate issued under ORS 822.020 and the person does any of the following as part of a business:

(a) Buys, sells or deals in assembled, reconstructed or substantially altered motor vehicles.

(b) Engages in making assembled, reconstructed or substantially altered vehicles from motor vehicle components.

(2) This section does not apply to the following persons or vehicles:

(a) An insurance adjuster authorized to do business under ORS 744.505 or 744.515 who is disposing of vehicles for salvage.

(b) Vehicles or persons exempt from the vehicle dealer certificate requirements by ORS 822.015 (1)(a) or (j).

(c) Motor vehicles that are not of a type required to be registered under the vehicle code.

(d) The holder of a dismantler certificate issued under ORS 822.110.

(3) The offense described in this section, conducting an illegal vehicle rebuilding business, is a Class A misdemeanor. [1985 c.16 §400; 1997 c.469 §9; 2003 c.655 §134; 2005 c.654 §18; 2009 c.551 §5]

822.075 [1991 c.541 §6; repealed by 2003 c.655 §143]

822.080 Procedures for civil penalties imposed under ORS 822.009; disposition of moneys. (1) Civil penalties under ORS 822.009 shall be imposed in the manner provided in ORS 183.745.

(2) An application for a hearing on a civil penalty imposed under ORS 822.009:

(a) Must be in writing;

(b) Must be postmarked or received by the Department of Transportation within 20 days from the date of service of the notice provided for in ORS 183.745;

(c) Must state the name and address of the person requesting a hearing; and

(d) Must state the action being contested.

(3) Hearings on civil penalties imposed under ORS 822.009 shall be conducted by an administrative law judge assigned from the Office of Administrative Hearings established under ORS 183.605.

(4) The department may, at its option, assign any unpaid civil penalty to the Department of Revenue for collection. The Department of Revenue shall deduct reasonable expenses from any amounts collected.

(5) All civil penalties received under ORS 822.009 shall be paid into the State Treasury each month and credited to the Department of Transportation Operating Fund established by ORS 184.642 (1) and (2). [1991 c.541 §§5,11; 1993 c.741 §87; 1999 c.849 §§199,200; 2001 c.820 §§7,8; 2003 c.75 §70; 2003 c.655 §§135,136]

(Recreational Vehicle Dealers)

822.082 "Recreational vehicle service facility" defined; display of location. (1) As used in this section, "recreational vehicle service facility" means a permanent facility listed on the vehicle dealer's certificate and having the primary purpose of servicing and repairing recreational vehicles.

(2) A business that sells a new recreational vehicle must prominently display at the sale site the name under which the business is being conducted and the location of the recreational vehicle service facility that is listed in the dealer certificate application described in ORS 822.025. [2001 c.172 §1]

Note: 822.082 to 822.084 were enacted into law by the Legislative Assembly but were not added to or made a part of the Oregon Vehicle Code or any chapter or series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

822.083 "Show" defined; conditions for participation in show. (1) As used in this section, "show" means a site where recreational vehicles are temporarily displayed and offered for sale. "Show" does not include a site that is used to display recreational vehicles for more than 10 days or that is a place of business listed on a supplemental certificate issued under ORS 822.040.

(2) A recreational vehicle dealer may not participate in a show conducted at a site that is more than 50 miles from the dealer's place of business listed in the dealer certificate application described in ORS 822.025 unless the show includes a display by at least two recreational vehicle dealers and the dealer obtains a show license from the Department of Transportation as described in ORS 822.084. [2001 c.172 §2]

Note: See note under 822.082.

822.084 Show license; fee; rules. (1) A person who organizes a show, as defined in ORS 822.083, shall apply to the Department of Transportation at least 30 days prior to the commencement of the show for a show license for each recreational vehicle dealer participating in the show. The application must include for each dealer participating in the show the name under which the business is being conducted and the street address, city and county of the dealer's place of business, both as listed in the dealer certificate application described in ORS 822.025.

(2) The department may establish an appropriate fee schedule for show licenses.

(3) The department may adopt all rules necessary and proper for the administration and enforcement of ORS 822.082 to 822.084. [2001 c.172 §3]

Note: See note under 822.082.

SUBLEASING VEHICLES

822.090 Unlawful subleasing of motor vehicle; penalty. (1) A person commits the offense of unlawful subleasing of a motor vehicle if:

(a) The person transfers or assigns, purports to transfer or assign or knowingly assists in the transfer or assignment or purported transfer or assignment of any right or interest in the motor vehicle or under the lease contract or security agreement to a person who is not a party to the lease contract or security agreement;

(b) The motor vehicle is subject to a lease contract or security agreement that prohibits the transfer or assignment of any right or interest in the motor vehicle or any right under the lease contract or security agreement;

(c) The person is not a party to the lease contract or security agreement;

(d) The person does not obtain, prior to the transfer or assignment, written consent from the lessor or secured party as appropriate; and

(e) The person receives compensation or other consideration for the transfer or assignment.

(2) The offense described in this section, unlawful subleasing of a motor vehicle, is a Class A misdemeanor. [1993 c.464 §3]

TRANSFER OF VEHICLES BY LIEN CLAIMANTS

822.093 Sale of vehicles involving possessory liens; records; rules; penalty. (1) Notwithstanding ORS 822.015 (1)(L) or (m), a lien claimant who sells or offers for sale vehicles being sold to foreclose possessory liens, or sells or offers for sale vehicles acquired through possessory liens, shall keep records sufficient to establish that all vehicles being sold or offered for sale were acquired by the lien claimant as the result of a possessory lien. Records kept in accordance with this subsection must be made available to the Department of Transportation on request.

(2) 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 the form in which the records must be kept, how the records must be maintained and the period for which they must be retained.

(b) Specify how the records will be provided to the department if requested.

(c) Specify how lien claimants will notify the department when vehicles are sold to

foreclose possessory liens and when vehicles acquired through possessory liens are sold.

(3) Rules adopted under this section shall be developed in consultation with representatives of those lien claimants who may be affected by this section, including but not limited to towing business operators.

(4) The department may impose a civil penalty, in an amount not to exceed $1,000 for each violation, against any person who violates this section or any rules adopted by the department under this section. Civil penalties shall be imposed as provided in ORS 183.745. [2003 c.459 §3; 2009 c.551 §6]

822.094 Transfer by lien claimant. A sale, consignment or other transfer by a lien claimant does not constitute a sale for purposes of ORS 822.015 (1)(m) if the sale, consignment or other transfer is to the holder of a current, valid dismantler certificate issued under ORS 822.110 or to the holder of a current, valid vehicle dealer certificate issued under ORS 822.020. [2003 c.459 §4; 2005 c.654 §34; 2009 c.551 §7]

DISMANTLERS

822.100 Conducting a motor vehicle dismantling business without a certificate; penalties. (1) A person commits the offense of conducting a motor vehicle dismantling business without a certificate if the person performs any actions of a dismantler and is not the holder of a valid, current dismantler certificate issued under ORS 822.110.

(2) The offense described in this section does not apply to persons or vehicles exempted from this section under ORS 822.105.

(3) The offense described in this section, conducting a motor vehicle dismantling business without a certificate, is a Class A misdemeanor.

(4) In addition to the penalty described in subsection (3) of this section, the Department of Transportation may impose a civil penalty of not more than $5,000 on a person who conducts a motor vehicle dismantling business without a certificate. A civil penalty under this subsection shall be imposed in the manner provided in ORS 183.745. [1983 c.338 §800; 2005 c.654 §7]

822.105 Exemption from certificate requirement. In addition to exemptions from the vehicle code under ORS 801.026, ORS 822.100 does not apply to the following:

(1) An insurance adjuster authorized to do business under ORS 744.505 or 744.515 who is disposing of vehicles for salvage.

(2) Road rollers, farm tractors, trolleys or traction engines.

(3) Implements of husbandry, well-drilling machinery and wheelchairs.

(4) Golf carts. [1983 c.338 §801; 1985 c.598 §9; 1999 c.180 §1; 2003 c.655 §137; 2007 c.70 §351]

822.110 Dismantler certificate; refusal to issue; duplicate certificate. (1) Except as provided in subsection (2) of this section, the Department of Transportation shall issue a dismantler certificate to any person if the person meets all of the following requirements:

(a) The person establishes that the area in which the business is located and the place of business to be approved under the dismantler certificate for use in the motor vehicle dismantling business are zoned for industrial use or subject to another zoning classification that permits the type of business conducted by the dismantler.

(b) The person pays the fee required under ORS 822.700 for issuance of a dismantler certificate.

(c) The person completes the application for a dismantler certificate described under ORS 822.115.

(d) The person delivers to the department any approvals by local governments required under ORS 822.140.

(e) The person delivers to the department a bond or letter of credit that meets the requirements of ORS 822.120.

(2) The department may refuse to issue a dismantler certificate to a person if:

(a) The person has previously had a dismantler certificate or identification card revoked, canceled or suspended under ORS 822.145; or

(b) The department determines that the application contains false or misleading information.

(3) The department may issue a duplicate dismantler certificate to a person who has lost or destroyed an original dismantler certificate if the person:

(a) Has complied with the requirements of this section for issuance of a certificate; and

(b) Is within the renewal period of the original dismantler certificate. [1983 c.338 §802; 1985 c.16 §401; 1991 c.331 §139; 1993 c.741 §88; 2005 c.654 §8]

822.115 Application contents. An application for a dismantler certificate issued by the Department of Transportation under ORS 822.110 or for renewal of a certificate under ORS 822.125 shall be in a form prescribed by the department and shall contain all of the following:

(1) A full statement of the name of the person applying for the certificate with the person's residence and business addresses.

(2) If the applicant is a firm or partnership, the name of the firm or partnership, with the names and places of residence of all its members.

(3) If the applicant is a corporation, the names of the principal officers and their residences and the name of the state under whose laws the corporation is organized.

(4) A description of the dimensions and the location of the place or places at which the business is to be carried on and conducted.

(5) Any other relevant information required by the department. [1983 c.338 §803; 1985 c.16 §402; 1987 c.261 §9; 1993 c.751 §85; 2005 c.654 §9]

822.120 Bond or letter of credit requirements; action against certificate holder and surety. (1) A bond or letter of credit required to qualify for a dismantler certificate under ORS 822.110 or renewal of a certificate under ORS 822.125 must be:

(a) With a corporate surety licensed to transact business within this state, or as to a letter of credit, an irrevocable letter of credit issued by an insured institution, as defined in ORS 706.008;

(b) Executed to the State of Oregon;

(c) In the sum of $10,000;

(d) Approved as to form by the Attorney General;

(e) Conditioned that the person issued the dismantler certificate will conduct business without violation of this section, ORS 803.140, 819.010, 819.012, 819.016, 819.040, 822.140 or 822.150; and

(f) Conditioned that the bond or letter of credit is subject to an action under this section.

(2) Any person shall have a right of action against the holder of a dismantler certificate and the surety on the holder's bond or the dismantler's letter of credit issuer if the person suffers any loss or damage by reason of the certificate holder's violation of this section, ORS 803.140, 819.010, 819.012, 819.016, 819.040, 822.140 or 822.150. [1983 c.338 §804; 1985 c.16 §403; 1985 c.176 §3; 1991 c.331 §140; 1991 c.820 §17; 1991 c.873 §48; 1997 c.631 §557; 2005 c.654 §10]

822.125 Privileges granted by certificate; supplemental certificate; duration; renewal; identification cards; rules. (1) The holder of a current, valid dismantler certificate issued under ORS 822.110 is not subject to the prohibitions and penalties under ORS 822.100 as long as the holder's motor vehicle dismantling business is conducted in the location approved under the certificate.

(2) The holder of a dismantler certificate may expand the dimensions or move a place of business approved under the dismantler certificate or open an additional place of business under the certificate upon issuance of a supplemental dismantler certificate by the Department of Transportation. The following apply to supplemental certificates issued under this subsection:

(a) The department shall grant a supplemental certificate upon request of an applicant under this subsection if the applicant obtains local government permission for the supplemental certificate under ORS 822.140.

(b) Upon application for renewal of the supplemental certificate, the department may waive the requirement that an applicant for renewal under this subsection obtain local government approval under ORS 822.140 of the suitability of the applicant to establish, maintain or operate a motor vehicle dismantling business.

(c) A fee shall be charged for a supplemental dismantler certificate under ORS 822.700.

(3) A dismantler certificate is valid for a three-year period and may be renewed as provided by the department. The department shall only renew the certificate of any certificate holder who does all of the following:

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

(b) Completes the application described in ORS 822.115.

(c) Obtains local government approval under ORS 822.140. The department may waive the requirement that an applicant for renewal obtain local government approval under ORS 822.140 of the suitability of the applicant to establish, maintain or operate a motor vehicle dismantling business.

(d) Maintains a current bond that meets the requirements under ORS 822.120.

(4) The department may provide the holder of a dismantler certificate with identification cards in the names of the owners of the business or in the names of authorized employees of the business.

(5) The department may adopt suitable rules for the issuance and renewal of dismantler certificates and identification cards. [1983 c.338 §805; 1985 c.16 §404; 1987 c.261 §9a; 2005 c.654 §11]

822.130 Inspection of books, records, inventory and premises. (1) The Department of Transportation may inspect the books, records and inventory of and the premises used by any business issued a certificate under ORS 822.110 for the purpose of determining compliance with any of the following:

(a) Those laws regulating the issuance of certificates to dismantlers.

(b) Requirements for records under ORS 822.135 and 822.137.

(c) ORS 802.200, 803.140, 819.010, 819.016, 819.030, 819.040 or 822.120.

(d) Rules adopted by the department concerning businesses issued certificates under ORS 822.110.

(2) Provisions for enforcing this section are established under ORS 822.135 and 822.145. [1985 c.16 §406; 1991 c.873 §49; 2005 c.654 §12]

822.133 Requirements of dismantler operating motor vehicle dismantling business. (1) As used in this section:

(a) "Destroy" means to dismantle, disassemble, damage or substantially alter a motor vehicle:

(A) With the intent of rendering the vehicle permanently inoperable;

(B) To the extent that the cost of repairing the vehicle exceeds the actual cash value of the vehicle prior to the damage; or

(C) To the extent that the sum of the cost of repairing the vehicle and the salvage value of the vehicle in its damaged condition exceeds the actual cash value of the vehicle in its repaired condition.

(b) "Wrecked vehicle" means a motor vehicle:

(A) That is destroyed, or is acquired with the intent to destroy, and that will never be operated as a motor vehicle; or

(B) That has sustained damage to an extent that the vehicle may not lawfully be operated on the highways of this state.

(2) In the operation of a motor vehicle dismantling business, a dismantler:

(a) Must physically separate or visually label a wrecked vehicle in a manner that readily identifies the ownership status of the wrecked vehicle if the dismantler takes possession of the wrecked vehicle without immediately obtaining an ownership record or salvage title certificate. A dismantler need not separate or visually identify a wrecked vehicle pursuant to this subsection if the vehicle is subject to an exemption under ORS 803.030 or is obtained from a jurisdiction that does not issue certificates of title.

(b) May not remove parts from or destroy a motor vehicle prior to obtaining an ownership record or salvage title certificate for the vehicle.

(c) Must demolish the registration plates of a wrecked vehicle at the time the ownership record is received.

(d) Must notify the Department of Transportation of any changes in the information provided to the department in the application for a dismantler certificate within 30 days of the change.

(e) Must furnish a written report to the department, in a form established by the department by rule, after a wrecked vehicle is dismantled or destroyed. [2005 c.654 §6]

822.135 Improperly conducting motor vehicle dismantling business; penalty. (1) A person commits the offense of improperly conducting a motor vehicle dismantling business if the person holds a dismantler certificate issued under ORS 822.110 and the person does any of the following:

(a) Fails to permanently exhibit a dismantler certificate at a place of business of the person at all times while the certificate is in force.

(b) Expands the dimensions of or moves any of the person's places of business or opens any additional places of business without obtaining a supplemental dismantler certificate by the procedure under ORS 822.125.

(c) Fails to maintain records at the person's established place of business that record and describe the following:

(A) Every motor vehicle purchased, transferred, wrecked, dismantled, disassembled or substantially altered by the person;

(B) The name and address of the person to and from whom the vehicle was transferred;

(C) The vehicle identification number and other identification marks or numbers on the vehicle; and

(D) A statement indicating any such numbers or marks that have been obliterated, defaced or changed.

(d) Except as otherwise provided, fails to surrender to the Department of Transportation, within 30 days after the date the person acquires the title, a certificate of title or other primary ownership document or ownership record for a motor vehicle. If the vehicle is delivered to the person under the provisions of ORS 819.215 or 819.280, a copy of the notification to the department under ORS 819.215 or 819.280 is sufficient to comply with the provisions of this paragraph.

(e) Refuses, at any time, to allow a police officer or an employee of the department to inspect the books, records, inventory or premises of the person's motor vehicle dismantling business.

(f) Fails to maintain, for the purposes of the person's motor vehicle dismantling business, a building or an enclosure or other barrier at least six feet in height that is constructed, established or formed in compliance with rules adopted by the department.

(g) Fails to keep the premises on the outside of the establishment clear and clean at all times.

(h) Conducts any wrecking, dismantling or altering of vehicles outside the building, enclosure or barrier on the premises of the business.

(i) Stores or displays any motor vehicles or major component parts or conducts the motor vehicle dismantling business outside of the building, enclosure or barrier of the place of business.

(j) Fails to immediately file with the department, upon transfer of a wrecked or dismantled motor vehicle, the form furnished by the department to report the date of transfer, a description of the vehicle, the name and address of the purchaser and other information respecting the vehicle required by the department.

(k) Except as otherwise provided in this paragraph, fails to keep the business hidden or adequately screened by the terrain or other natural objects or by plantings, fences or other appropriate means so as not to be visible from the main traveled way of the highway in accordance with the rules of the Director of Transportation. This paragraph does not apply to a business that is:

(A) Located in an area zoned for industrial use under authority of the laws of this state; or

(B) A business established before June 30, 1967.

(L) Expands or moves any place of business approved under a dismantler certificate or opens any additional locations for the business without obtaining a supplemental certificate under ORS 822.125 or obtaining an additional dismantler certificate.

(m) Fails to allow the department to conduct inspections as provided under ORS 822.130.

(n) Fails to deploy or remove any air bag containing sodium azide from a vehicle before the vehicle is wrecked or dismantled.

(o) Fails to ensure that an air bag containing sodium azide that has been removed from a vehicle is deployed within seven days of removal unless the air bag is properly stored by a motor vehicle dealer, automobile repair facility or dismantler certified under ORS 822.110.

(2) The offense described in this section, improperly conducting a motor vehicle dismantling business, is a:

(a) Class A misdemeanor if the person violates subsection (1)(a) to (m) of this section.

(b) Class D violation if the person violates subsection (1)(n) or (o) of this section.

(c) Class C misdemeanor, notwithstanding paragraph (b) of this subsection, if the person violates subsection (1)(n) or (o) of this section and the person has two or more previous convictions for violating subsection (1)(n) or (o) of this section. [1983 c.338 §806; 1985 c.16 §407; 1985 c.400 §6; 1991 c.820 §18; 1991 c.873 §50; 1993 c.233 §75; 1993 c.326 §8; 1993 c.741 §89; 2005 c.514 §1; 2005 c.654 §13a; 2005 c.738 §5; 2007 c.683 §3]

822.137 Dismantler conduct resulting in civil penalty; rules. (1) As used in this section, "major component part" includes significant parts of a motor vehicle such as engines, short blocks, frames, transmissions, transfer cases, cabs, doors, differentials, front or rear clips, quarter panels, truck beds or boxes, hoods, bumpers, fenders and airbags. The Department of Transportation may by rule designate other motor vehicle parts not specified in this subsection as major component parts. "Major component part" does not include cores or parts of cores that require remanufacturing or that are limited in value to that of scrap metal.

(2) In addition to any other penalty provided by law, the department may impose on a dismantler, in the manner provided by ORS 183.745, a civil penalty not to exceed $1,000 per violation if the dismantler:

(a) Acquires a motor vehicle or major component part without obtaining a certificate of sale and, if applicable, a certificate of title.

(b) Possesses, sells or otherwise disposes of a motor vehicle or any part of a motor vehicle knowing that the vehicle or part has been stolen.

(c) Sells, buys, receives, conceals, possesses or disposes of a motor vehicle or any part of a motor vehicle having a missing, defaced, intentionally altered or covered vehicle identification number, unless directed to do so by a law enforcement official.

(d) Commits forgery in the second degree, as defined in ORS 165.007, or misstates a material fact relating to a certificate of title, registration or other document related to a motor vehicle that has been reassembled from parts of other motor vehicles.

(e) Fraudulently obtains, creates or modifies a dismantler certificate.

(f) Fails to maintain records at the certified place of business for three years from the date of acquisition of a motor vehicle that describe and identify the vehicle, including:

(A) The certificate of title number;

(B) The state where the vehicle was last registered, if applicable;

(C) The number of the last registration plate issued and the state of issuance, if applicable;

(D) The year, make and model of the vehicle;

(E) The vehicle identification number;

(F) The date acquired;

(G) The vehicle, stock or yard number assigned to the vehicle by the dismantler; and

(H) Any other information required by the department.

(g) Fails to maintain records at the certified place of business for three years from the date of acquisition of a major component part that describe and identify the part, including:

(A) The physical characteristics of the part;

(B) The stock or yard number assigned to the part by the dismantler;

(C) The vehicle identification number of the motor vehicle from which the part came; and

(D) Any other information required by the department.

(h) Commits a dishonest act or omission during the sale of a motor vehicle or major component part that, as determined by the department, causes a loss to the purchaser.

(i) Is convicted of a crime involving false statements or dishonesty that directly relates to the business of the dismantler or suffers any civil judgment imposed for conduct involving fraud, misrepresentation or conversion.

(j) Fails to comply with any provision of ORS 822.133. [2005 c.654 §5; 2007 c.683 §4]

822.140 Local government approval requirements. (1) To meet the requirement for local government approval of a dismantler certificate under ORS 822.110 or a supplemental certificate under ORS 822.125, an applicant must comply with any regulations established by a city or county under this section and must obtain the approval of the governing body of the:

(a) City, if the business is or will be carried on within an incorporated city of less than 100,000 population.

(b) County, if the business is or will be carried on outside of any incorporated city.

(2) A city or county governing body shall grant approval of a dismantler certificate or renewal when requested under this section if the governing body:

(a) Approves the applicant as being suitable to establish, maintain or operate a motor vehicle dismantling business;

(b) Determines that the location or proposed location meets the requirements for location under ORS 822.110;

(c) Determines that the location does not violate any prohibition under ORS 822.135; and

(d) Approves the location and determines that the location complies with any regulations adopted by a city or county under this section.

(3) The governing body of a city or county may regulate the expansion of premises or the establishment of premises at a new location under a dismantler certificate. An applicant must comply with the regulations before the Department of Transportation may issue a supplemental dismantler certificate. In adopting regulations under this subsection, a governing body:

(a) Shall consider the extent of development of surrounding property as a residential area;

(b) Shall consider the proximity of churches, schools, hospitals, public buildings or other places of public gathering;

(c) Shall consider the sufficiency in number of other motor vehicle dismantling businesses in the vicinity;

(d) Shall consider the health, safety and general welfare of the public;

(e) May establish zones in which motor vehicle dismantling businesses are permissible and other zones where they are prohibited; and

(f) May prescribe limitations on the dimensions of the premises on which motor vehicle dismantling businesses are conducted.

(4) Regulations of a city governing body that are adopted under this section apply to motor vehicle dismantling businesses located outside of and within six miles of the boundaries of the city unless the county governing body in which the area is located has adopted regulations under this section that are applicable in the area. [1983 c.338 §807; 1985 c.16 §408; 2005 c.654 §14]

822.145 Imposition of sanctions; rules. (1) The Department of Transportation may impose sanctions on any person holding a dismantler certificate issued under ORS 822.110 or identification card issued under ORS 822.125 if the department determines at any time for due cause that any of the following have occurred:

(a) The person holding the certificate has failed to comply with any requirements for registration of vehicles under the vehicle code.

(b) The person holding the certificate has violated ORS 803.140, 819.012, 819.016, 819.040 or 822.135.

(c) The person holding the certificate has caused or suffered or is permitting the unlawful use of the dismantler certificate.

(d) The person holding the certificate has violated any regulation adopted under ORS 822.135.

(e) The person holding the certificate has failed to allow the department to conduct inspections as provided under ORS 822.130.

(f) The person holding an identification card has unlawfully used or permitted unlawful use of the card.

(2) The department shall cancel or suspend any dismantler certificate immediately:

(a) Upon receipt of legal notice that the bond described under ORS 822.120 is canceled; or

(b) For failure to pay any penalty imposed under ORS 822.135 or 822.137.

(3) Upon revocation, cancellation or suspension of a dismantler certificate or identification card under this section, the department shall recall and demand the return of the certificate or identification card.

(4) If the department has reason to believe that a person has engaged in or is engaging in any activity prohibited under ORS 822.100, the department may issue an order directed at the person to cease the activity.

(5) The department shall adopt rules establishing sanctions authorized by subsection (1) of this section. [1983 c.338 §808; 1985 c.16 §409; 1985 c.176 §4; 1987 c.261 §9b; 1991 c.820 §19; 1991 c.873 §51; 2005 c.654 §15; 2007 c.683 §2]

822.150 Failure to return revoked, canceled or suspended certificate or identification card; penalty. (1) A person commits the offense of failure to return a revoked, canceled or suspended dismantler certificate or identification card if the Department of Transportation recalls and demands the person to return a certificate or card under ORS 822.145 and the person does not return the certificate or card to the department.

(2) The offense described in this section, failure to return a revoked, canceled or suspended dismantler certificate or identification card, is a Class A misdemeanor. [1983 c.338 §809; 1987 c.261 §9c; 2005 c.654 §35]

TOWING BUSINESSES

822.200 Operating illegal towing business; exceptions; penalties. (1) A person commits the offense of operating an illegal towing business if the person does not hold a certificate issued under ORS 822.205 and the person does any of the following:

(a) Engages in the towing or recovering of vehicles by any means for any direct or indirect compensation when the vehicle being towed or recovered is owned by a person other than the person performing the towing or recovery activity.

(b) Engages in towing or recovering by any means, as part of any business operation of the person, vehicles that are wrecked, damaged, disabled or abandoned or replacement vehicles.

(c) Purports in any way to be engaged in the business of performing activities described in this subsection.

(2) This section does not apply to any of the following:

(a) Persons operating under and within the scope of a vehicle transporter certificate issued under ORS 822.310.

(b) A person who provides assistance to another motorist, whether or not compensation is received, if the assistance is not provided as part of the business operation of the person providing the assistance.

(c) A person engaging in any activity relating to a vehicle in which that person holds a security interest.

(d) An employee of a person issued a towing business certificate under ORS 822.205 while that employee is performing official duties as an employee.

(e) A person who holds a valid dismantler certificate under ORS 822.110 who tows a vehicle described under ORS 819.280.

(3) The offense described in this section, operating an illegal towing business, is a Class A misdemeanor. [1983 c.338 §811; 1985 c.16 §410; 2005 c.738 §§6,6a]

822.205 Certificate; qualifications; fee. The Department of Transportation shall issue a towing business certificate to any person if the person meets all of the following requirements to the satisfaction of the department:

(1) The person must complete an application in a form and in the manner established by the department by rule.

(2) The person must maintain insurance in amounts and providing coverage of the type required for motor carriers under ORS chapter 825 and deliver a certificate of insurance to the department.

(3) The certificate of insurance required under subsection (2) of this section must:

(a) Be issued by an insurance company licensed to do business in this state;

(b) Show that the person is insured by a policy that provides the minimum amount and limits of coverage required under ORS chapter 825;

(c) Contain the policy number; and

(d) Require the insurance company to give the department written notice of cancellation of the policy and to continue to be liable under the policy until the department receives the written notice or until the cancellation date specified in the written notice, whichever is later.

(4) The person must maintain insurance providing $50,000 coverage for cargo transported by the person and deliver a certificate of insurance to the department. An applicant is not required to comply with this subsection if the applicant tows or recovers only vehicles that are owned by the applicant.

(5) The person must maintain vehicles used by the person for the purposes of towing or recovering services so that they meet minimum safety standards established by the department by rule. The department may accept the certification of the person as evidence of compliance with this subsection or may require other evidence, as the department determines appropriate.

(6) The certificate of insurance required under subsection (4) of this section must:

(a) Be issued by an insurance company licensed to do business in this state;

(b) Show that the person is insured by a policy that provides the minimum amount and limits of coverage required under ORS chapter 825;

(c) Contain the policy number; and

(d) Require the insurance company to give the department written notice of cancellation of the policy and to continue to be liable under the policy until the department receives the written notice or until the cancellation date specified in the written notice, whichever is later.

(7) The person must pay the fee required under ORS 822.700 for issuance of a towing business certificate. [1983 c.338 §813; 1985 c.16 §412; 1985 c.400 §7; 1993 c.751 §86; 2007 c.538 §16]

822.210 Privileges granted by certificate; duration; renewal; regulation of holder. (1) The holder of a current, valid towing business certificate issued under ORS 822.205 may exercise the following privileges under the certificate:

(a) The person and any employee of the person who is performing official duties are not subject to the prohibitions and penalties under ORS 822.200.

(b) The person is entitled to receive special indicia of towing business registration. The following apply to indicia described in this paragraph:

(A) The holder of the certificate or a person in the performance of the person's official duties as an employee of the certificate holder may use the indicia:

(i) For towing and recovering vehicles; and

(ii) For towing unregistered vehicles over the highways of this state without first obtaining registration for the vehicles or trip permits required under ORS 803.600.

(B) The indicia shall be of the design provided under ORS 805.200 and are subject to payment of fees for issuance as provided under ORS 805.250.

(2) A towing business certificate expires one year from the date of issuance unless renewed. A certificate holder may renew the certificate by payment of the fee for renewal of a towing business certificate under ORS 822.700. A person whose certificate expires must qualify for a certificate in the same manner as a person who has not previously held a certificate.

(3) The holder of a towing business certificate is subject to regulation by political subdivisions as provided in ORS 801.040 and 822.230, and to regulation under ORS chapter 825. [1983 c.338 §812; 1985 c.16 §411; 1987 c.765 §4; 1993 c.741 §144; 1995 c.733 §78]

822.215 Grounds for denial, suspension, revocation or refusal of certificate. The Department of Transportation may deny or refuse to issue any towing business certificate under ORS 822.205 or may suspend, revoke or refuse to renew any towing business certificate issued upon proof that the applicant for or holder of the certificate has done any of the following:

(1) Used fraud or deception in securing the certificate.

(2) Received in any manner or by any device any rebate or other additional fee for towing or recovery from a person who performs repairs on a vehicle who does not also own the vehicle. This subsection does not prohibit the payment of the towing fee by a person who performs repairs on a vehicle if the fee is included in the charges by that person for repairs on the vehicle.

(3) Used vehicles for the purposes of towing or recovering services that did not meet the minimum safety standards established by the department.

(4) Failed to display special towing business registration plates, stickers or indicia or identification devices for proportionally registered tow vehicles authorized under ORS 805.200 on each vehicle used to tow or recover vehicles.

(5) Failed to maintain the amounts and types of insurance required to qualify for issuance of a towing business certificate under ORS 822.205.

(6) Failed to obtain any permits or authority required under any provision of ORS chapter 825 or rules adopted thereunder.

(7) Violated any provision of ORS 98.854 or 98.858 or a rule adopted under ORS 98.864. [1983 c.338 §814; 1991 c.284 §30; 1993 c.741 §145; 2007 c.538 §17]

822.217 Proportional registration for tow vehicles. (1) Any person who qualifies under ORS 822.205 for a towing business certificate may choose to register qualified vehicles under the proportional registration provisions of ORS 826.009 or 826.011. Except as otherwise provided in this section, tow vehicles registered under ORS 826.009 or 826.011 are subject to the same requirements, conditions and privileges as other vehicles registered under those sections. Tow vehicle proportional registration is subject to the following:

(a) In addition to any application for registration required by ORS 826.009 or 826.011, the applicant must certify in a manner determined by the Department of Transportation by rule that the applicant meets the qualifications specified in ORS 822.205.

(b) The applicant must hold a towing business certificate issued under ORS 822.205.

(c) In addition to any application for renewal of registration required by ORS 826.009 or 826.011, in order to renew proportional registration for a tow vehicle, the applicant shall certify to the department that the applicant meets the qualifications specified in ORS 822.205.

(d) The department shall issue appropriate identification devices for proportionally registered tow vehicles. The design for such devices shall be as determined by the department by rule and the fees for such devices are as provided in ORS 803.577.

(e) An identification device for proportionally registered tow vehicles is subject to cancellation as provided in ORS 822.218.

(2) A vehicle that has been issued tow vehicle proportional registration may be used only for the purposes described in ORS 822.210. Violation of this subsection is punishable as provided in ORS 822.200 for operating an illegal towing business. [1991 c.284 §28]

822.218 Cancellation of identification device for proportionally registered tow vehicle. (1) The Department of Transportation shall have the authority to investigate and verify information provided in conjunction with application for proportional registration of a tow vehicle under ORS 822.217. The department may cancel an identification device for a proportionally registered tow vehicle if the department determines that the owner or lessee of the vehicle, or an employee of either, has:

(a) Operated the vehicle in violation of tow vehicle registration limits;

(b) Falsely certified an application required by ORS 822.217 for registration or renewal of registration of a proportionally registered tow vehicle; or

(c) Falsely completed an application under ORS 822.205 for a towing business certificate.

(2) If a tow vehicle proportional registration identification device is canceled under this section, the vehicle is not eligible for registration under ORS 822.205 for a period of one year after the cancellation. [1991 c.284 §29]

822.220 Authorization to obstruct traffic; failure to take precautions; penalty. (1) The operator of a wrecker or tow vehicle may stop the wrecker or tow vehicle where it obstructs traffic when the operator:

(a) Is engaged in the salvaging of another vehicle; and

(b) Takes the precautionary measures required by this section.

(2) A person commits the offense of failure to take precautions when obstructing traffic with a tow vehicle or wrecker if the person is operating a wrecker or tow vehicle engaged in the salvaging of another vehicle and the operator does not do all of the following:

(a) Determine that the salvaging operation requires stopping the wrecker or tow vehicle in the roadway.

(b) Place warning signs or signals as prescribed under ORS 815.070 at a suitable distance in each direction upon the roadway.

(c) Activate tow vehicle warning lights described in ORS 816.280.

(3) The offense described in this section, failure to take precautions when obstructing traffic with a tow vehicle or wrecker, is a Class D traffic violation. [1983 c.338 §815; 1985 c.71 §9]

822.225 Failure to remove injurious substance; penalty. (1) A person commits the offense of tow vehicle operator failure to remove injurious substance if the person is operating a tow vehicle that is removing a wrecked or damaged vehicle from a highway and the person fails to remove any glass or other injurious substance dropped upon the highway from such vehicle.

(2) The offense described in this section, tow vehicle operator failure to remove injurious substance, is a Class D traffic violation. [1983 c.338 §816; 1985 c.71 §10; 1995 c.383 §115]

822.230 City or county regulation of towing businesses. (1) Notwithstanding ORS 822.200 to 822.225, and except as provided in subsection (2) of this section, a city or county may, by charter or ordinance, regulate towing businesses if the city or county charter or ordinance provisions pertain only to towing authorized by ORS 98.812 and the provisions:

(a) Regulate an aspect of a towing business that is not regulated by ORS 822.200 to 822.225; or

(b) Regulate an aspect of the towing business that is regulated by ORS 822.200 to 822.225 and the provisions of the charter or ordinance are more stringent than those of the statutes.

(2) This section does not authorize imposition of any license fee or tax on a towing business by a city or county.

(3) The governing body of a city or county may adopt ordinances that include, but are not limited to, the following requirements:

(a) That towing businesses accept methods of payment other than and in addition to cash.

(b) That towing businesses post fees in a conspicuous place at the location of the towed vehicles.

(c) That any posted signs that warn of the possibility of towing or that give information about recovery of a towed vehicle be prominently displayed and show the fees charged to recover a towed vehicle.

(d) That towing businesses offer transportation at a reasonable cost from within the immediate vicinity of the place from which the vehicle was towed to the towed vehicle.

(e) That towing businesses establish locations for towed vehicles in such a way that no vehicle will be towed a greater distance than is necessary and reasonable.

(f) That towed vehicles be stored in a public location that has at least one attendant on duty at all times. [1987 c.765 §2]

VEHICLE TRANSPORTERS

822.300 Acting as vehicle transporter without certificate; exemptions; penalty. (1) A person commits the offense of acting as a vehicle transporter without a certificate if the person is not the holder of a vehicle transporter certificate issued under ORS 822.310 and the person drives or tows over the highways of this state:

(a) A vehicle that is:

(A) Required to be registered under the vehicle code;

(B) Driven or towed on its own wheels;

(C) Driven or towed from outside this state or from a manufacturer or vehicle dealer within this state; and

(D) Driven or towed to a prospective purchaser, manufacturer or dealer or the agent thereof either in this state or in any other state, territory or foreign country; or

(b) A manufactured structure.

(2) The offense described in this section does not apply to persons or vehicles exempted from this section under ORS 822.305.

(3) The offense described in this section, acting as a vehicle transporter without a certificate, is a Class D traffic violation. [1983 c.338 §817; 1985 c.16 §413; 1995 c.383 §116; 2003 c.655 §138]

822.305 Exemptions from vehicle transporter certification requirement. In addition to any exemptions from the vehicle code under ORS 801.026, ORS 822.300 does not apply to the following:

(1) Vehicles lawfully operated with plates furnished to vehicle dealers under ORS 822.040.

(2) Vehicles lawfully operated with registration plates issued by this state.

(3) Vehicles being towed by other vehicles lawfully operated with plates issued for towing businesses under ORS 822.210. [1983 c.338 §818; 1985 c.16 §414]

822.310 Privileges granted by certificate; duration; renewal; fee; rules; suspension or revocation; regulation of holder. (1) The holder of a current, valid vehicle transporter certificate issued under this section may exercise the following privileges under this certificate:

(a) The person is not subject to the prohibitions and penalties under ORS 822.300 while transporting vehicles as provided under this section.

(b) The person is entitled to apply for and receive a sufficient number of special vehicle transporter plates or devices and may transport vehicles as provided under this section while displaying the plate or device. Only one plate or device shall be displayed on a vehicle. The plates or devices shall require a fee for issuance as provided in ORS 805.250. A plate or device issued under this paragraph may be used on any vehicle transported by the person.

(c) The person may drive or tow on its own wheels over the highways of this state any unregistered vehicle or manufactured structure from outside this state or from manufacturers or dealers within this state to a prospective purchaser, manufacturer or dealer in this or any other state, territory or foreign country. This paragraph only permits the person to transport manufactured

structures from the place of manufacture to the place of business of a manufactured structure dealer holding a license under ORS 446.691 or 446.696 or a temporary manufactured structure dealer license under ORS 446.701 or to a place outside of Oregon. Any other movement of a manufactured structure by the person must be under a trip permit issued by a county as agent for the Department of Consumer and Business Services.

(2) The Department of Transportation shall provide for the issuance and renewal of vehicle transporter certificates under this section to persons regularly engaged in businesses that require the certificates.

(3) Vehicle transporter certificates issued under this section are subject to all of the following:

(a) A certificate described in this section is valid for a one-year period and shall be renewed as provided by the department.

(b) The department shall not issue a certificate to a person until the fee for issuance of the certificate under ORS 822.700 is paid.

(4) The department may adopt necessary rules for the administration of the laws relating to the regulation of vehicle transporters, the issuance and renewal of vehicle transporter certificates, the issuance of vehicle transporter identification cards and the issuance of vehicle transporter plates. The rules adopted under this subsection must be consistent with any rules regarding vehicle transporters that are adopted under ORS chapter 825. The rules may include, but are not limited to, grounds and procedures for the revocation, denial or suspension of vehicle transporter certificates and for placing vehicle transporters on probationary status.

(5) A person issued a certificate under this section is subject to regulation under ORS chapter 825. [1983 c.338 §819; 1985 c.16 §415; 1985 c.598 §10; 1987 c.261 §9d; 1993 c.741 §146; 1995 c.733 §79; 1999 c.359 §6; 2003 c.655 §139]

822.315 Improper use of vehicle transporter plate; penalty. (1) A person commits the offense of improperly using a vehicle transporter plate if the person is the holder of a vehicle transporter certificate and the person does any of the following:

(a) Exercises privileges granted under ORS 822.310 for vehicles with special vehicle transporter plates issued under ORS 822.310 without conspicuously displaying the plates on the rear of each vehicle.

(b) Uses a special vehicle transporter plate to transport a manufactured structure to a situs not permitted under the privileges granted under ORS 822.310.

(c) Allows any person other than the transporter or transporter's employee to use the special vehicle transporter plates issued to the transporter under ORS 822.310.

(2) The offense described in this section, improper use of vehicle transporter plates, is a Class D traffic violation. [1983 c.338 §820; 1995 c.383 §117]

822.320 [1983 c.338 §821; 1987 c.261 §9e; repealed by 1999 c.359 §10]

822.325 Failure to return revoked or suspended certificate; penalty. (1) A person commits the offense of failure to return a revoked or suspended vehicle transporter certificate if the Department of Transportation demands and requires the return of any certificate, cards or plates under ORS 822.310 and the person has those items demanded and does not return them to the department.

(2) The offense described in this section, failure to return a revoked or suspended vehicle transporter certificate, is a Class A misdemeanor. [1983 c.338 §822; 1985 c.393 §57; 1987 c.261 §9f; 1999 c.359 §7]

822.400 [1983 c.338 §823; 1985 c.16 §416; repealed by 1987 c.261 §13]

822.405 [1983 c.338 §824; 1985 c.16 §417; repealed by 1987 c.261 §13]

822.410 [1985 c.16 §420; 1987 c.217 §11; repealed by 1987 c.261 §13]

822.415 [1985 c.459 §14; repealed by 1987 c.261 §13]

822.420 [1985 c.459 §15; repealed by 1987 c.261 §13]

DRIVER TRAINING

(Commercial Driver Training Schools)

822.500 Operating commercial driver training school without certificate; rules; penalty. (1) A person commits the offense of operating a commercial driver training school without a certificate if the person is not the holder of a valid, current driver training school certificate issued under ORS 822.515 and the person operates a business or nonprofit enterprise that engages, for a consideration, in educating and training persons, either practically or theoretically, or both, in the driving of motor vehicles.

(2) The offense described in this section does not apply to:

(a) A business or nonprofit enterprise engaged in educating and training persons for a profession;

(b) An accredited secondary school, college or university; or

(c) A person that provides limited education or training for a specialized purpose, as determined by the Department of Transportation by rule.

(3) The offense described in this section, operating a commercial driver training school without a certificate, is a Class A misdemeanor. [1983 c.338 §826; 1985 c.393 §58; 2005 c.155 §1]

822.505 Commercial driver training school bond; requirements; actions against school or surety. (1) A bond required under ORS 822.515 for issuance or renewal of a commercial driver training school certificate must comply with all of the following:

(a) The bond shall have a corporate surety licensed to do business within this state.

(b) The bond shall be executed to the State of Oregon.

(c) The bond shall be in the sum of $2,500.

(d) The bond shall be approved as to form by the Attorney General.

(e) The bond must be conditioned that the person issued the certificate shall conduct business as a commercial driver training school without fraudulent representation and without violation of any rules adopted by the Department of Transportation under ORS 822.515.

(f) The bond must be filed and held in the office of the department.

(2) Any person shall have a right of action against a commercial driver training school and against the surety on the bond of the school in the person's own name if the person suffers any loss or damage by reason of the school's fraudulent representations or violation of rules adopted by the department under ORS 822.515.

(3) If the certificate of a school is not renewed or is revoked or canceled, the sureties on the bond shall be relieved from liability accruing subsequent to cancellation or revocation by the department. [1983 c.338 §827]

822.510 Proof of insurance; requirements; exception. Except as provided in subsection (3) of this section, an applicant or holder of a commercial driver training school certificate may maintain proof of insurance required under ORS 822.515 for issuance or renewal of the certificate by complying with any of the following:

(1) The school may file a certificate of insurance with the Department of Transportation that complies with all of the following:

(a) The insurance must be issued to the school.

(b) The insurance must be issued by an insurance company authorized to do business in this state.

(c) The insurance must show that the insured has procured and has in effect a motor vehicle liability policy that provides at least the following coverage:

(A) $100,000 because of bodily injury to or death of one person in any one accident;

(B) Subject to the limit for one person, $300,000 because of bodily injury to or death of two or more persons in any one accident; and

(C) $50,000 because of injury to or destruction of the property of others in any one accident.

(d) The policy shall designate by explicit description or by appropriate reference all motor vehicles with respect to which coverage is granted.

(e) The policy shall insure any and all persons using any motor vehicle owned or operated by the school with the consent of the school against loss from the liabilities imposed by law for damages arising out of the operation, use or maintenance of the motor vehicle.

(2) The school may obtain a valid certificate of self-insurance from the department.

(3) An applicant or holder of a commercial driver training school certificate does not need to submit proof of insurance required under ORS 822.515 for issuance or renewal of the certificate if the applicant or holder of the certificate conducts only classroom instruction. [1983 c.338 §828; 2003 c.175 §12; 2009 c.543 §1]

822.515 Certificates; issuance; suspension or revocation; duration; fee; bond; proof of insurance; rules. (1) A person who holds a valid, current commercial driver training school certificate issued under this section is not subject to the prohibitions or penalties under ORS 822.500.

(2) The Department of Transportation shall adopt rules to provide for the issuance of commercial driver training school certificates under this section. Rules adopted by the department under this section shall provide requirements for all of the following:

(a) Requirements for a certificate under this section including requirements concerning manner and form of application, location, place of business, facilities, records, equipment, courses and standards of instruction, instructors, previous records of the school and instructors, financial statements, schedule of fees and charges, character of school operators and instructors, vehicle equipment and condition and inspection during reasonable business hours.

(b) Any other matters the department may prescribe for the protection of the public.

(3) The department:

(a) May refuse to issue or renew or may suspend or revoke any certificate issued under this section in any case where the de-

partment finds that the applicant or certificate holder has violated or failed to comply with any rules adopted under this section or any provision of this section, ORS 822.500 to 822.510, 822.525 or 822.530.

(b) Shall cancel immediately any certificate if a bond described under ORS 822.505 is canceled by legal notice.

(4) Commercial driver training school certificates issued under this section are subject to the following:

(a) A certificate shall expire on the last day of each calendar year.

(b) The department shall not issue a certificate to a person until the fee for issuance of the certificate under ORS 822.700 is paid.

(c) The department shall not renew a certificate until the fee for renewal of the certificate under ORS 822.700 has been paid.

(d) A fee for a certificate may not be refunded in the event any certificate is refused, suspended or revoked.

(e) The department shall not issue or renew a certificate unless the applicant or certificate holder maintains a bond that meets the requirements under ORS 822.505.

(f) The department shall not issue or renew a certificate unless the applicant or certificate holder maintains proof of insurance that meets the requirements under ORS 822.510. [1983 c.338 §829; 1985 c.16 §418; 1985 c.598 §11]

822.520 Failure to return revoked, suspended or canceled commercial driver training school certificate; penalty. (1) A person commits the offense of failure to return a revoked, suspended or canceled commercial driver training school certificate if the Department of Transportation revokes, suspends or cancels a commercial driver training school certificate issued to the person under ORS 822.515 and the person does not immediately return the certificate to the department.

(2) The offense described in this section, failure to return a revoked, suspended or canceled commercial driver training school certificate, is a Class A misdemeanor. [1983 c.338 §830; 1985 c.393 §59]

(Driver Training Instructor)

822.525 Acting as driver training instructor without certificate; exemptions; rules; penalty. (1) A person commits the offense of acting as a driver training instructor without a certificate if the person is not the holder of a valid, current driver training instructor certificate issued under ORS 822.530 and the person, for compensation, teaches, conducts classes or gives demonstrations to or supervises practice of persons in the driving of motor vehicles whether acting on the person's own behalf or acting as an operator of or on behalf of any business or nonprofit enterprise or school engaged in educating and training persons, either practically or theoretically, or both, in the driving of motor vehicles.

(2) The offense described in this section does not apply to a person acting as an operator of or on behalf of:

(a) A business or nonprofit enterprise engaged in educating and training persons for a profession;

(b) An accredited secondary school, college or university; or

(c) A person that provides limited education or training for a specialized purpose, as determined by the Department of Transportation by rule.

(3) The offense described in this section, acting as a driver training instructor without a certificate, is a Class A misdemeanor. [1983 c.338 §831; 1985 c.393 §60; 2005 c.155 §2]

822.530 Certificate; issuance; suspension or revocation; duration; fee; rules. (1) A person who holds a valid, current driver training instructor certificate issued under this section is not subject to the prohibitions or penalties under ORS 822.525.

(2) The Department of Transportation shall adopt rules to provide for the issuance of driver training instructor certificates under this section. Rules adopted by the department under this section shall provide for all of the following:

(a) Requirements for driver training instructor certificate including requirements concerning manner and form of application, moral character, physical condition, knowledge of the courses of instruction, traffic laws, safety principles and practices, driving record, driving ability and previous personal and employment record.

(b) Any other matters the department may prescribe for the protection of the public.

(3) The department may refuse to issue or renew or may suspend or revoke any certificate issued under this section in any case where the department finds that the applicant or certificate holder has violated or failed to comply with any rules adopted under this section.

(4) Driver training certificates issued under this section are subject to the following:

(a) A certificate shall expire on the last day of each calendar year.

(b) The department shall not issue a certificate to a person until the fee for issuance of the certificate under ORS 822.700 is paid.

(c) The department shall not renew a certificate until the fee for renewal of the certificate under ORS 822.700 has been paid.

(d) A fee for a certificate may not be refunded in the event any certificate is refused, suspended or revoked. [1983 c.338 §832; 1985 c.598 §12]

822.535 Failure to return revoked or suspended certificate; penalty. (1) A person commits the offense of failure to return a revoked or suspended driver training instructor certificate if the Department of Transportation revokes or suspends a driver training instructor certificate issued to the person under ORS 822.530 and the person does not immediately return the certificate to the department.

(2) The offense described in this section, failure to return a revoked or suspended driver training instructor certificate, is a Class A misdemeanor. [1983 c.338 §833; 1985 c.393 §61]

GENERAL PROHIBITIONS

822.600 Failure of garage to report accident or bullet contact; penalty. (1) A person commits the offense of failure of a garage to report an accident or bullet contact if the person is in charge of any garage or repair shop to which is brought any motor vehicle that shows evidence of having been involved in a serious accident or struck by any bullet and the person does not report to the nearest police station or sheriff's office within 24 hours after such motor vehicle is received giving the registration number and the name and address of the owner or operator of such vehicle.

(2) An additional report need not be made under this section when the owner of the vehicle is also the owner of the garage or repair shop and the person has made a report under ORS 811.725 or 811.730 that includes the information required by this section.

(3) The offense described in this section, failure of garage to report accident or bullet contact, is a Class A traffic violation. [1983 c.338 §834]

822.605 False swearing relating to regulation of vehicle related businesses; penalty. (1) A person commits the offense of false swearing relating to regulation of vehicle related businesses if the person knowingly makes any false affidavit or knowingly swears or affirms falsely to any matter or thing relating to the regulation of vehicle dealers, vehicle dismantlers, towing businesses, vehicle transporters, snowmobile dealers, Class I all-terrain vehicle dealers, commercial driver training schools or driver training instructors under the vehicle code.

(2) The offense described in this section, false swearing relating to regulation of vehicle related businesses, is a Class C felony. [1983 c.338 §836; 1987 c.217 §12; 2005 c.654 §39]

FEES

822.700 Certification fees. (1) Fee for issuance of dismantler certificates:

(a) $450, for an original dismantler certificate covering a single place of business issued under ORS 822.110;

(b) $90, for a supplemental certificate for each additional place of business to be covered by that certificate and operated under the same name; and

(c) $30, for each duplicate dismantler certificate issued under ORS 822.110.

(2) Fee for renewal of dismantler certificate under ORS 822.125, $450.

(3) Fee for original issuance of vehicle dealer certificate under ORS 822.020:

(a) $958, for a certificate covering a single place of business;

(b) $230, for each additional place of business to be covered by the certificate and operated under the same name; and

(c) $30, for each corrected vehicle dealer certificate issued under ORS 822.040.

(4) Fee for renewal of vehicle dealer certificate under ORS 822.040:

(a) $958, for renewal of a vehicle dealer certificate covering a single place of business; and

(b) $230, for each additional place of business to be covered by the certificate and operated under the same name.

(5) Fee for issuance of towing business certificate under ORS 822.205, $17 for each vehicle used for towing or recovery purposes.

(6) Fee for renewal of towing business certificate under ORS 822.210, $17 for each vehicle used for towing or recovery purposes.

(7) Fee for issuance of vehicle transporter certificate under ORS 822.310, $150.

(8) Fee for renewal of vehicle transporter certificate under ORS 822.310, $150.

(9) Fee for issuance of driver training instructor certificate under ORS 822.530, $100.

(10) Fee for renewal of driver training certificate under ORS 822.530, $100.

(11) Fee for issuance of commercial driver training school certificate under ORS 822.515, $200.

(12) Fee for renewal of commercial driver training school certificate under ORS 822.515, $200.

(13) Fee for issuance of vehicle appraiser certificate under ORS 819.480, $75.

(14) Fee for renewal of vehicle appraiser certificate under ORS 819.480, $75. [1983 c.338 §835; 1985 c.16 §421; 1985 c.459 §16; 1985 c.736 §6; 1987 c.261 §10; 1997 c.469 §10; 1999 c.593 §6; 2001 c.668 §5; 2003 c.655 §140; 2005 c.654 §16; 2007 c.630 §5]

822.705 Fee for issuance or renewal of vehicle dealer certificate. Each person holding or applying for a current vehicle dealer certificate shall pay a fee of $42 to the Department of Transportation upon application for issuance or renewal of a certificate. Moneys from the fee are continuously appropriated to the department for the purpose of carrying out the provisions of ORS 822.007, 822.009 and 822.080. The fee imposed under this section is in addition to fees under ORS 822.700 for issuance and renewal of a vehicle dealer certificate. [1991 c.541 §7; 1999 c.593 §7; 2003 c.655 §141]

CIVIL PENALTIES

822.990 Civil penalties for violations of ORS 822.500 and 822.525. (1) The Department of Transportation may levy and collect a civil penalty in the amount of $1,000 for each violation against any person who violates ORS 822.500 or 822.525.

(2) Civil penalties under this section shall be imposed in the manner provided in ORS 183.745. [2001 c.727 §3]