

(Including Amendments to Resolve Conflicts)

B-Engrossed House Bill 2756

Ordered by the Senate June 7
Including House Amendments dated May 14 and Senate Amendments
dated June 7

Sponsored by COMMITTEE ON RULES, REDISTRICTING, AND PUBLIC AFFAIRS (at the request of Manufactured Housing Communities of Oregon)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Provides alternative means for obtaining or amending certificate of title for manufactured structure. Expands circumstances under which Department of Transportation may exempt manufactured structure from title and registration requirements, issue replacement title to manufactured structure or amend title to manufactured structure.

A BILL FOR AN ACT

1
2 Relating to titles for manufactured structures; creating new provisions; and amending ORS 802.240,
3 803.045, 803.090, 803.092, 803.094, 803.097, 803.100, 803.205 and 820.500.

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

5 **SECTION 1. As used in sections 1 to 5 of this 2001 Act:**

6 (1) "Holder or other person" means the manufactured structure owner or other person
7 having an interest in the structure as indicated in the records of the Department of Trans-
8 portation.

9 (2) "Last known address" means:

10 (a) The address of the intended recipient as set forth in a certificate of title, financing
11 statement or other documentation;

12 (b) If no address for the intended recipient is shown on a certificate, statement or other
13 document, the address of the intended recipient's principal place of business; or

14 (c) If no address for the intended recipient is shown on a certificate, statement or other
15 document and the intended recipient does not have a principal place of business, the address
16 of the residence of the intended recipient.

17 **SECTION 2. The requirement to surrender a manufacturer's statement of origin or cer-
18 tificate of title or to furnish a certificate of title or other primary ownership record and any
19 release thereon does not apply if all of the following conditions are met:**

20 (1) The transaction involves the sale of a manufactured structure or the creation or
21 transfer of a security interest in a manufactured structure and is processed by an escrow
22 agent licensed in this state.

23 (2) Debt secured by a security interest in the manufactured structure has been or will
24 be paid in full by the escrow agent as part of the agent's processing of the transaction.

25 (3) The written request, in the form described in section 3 of this 2001 Act, from the

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 escrow agent for documentation is made at least 30 days prior to the application for issuance
2 of a replacement or original certificate of title or for changes to a certificate of title.

3 (4) The escrow agent mails a notice to the holder or other person that is responsible for
4 providing or releasing the manufacturer's certificate of origin, certificate of title or other
5 primary ownership record, and to any person who has perfected a security interest under
6 ORS chapter 79 in the inventory of a dealer selling the structure.

7 (5) The escrow agent provides the Department of Transportation with an appropriate
8 application for title. The application must be signed by the transferee, if any, be in a form
9 approved by department rule and include any information required by the department, in-
10 cluding but not limited to the following information:

11 (a) A description of the manufactured structure, including vehicle identification number.

12 (b) The name of the transferee, if any.

13 (c) A recital that the escrow agent did not receive the requested documents and did not
14 receive a written objection from the holder or other person.

15 **SECTION 3.** The escrow agent shall send the notice described in section 2 (4) of this 2001
16 Act by certified mail with return receipt requested and by first class mail, both with postage
17 prepaid, to the last known address of the holder or other person responsible for providing
18 or releasing the documents and of any person having a perfected security interest. The no-
19 tice must:

20 (1) Contain a description of the manufactured structure, including year of manufacture,
21 make and the manufacturer's vehicle identification number;

22 (2)(a) State that the debt or other obligation owed to the holder or other person has been
23 paid and satisfied and specify the date and amount of the final payment; or

24 (b) State that at or prior to the time that the security interest or other interest of the
25 holder or other person in the manufactured structure is terminated, the escrow agent will
26 fully pay and satisfy the debt or other obligation owed to the holder or other person;

27 (3) State that unless the escrow agent receives the appropriate documents within 30 days
28 after the notice is received by the owner or other person responsible for providing or re-
29 leasing the documents, an application for issuance of a replacement or original certificate
30 of title or for changes to a certificate of title will be made to the Department of Transpor-
31 tation under this section; and

32 (4) State that if the escrow agent receives from the holder or other person a written
33 objection to provision or release of the requested documents, the escrow agent will not apply
34 for the issuance, replacement or changing of the certificate of title unless the objection is
35 withdrawn or the escrow agent receives the documents from the holder or other person.

36 **SECTION 4.** (1) The Department of Transportation shall treat an application described
37 in section 2 (5) of this 2001 Act:

38 (a) As an application for issuance of a replacement or original certificate of title that
39 reflects the sale of the manufactured structure or the creation or transfer of the security
40 interest, or as an application to make other changes to a certificate of title consistent with
41 the transaction;

42 (b) As satisfactory proof that any previously issued certificate of title for the manufac-
43 tured structure is not available; and

44 (c) As a release of any perfected security interest in the manufactured structure by the
45 holder or other person responsible for providing the manufacturer's certificate of origin,

1 **certificate of title or other primary ownership record, or a release thereon.**

2 **(2) Upon receipt of an application described in section 2 (5) of this 2001 Act and the pay-**
3 **ment of appropriate fees, subject to ORS 820.500 (10), the department may issue a replace-**
4 **ment or original certificate of title to the manufactured structure, transfer title to the**
5 **manufactured structure, exempt title and registration to the manufactured structure, add**
6 **or delete a security interest or make any other changes consistent with the transaction.**

7 **(3) Issuance of a title under this section does not excuse a violation of ORS 803.094,**
8 **803.105 or 803.106.**

9 **SECTION 5. (1) An escrow agent may not provide an application to the Department of**
10 **Transportation under section 2 (5) of this 2001 Act if the agent has received a written ob-**
11 **jection in response to the notice provided under section 3 of this 2001 Act.**

12 **(2) An escrow agent may charge the person having title to the manufactured structure**
13 **under the replacement certificate a reasonable fee for services provided in compliance with**
14 **the provisions of sections 2 and 3 of this 2001 Act.**

15 **(3) In addition to any other remedy provided by law, a person may bring an action against**
16 **an escrow agent for damages sustained by the person due to the negligence or willful mis-**
17 **conduct of the escrow agent in complying with section 2 or 3 of this 2001 Act.**

18 **SECTION 6. ORS 802.240 is amended to read:**

19 802.240. (1) In all actions, suits or criminal proceedings when the title to, or right of possession
20 of, any vehicle is involved, the record of title, as it appears in the files and records of the Depart-
21 ment of Transportation, is prima facie evidence of ownership or right to possession of the vehicle.
22 As used in this section, the record of title does not include records of salvage titles unless the re-
23 cord itself is the salvage title. Proof of the ownership or right to possession of a vehicle shall be
24 made by means of any of the following methods:

25 (a) The original certificate of title as provided under ORS 803.010.

26 (b) A copy, certified by the department, of the title record of the vehicle as the record appears
27 in the files and records of the department.

28 (2) Extrinsic evidence of authenticity is not required as a condition precedent to the admission
29 of a copy of a document relating to the privilege of any person to drive a motor vehicle authorized
30 by law to be filed and actually filed in the records of the department if the copy bears a seal pur-
31 porting to be that of the department and is certified as a true copy by original or facsimile signature
32 of a person purporting to be an officer or employee of the department. This subsection applies to
33 copies of a data compilation in any form. Copies of documents certified in accordance with this
34 subsection constitute prima facie evidence of the existence of the facts stated therein.

35 (3) A certified copy of a person's driving record, as maintained by the department:

36 (a) May be admitted as evidence in any hearing or proceeding under ORS 813.200 to 813.270.

37 (b) Is prima facie evidence that the person named therein was duly convicted of each offense
38 shown by the record.

39 (c) Is prima facie evidence that the person named therein is participating in or has participated
40 in a driving under the influence of intoxicants diversion program or in any similar alcohol or drug
41 rehabilitation program in this state or in any other jurisdiction if the record shows that the person
42 has participated in such a program.

43 (4) Records and actions described in this subsection shall not be referred to in any way or ad-
44 mitted into evidence or be any evidence of the negligence or due care of any party at the trial of
45 any action at law to recover damages. This subsection applies to all of the following:

1 (a) The report required following an accident.

2 (b) Any action taken by the department to revoke or suspend a driver license or driver permit
3 or taken by the department under the financial responsibility requirements of the vehicle code or
4 the findings, if any, of the department upon which such action of the department is based.

5 (c) Any deposit of security required under the financial responsibility requirements of the vehi-
6 cle code.

7 (5) Except as provided in this subsection, the accident reports filed with the department under
8 ORS 811.725, 811.730 or 811.735 shall be without prejudice to the individual filing the report and no
9 such report shall be used as evidence in any trial, civil or criminal, arising out of an accident. The
10 following uses are allowable under this subsection:

11 (a) The certificate issued by the department under ORS 802.220 to show whether or not an ac-
12 cident report has been made to the department shall be used solely to prove a compliance or failure
13 to comply with the requirements that the accident report be made to the department.

14 (b) An accident report submitted under ORS 811.725 or 811.735 may be used in an administrative
15 hearing or an appeal from such hearing to support any suspension of driving privileges for:

16 (A) Failure to make reports required under ORS 811.725 or 811.735.

17 (B) Failure to comply with financial responsibility requirements or failure to comply with future
18 responsibility filings.

19 (6) A photocopy, facsimile copy, digital or electronic copy of an application for perfection of a
20 security interest by notation on a title under ORS 803.097 **or section 4 of this 2001 Act** that is
21 certified by the department is proof of the date of perfection of the security interest unless the date
22 is invalid as provided under ORS 803.097.

23 **SECTION 7.** ORS 803.045 is amended to read:

24 803.045. This section establishes qualifications for issuance of title for a vehicle. The Depart-
25 ment of Transportation shall not issue title under this section unless the person meets the quali-
26 fications of this section. The department shall issue title for a vehicle to a person if the person
27 meets all of the following qualifications:

28 (1) The person shall satisfy the department that the person is the owner of the vehicle and is
29 otherwise entitled to have title issued in the person's name.

30 (2) Except as otherwise provided in ORS 803.050 (2) **or section 2 (5) of this 2001 Act**, the per-
31 son shall complete an application for title described in ORS 803.050.

32 (3) The person shall pay the fee for issuance of a certificate of title under ORS 803.090 or the
33 fee for issuance of title in another form, as established by the department by rule in accordance with
34 ORS 803.012.

35 (4) If the vehicle is a reconstructed vehicle or an assembled vehicle, the person shall provide
36 the following information in addition to any other information required under this section:

37 (a) The certificate of title last issued for the frame of the vehicle, a salvage title certificate is-
38 sued for the vehicle or other evidence of ownership satisfactory to the department.

39 (b) Bills of sale for major components used to build the vehicle.

40 (5) If the vehicle is covered by an Oregon title or salvage title certificate, **except as provided**
41 **in section 2 (5) of this 2001 Act**, the applicant shall surrender the Oregon title or salvage title
42 certificate, submit an application as provided under ORS 803.065 or submit other evidence of own-
43 ership satisfactory to the department.

44 (6) Unless the department adopts rules to the contrary, if the vehicle is from another jurisdic-
45 tion, the applicant shall surrender to the department with the application the certificate of title is-

1 sued by the other jurisdiction, if such jurisdiction requires certificates of title. If such jurisdiction
2 does not require certificates of title, then the applicant shall surrender the registration cards.

3 (7) No title shall be issued by the department for a vehicle required by ORS 803.210 to be in-
4 spected unless the vehicle has been inspected as described in ORS 803.212 and the inspection fee
5 paid under ORS 803.215.

6 (8) If required by the department, the person shall submit proof as described under ORS 803.205
7 for the purposes of establishing ownership.

8 (9) If the department has reason to believe a vehicle was not certified by the original manufac-
9 turer as conforming to federal vehicle standards, the department may require the applicant to pro-
10 vide the department with proof the department determines appropriate to establish to the
11 satisfaction of the department that the vehicle conforms to federal vehicle standards.

12 (10) Unless the vehicle is exempted from odometer disclosure requirements, the applicant shall
13 submit an appropriate odometer disclosure form. The department shall determine what constitutes
14 an appropriate form in any particular situation. The department may make exceptions by rule to the
15 requirement for submission of an odometer disclosure form.

16 **SECTION 8.** ORS 803.090 is amended to read:

17 803.090. The following fees are the fees for the transaction described:

18 (1) The transfer fee under ORS 803.092, \$10.

19 (2) The fee for issuance of a certificate of title under ORS 803.045 **or section 4 of this 2001**
20 **Act** or a salvage title certificate under ORS 803.140, \$10.

21 (3) The fee for issuance of a duplicate or replacement certificate of title or salvage title certif-
22 icate under ORS 803.065 **or section 4 of this 2001 Act**, \$10. The fee under this subsection must be
23 paid at the same time as a transfer fee under this section if application is made at the same time
24 as application for transfer.

25 (4) The fee for issuance of a new certificate of title under ORS 803.220 indicating a change of
26 name or address, \$10.

27 (5) The fee for late presentation of certificate of title under ORS 803.105, \$25 from the 31st day
28 after the transfer through the 60th day after the transfer and \$50 thereafter.

29 (6) The fees for title transactions involving a form of title other than a certificate shall be the
30 amounts established by the Department of Transportation by rule under ORS 803.012.

31 **SECTION 9.** ORS 803.092 is amended to read:

32 803.092. (1) Except as otherwise provided in this section, upon the transfer of any interest in a
33 vehicle covered by an Oregon title the transferee shall submit an application for title to the De-
34 partment of Transportation. Such application shall be submitted to the department within 30 days
35 of the date of transfer of interest.

36 (2) Notwithstanding subsection (1) of this section, application is not required under this section
37 when:

38 (a) The change involves only a change in the security interest where the security interest holder
39 or lessor is a financial institution or a bank holding company, as those terms are defined in ORS
40 706.008, a licensee under ORS chapter 725, or any subsidiary or affiliate of any of the foregoing and
41 the transfer of the interest of the security interest holder or lessor:

42 (A) Results from the merger, conversion, reorganization, consolidation or acquisition of the se-
43 curity interest holder or lessor;

44 (B) Is to an entity that is a member of the same affiliated group as the security holder or lessor;

45 or

1 (C) Is made in connection with a transfer in bulk.

2 (b) The vehicle is transferred to a vehicle dealer and the vehicle will become part of the dealer's
3 inventory for resale. Upon the transfer of a vehicle to a dealer, however, the dealer shall imme-
4 diately notify the department of such transfer. This exemption from the requirement to apply for
5 title does not apply if the department determines that application for title is necessary in order to
6 comply with odometer disclosure requirements. If the department determines that application for
7 title is not required, it may require filing of documents under ORS 803.126.

8 (c) The vehicle is to be titled in another jurisdiction.

9 (d) The vehicle has been totaled, wrecked, dismantled, disassembled, substantially altered or
10 destroyed, in which case the provisions of ORS 819.010, 819.012, 819.014 or 822.135 relating to notice
11 and surrender of title documents shall be complied with.

12 (e) The transfer involves the creation or termination of a leasehold interest in a vehicle that is
13 proportionally registered under ORS 826.009 or 826.011, if the department is furnished with satis-
14 factory proof of the lease.

15 (3) Except as provided in subsection (2) of this section, the transferee shall:

16 (a) Submit an application that meets requirements for title under ORS 803.045 and 803.050 and
17 any applicable rules of the department.

18 (b) Submit the title transfer fees as required under ORS 803.090.

19 (c) Comply with the provisions of ORS 803.065 and any applicable rules of the department under
20 that statute and submit the duplicate or replacement title fee as provided under ORS 803.090, if the
21 transfer includes an application for duplicate or replacement title and transfer of title.

22 (d) Submit an odometer disclosure containing information required by the department for the
23 kind of transaction involved.

24 (e) Submit any late presentation of certificate of title fee as provided under ORS 803.090 if such
25 fee is required under ORS 803.105.

26 **(4) Notwithstanding subsections (1) and (3) of this section, if the vehicle is a manufac-**
27 **tured structure, an application may be submitted under this section or as allowed by section**
28 **2 (5) of this 2001 Act.**

29 [(4)] (5) For purposes of this section:

30 (a) "Affiliated group" has the meaning given to the term in section 1504(a) of the Internal Re-
31 venue Code of 1986, as amended (26 U.S.C. 1504(a)).

32 (b) A "transfer in bulk" is:

33 (A) The sale or assignment of, the grant of a security interest in, or any other transfer of either
34 a group of loans secured by vehicles, leases of vehicles or both or a participation or other interest
35 in the group of loans;

36 (B) The creation of asset-backed securities or other securing of assets involving the loans or
37 leases; or

38 (C) Any similar transaction involving the loans or leases.

39 **SECTION 10.** ORS 803.094 is amended to read:

40 803.094. (1) Except as otherwise provided in this section, upon the transfer of any interest shown
41 on an Oregon title any person whose interest is released, terminated, assigned or transferred, shall
42 release or assign that interest in a manner specified by the Department of Transportation by rule.
43 Rules adopted for purposes of this subsection shall be designed, as much as possible, to protect the
44 interests of all parties to the transfer. If required under ORS 803.102, the person shall also complete
45 an odometer disclosure statement.

1 (2) Notwithstanding subsection (1) of this section:

2 (a) In the case of a transfer by operation of law of any interest shown on an Oregon title, the
3 personal representative, receiver, trustee, sheriff or other representative or successor in interest of
4 the person whose interest is transferred shall release or assign interest and if required by the de-
5 partment by rule, as provided under ORS 803.102, complete an odometer disclosure statement and
6 shall provide the certificate, if any, and disclosure statement if required to the transferee. The rep-
7 resentative or successor shall also provide the transferee with information satisfactory to the de-
8 partment concerning all facts entitling such representative or successor to transfer title. If there is
9 no person to assign interest, the person to whom interest is awarded or otherwise transferred shall
10 be responsible for the requirements of this paragraph.

11 (b) In the case of a transfer at death of the interest of the owner, lessor or security interest
12 holder if the estate is not being probated and title is not being transferred under the provisions of
13 ORS 114.545, interest may be assigned through the use of an affidavit. The affidavit shall be on a
14 form prescribed by the department and signed by all of the known heirs of the person whose interest
15 is being transferred stating the name of the person to whom the ownership interest has been passed.
16 If any heir has not arrived at the age of majority or is otherwise incapacitated, the parent or
17 guardian of the heir shall sign the affidavit. In the case of a transfer under this paragraph, one of
18 the heirs or any other person designated by the department by rule shall complete any odometer
19 disclosure statement required under ORS 803.102.

20 (c) In the case of a transfer at death of the interest of the owner, lessor or security interest
21 holder where transfer occurs under the provisions of ORS 114.545, the "affiant" as defined in ORS
22 114.505 is the person required to assign interest. The department may designate by rule the affiant
23 or any other person to complete any odometer disclosure statement required under ORS 803.102.

24 (d) Upon the termination of a lease, in lieu of the lessee releasing interest, the lessor may pro-
25 vide information satisfactory to the department that the lease has been terminated. The lessor shall
26 provide an odometer disclosure statement if required under ORS 803.102. If the lessor does not take
27 possession of the vehicle upon termination of the lease, the information in the odometer disclosure
28 given by the lessor may be taken from an odometer disclosure given by the lessee to the lessor un-
29 der ORS 803.102 unless the lessor has reason to believe that the disclosure by the lessee does not
30 reflect the actual mileage of the vehicle.

31 (e) A security interest holder or lessor, without the consent of the owner, may assign interest
32 of the holder or lessor in a vehicle to a person other than the owner without affecting the interest
33 of the owner or the validity or priority of the interest. A person not given notice of such assignment
34 is protected in dealing with the security interest holder or lessor as the holder of the interest until
35 the assignee files in accordance with ORS chapter 79. This paragraph does not exempt such as-
36 signments from title transfer requirements.

37 **(f) If an interest in a manufactured structure is transferred pursuant to an application**
38 **under section 2 (5) of this 2001 Act, the recital by the escrow company that no written ob-**
39 **jections were received constitutes the release or transfer of interest by the person whose**
40 **interest is released, terminated, assigned or transferred.**

41 (3) Nothing in this section requires the release or assignment of title upon the creation or ter-
42 mination of a leasehold interest for a vehicle that is proportionally registered under ORS 826.009
43 or 826.011 if the department is furnished with satisfactory proof of the lease for such vehicle.

44 (4) The department by rule may allow odometer disclosure statements to be on a form other than
45 the certificate of title.

1 (5) Persons subject to the provisions of this section shall provide to the transferee a title cer-
2 tificate, if one has been issued and is in their possession, the release or assignment of interest, and
3 any required odometer disclosure statement. If an odometer disclosure statement is required, the
4 transferee shall provide a signed disclosure to the transferor in a form determined by the depart-
5 ment by rule.

6 **SECTION 11.** ORS 803.097 is amended to read:

7 803.097. (1) Except as provided in subsection (4) of this section, the exclusive means for per-
8 fecting a security interest in a vehicle is by application for notation of the security interest on the
9 title in accordance with this section **or section 2 (5) of this 2001 Act**. The application may ac-
10 company the application for a title or may be made separately at any time prior to issuance of title
11 and must be accompanied by evidence of ownership as defined by the Department of Transportation
12 by rule **or information required under section 2 (5) of this 2001 Act** unless the department is in
13 possession of evidence of ownership when it receives the application. If title to the vehicle has been
14 issued in a form other than a certificate, and the title reflects a security interest, the application
15 for perfection shall include authorization from the previous security interest holder for the new se-
16 curity interest to be recorded on the title. Authorization under this subsection is not required if:

17 (a) A release of interest is submitted by the prior security interest holder or the department is
18 otherwise satisfied that the prior holder no longer holds an interest or is otherwise not entitled to
19 title to the vehicle;

20 (b) The security interest is being added to the title in conjunction with the cancellation of pre-
21 vious title or other action the department takes to correct ownership information reflected on a ti-
22 tle; or

23 (c) Title is being transferred by operation of law.

24 (2) When the department processes an application for a security interest the department shall
25 mark on the application or otherwise indicate on the record the date the application was first re-
26 ceived by the department. The department shall determine by rule what constitutes receipt of an
27 application for purposes of this subsection.

28 (3) If the department has the evidence required by subsection (1) of this section and if the ap-
29 plication contains the name of each owner of the vehicle, the name and address of the secured party
30 and the vehicle identification number of the collateral, the security interest is perfected as of the
31 date marked on the application or indicated in the record by the department. If the application does
32 not contain the information required by this subsection, or if the department does not have the re-
33 quired evidence, the department shall indicate on the application or on the record that the date
34 placed on the application or the record pursuant to subsection (2) of this section is not the date of
35 perfection of the security interest.

36 (4) A security interest in a vehicle may not be perfected as described under this section but is
37 subject to the perfection provisions under ORS chapter 79 if the debtor who granted the security
38 interest is in the business of selling vehicles and the vehicle constitutes inventory held for sale.

39 **SECTION 11a.** If Senate Bill 171 becomes law, section 11 of this 2001 Act (amending ORS
40 803.097) is repealed and ORS 803.097, as amended by section 184, chapter _____, Oregon
41 Laws 2001 (Enrolled Senate Bill 171), is amended to read:

42 803.097. (1) Except as provided in subsection (5) of this section, the exclusive means for per-
43 fecting a security interest in a vehicle is by application for notation of the security interest on the
44 title in accordance with this section **or section 2 (5) of this 2001 Act**. The application may ac-
45 company the application for a title or may be made separately at any time prior to issuance of title

1 and must be accompanied by evidence of ownership as defined by the Department of Transportation
2 by rule **or information required under section 2 (5) of this 2001 Act** unless the department is in
3 possession of evidence of ownership when it receives the application. If title to the vehicle has been
4 issued in a form other than a certificate, and the title reflects a security interest, the application
5 for perfection shall include authorization from the previous security interest holder for the new se-
6 curity interest to be recorded on the title. Authorization under this subsection is not required if:

7 (a) A release of interest is submitted by the prior security interest holder or the department is
8 otherwise satisfied that the prior holder no longer holds an interest or is otherwise not entitled to
9 title to the vehicle;

10 (b) The security interest is being added to the title in conjunction with the cancellation of pre-
11 vious title or other action the department takes to correct ownership information reflected on a ti-
12 tle; or

13 (c) Title is being transferred by operation of law.

14 (2) When the department processes an application for a security interest the department shall
15 mark on the application or otherwise indicate on the record the date the application was first re-
16 ceived by the department. The department shall determine by rule what constitutes receipt of an
17 application for purposes of this subsection.

18 (3) If the department has the evidence required by subsection (1) of this section and if the ap-
19 plication contains the name of each owner of the vehicle, the name and address of the secured party
20 and the vehicle identification number of the collateral, the security interest is perfected as of the
21 date marked on the application or indicated in the record by the department. If the application does
22 not contain the information required by this subsection, or if the department does not have the re-
23 quired evidence, the department shall indicate on the application or on the record that the date
24 placed on the application or the record pursuant to subsection (2) of this section is not the date of
25 perfection of the security interest.

26 (4) **Except as provided in section 4 (2) of this 2001 Act**, the security interest remains effective
27 until released or terminated by the secured party.

28 (5) A security interest in a vehicle may not be perfected as described under this section but is
29 subject to the perfection provisions under ORS chapter 79 if the debtor who granted the security
30 interest is in the business of selling vehicles and the vehicle constitutes inventory held for sale or
31 lease.

32 **SECTION 12.** ORS 803.100 is amended to read:

33 803.100. (1) Except as provided in subsection (2) of this section, and subject to ORS 820.510, the
34 rights and remedies of all persons in vehicles subject to security interests established under ORS
35 803.097 **or section 4 of this 2001 Act** shall be determined by the provisions of the Uniform Com-
36 mercial Code.

37 (2)(a) If perfection of a security interest in a vehicle, including a manufactured structure or a
38 manufactured dwelling, occurs on or before 20 days after attachment of the security interest, the
39 secured party takes priority over the rights of a transferee in bulk or a lien creditor that arise be-
40 tween the time the secured party's interest attaches and the time of perfection of the security in-
41 terest.

42 (b) This subsection applies to any security interest in a vehicle that is not a purchase money
43 security interest.

44 **SECTION 13.** ORS 803.205 is amended to read:

45 803.205. (1) The Department of Transportation may require proof under this section if the de-

1 partment determines the proof is necessary to resolve questions concerning vehicle ownership or
2 undisclosed security interests in the transfer of any vehicle under ORS 803.092, in an application for
3 issuance of title under ORS 803.045 or **section 4 of this 2001 act** or in an application for registra-
4 tion of a vehicle under ORS 803.350.

5 (2) Under this section, the department may require any proof sufficient to satisfy the department
6 concerning the questions about the ownership of the vehicle or security interests in the vehicle. The
7 proof required by the department may include, but is not limited to, completion of an affidavit that:

8 (a) Is in a form required by the department by rule;

9 (b) Contains any information the department requires by rule as necessary to establish owner-
10 ship of the vehicle or to determine any security interests in the vehicle; and

11 (c) Is verified by the person making the affidavit.

12 (3) The department is not liable to any person for issuing title or registering a vehicle based
13 on proof provided under this section.

14 (4) Nothing in this section affects any power of the department to refuse to issue or to revoke
15 title or registration.

16 **SECTION 14.** ORS 820.500 is amended to read:

17 820.500. Except as provided in this section and ORS 820.510 and 820.525 to 820.580 **and sections**
18 **1 to 5 of this 2001 Act**, or as otherwise specifically provided by law, manufactured structures are
19 subject to the same provisions concerning registration, titling, salvage title, sale by dealers, trans-
20 fers, transfers of interest and payment of fees as required for any other vehicle required to be reg-
21 istered under the vehicle code. The following provisions apply to manufactured structures:

22 (1) The registration of a manufactured structure in this state does not authorize movement of
23 the manufactured structure on the highways. Manufactured structures may only be moved upon the
24 highways:

25 (a) By vehicle transporters as permitted under ORS 822.310; or

26 (b) By persons operating under a trip permit under ORS 803.600, 820.560 and 820.570.

27 (2) In addition to other information required in an application for registration of a manufactured
28 structure, the application shall contain information as to the location of the manufactured structure.
29 The Department of Transportation shall notify the appropriate assessors of the location.

30 (3) The department shall not issue title or register a new manufactured structure without pres-
31 entation of information from the manufacturer containing the year of manufacture, the make and the
32 manufacturer's vehicle identification number. The manufacturer of a manufactured structure shall
33 issue with each manufactured structure to be sold in this state, the information required by this
34 subsection in a form determined by the department by rule.

35 (4) Manufactured structures are registered for ownership registration periods described in ORS
36 803.400 with new registration made at each transfer of ownership.

37 (5) Manufactured structures are not subject to inspection under ORS 803.210.

38 (6) Upon registration of a manufactured structure, one registration plate shall be issued. The
39 registration plate shall be permanent and shall remain with the manufactured structure when the
40 manufactured structure is transferred. The registration plate is subject to display requirements as
41 provided under ORS 820.550.

42 (7) Manufactured structures registered under ORS 805.040 and 805.100 are subject to the pro-
43 visions of those sections.

44 (8) The fees for registration of manufactured structures are as provided under ORS 820.580.

45 (9) Manufactured structures are subject to assessment and taxation under the ad valorem tax

1 laws of this state whether or not registered under the vehicle code. In addition to any other manu-
2 factured structures, this subsection applies to manufactured structures subject to an exemption un-
3 der ORS 820.510.

4 (10)(a) Subject to subsection (11) of this section, no title to a manufactured structure that is on
5 the assessment and tax rolls of any county shall be transferred under ORS 803.092, unless the de-
6 partment is satisfied that all property taxes and special assessments for the current tax year and
7 all delinquent property taxes and special assessments are paid.

8 (b) Notwithstanding paragraph (a) of this subsection, a title to a manufactured structure may
9 be transferred without payment of all delinquent property taxes and special assessments if the
10 ownership transfer was done pursuant to ORS 90.425 or 90.675.

11 (11) Subsection (10) of this section is subject to the following:

12 (a) Nothing in subsection (10) of this section applies to or places any limitation on title actions
13 involving the deletion or addition of a coowner or security interest holder.

14 (b) Subsection (10) of this section is applicable to manufactured structures subject to an ex-
15 emption under ORS 820.510 as provided by rule of the department adopted under ORS 820.510.

16 (12) The department shall maintain records on:

17 (a) Manufactured structures as required under ORS 802.200.

18 (b) Manufactured structures subject to an exemption under ORS 820.510 as the department de-
19 termines necessary.

20 (13) Special use trailers are subject to the registration provisions for special use trailers and
21 are not subject to the provisions for manufactured structures under this section.

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