

B-Engrossed
House Bill 2282

Ordered by the Senate July 2
Including House Amendments dated April 16 and Senate Amendments
dated July 2

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Transportation and Economic Development)

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.

Allows Department of Transportation to accept documents received electronically related to titling, registration, odometer disclosure and other activities.

Expands number of services for which vehicle dealer may charge purchaser. Establishes maximum fee vehicle dealer may charge for providing services.

A BILL FOR AN ACT

1
2 Relating to transportation; creating new provisions; and amending ORS 802.600 and 822.043.

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

4 **SECTION 1. Section 2 of this 2015 Act is added to and made a part of the Oregon Vehicle**
5 **Code.**

6 **SECTION 2. (1) As used in this section, "electronic signature" has the meaning given**
7 **that term in ORS 84.004.**

8 **(2) The Department of Transportation may receive electronically transmitted documents**
9 **necessary to:**

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

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

12 **(c) Issue a registration plate; or**

13 **(d) Comply with odometer disclosure requirements.**

14 **(3) Except as required in ORS 803.094 and 803.205 for affidavits, an acknowledgement be-**
15 **fore a notary public is not required when a document or signature is transmitted electron-**
16 **ically under this section. When an affidavit is required under ORS 803.094 or 803.205, the**
17 **department may accept a scanned copy of the person's signature and a scanned copy of the**
18 **notary public's acknowledgment of the signature, which accurately reproduces the original**
19 **signatures and contents of the document.**

20 **(4) The department may adopt rules relating to the electronic transmission of documents**
21 **and the use of electronic signatures on documents described in subsection (2) of this section.**

22 **SECTION 3. ORS 822.043 is amended to read:**

23 **822.043. (1) As used in this section:**

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

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

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

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 to:

- 2 (a) Issue or transfer a certificate of title for a vehicle;
- 3 (b) Register a vehicle or transfer registration of a vehicle; [or]
- 4 (c) Issue a registration plate[.];
- 5 **(d) Verify and clear a title;**
- 6 **(e) Perfect, release or satisfy a lien or other security interest;**
- 7 **(f) Comply with federal security requirements; or**
- 8 **(g) Render any other services for the purpose of complying with state and federal laws**
- 9 **related to the sale of a vehicle.**

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

11 (a) May charge a purchaser of a vehicle a **document processing** fee for the preparation of

12 those documents.

13 (b) May not charge a purchaser of a vehicle a **document processing** fee for the submission of

14 any document or the issuance of a registration plate.

15 **(c) May charge a purchaser of a vehicle a document processing fee for performing any**

16 **of the services described in subsection (2) of this section in connection with preparing the**

17 **documents described in subsection (2) of this section.**

18 **(4) A purchaser of a vehicle may negotiate the amount of the document processing fee**

19 **with a vehicle dealer, but in no case shall the document processing fee charged by a vehicle**

20 **dealer under this section exceed:**

21 **(a) \$150, if the vehicle dealer uses an integrator; or**

22 **(b) \$115, if the vehicle dealer does not use an integrator.**

23 *[(4) The Department of Transportation may adopt rules to:]*

24 *[(a) Limit the amount of a fee charged under subsection (3) of this section. The limit established*

25 *by rule may not be less than:]*

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

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

28 *[(b) Determine when a vehicle dealer is required to inform the purchaser of the vehicle of the option*

29 *of using an integrator and when the purchaser has the option of electing to use an integrator.]*

30 **(5) If a vehicle dealer charges a document processing fee under subsection (4)(a) of this**

31 **section, of the amount collected \$25 shall be paid to the integrator.**

32 *[(5)]* **(6) Unless otherwise provided by rule, if a vehicle dealer uses an integrator and charges**

33 **a document processing** fee greater than that charged for not using an integrator, the dealer must

34 inform the purchaser of the vehicle of the option of using an integrator to prepare the documents.

35 The purchaser may then elect whether or not to have the vehicle dealer use an integrator to pre-

36 pare the documents.

37 **(7) If the purchaser of a vehicle pays a document processing fee, the vehicle dealer shall**

38 **prepare and submit all documents to complete the transaction as permitted by law.**

39 **SECTION 4.** ORS 802.600 is amended to read:

40 802.600. (1) *[After completion of the study required by section 3, chapter 583, Oregon Laws 1997,*

41 *and the report to the Joint Legislative Committee on Information Management and Technology as re-*

42 *quired by section 4, chapter 583, Oregon Laws 1997,]* The Department of Transportation may enter

43 into an agreement with any person who is not an employee of the department, including but not

44 limited to an integrator, enabling the person to transact on behalf of the department the **following**

45 functions of the department *[specified in section 3, chapter 583, Oregon Laws 1997]:*

1 **(a) Electronic issuance of vehicle title.**

2 **(b) Immediate issuance of title and registration, including registration plates or stickers,**
3 **to a person who buys a vehicle.**

4 **(c) Written and skills testing for driver licenses and permits, including commercial driver**
5 **licenses.**

6 **(d) Issuance of identification cards.**

7 (2) An agreement described in subsection (1) of this section may be in any form and may contain
8 any provisions that the department determines to be in the best interests of the public and conven-
9 ient for the department, including but not necessarily limited to provisions that allow the depart-
10 ment to:

11 (a) Ensure product quality control.

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

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

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

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

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

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

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

27 (D) Prohibit disclosure of personal information from driver or vehicle records except in accord-
28 ance with applicable laws.

29 (b) [*Except as provided in ORS 822.043,*] The department may not adopt rules establishing the
30 amount of a fee to be charged by a person acting under this section.

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

34 (5) As used in this section [*and section 3, chapter 583, Oregon Laws 1997*], “integrator” means
35 a person who enters into a contract with the Department of Transportation:

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

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

40