

Secretary of State
NOTICE OF PROPOSED RULEMAKING*

A Statement of Need and Fiscal Impact accompanies this form.

Department of Transportation, Driver and Motor Vehicle Services Division
Agency and Division

735

Administrative Rules Chapter Number

Lauri Kunze 355 Capitol St. NE, Rm. 29 Salem, OR 97301 lauri.g.kunze@odot.state.or.us
Rules Coordinator Address

(503) 986-3171
Telephone

RULE CAPTION

Establishes Procedures and Requirements for Oregon's Vehicle Appraiser Education Program

Not more than 15 words that reasonably identify the subject matter of the agency's intended action.

RULEMAKING ACTION

ADOPT: 735-158-0005, 735-158-0010

AMEND: 735-158-0000

REPEAL:

ORS 184.616, 184.619, 802.010 and 819.480

Stat. Auth.

None

Other Authority

ORS 819.210, 819.220, 819.480, 819.482 and 822.700

Stats. Implemented

RULE SUMMARY

Chapter 630, Or. Laws 2007 (HB 2435) renumbered, from ORS 819.230 to ORS 819.480, the statute establishing requirements for the issuance of Oregon vehicle appraiser certificates. The law change also granted DMV authority to adopt rules to establish educational requirements for the issuance or renewal of vehicle appraiser certificates.

DMV is proposing to amend OAR 735-158-0000, and to adopt OAR 735-158-0005 and 735-158-0010 to establish a vehicle appraiser education training program to provide vehicle appraisal-related education to qualified applicants for Oregon vehicle appraiser certificates. The rules specify education program requirements, education curriculum standards and qualification requirements for appraiser education instructors and trainees. Additional amendments to OAR 735-158-0000 specify the grounds under which DMV may deny issuance, suspend, revoke or renew a vehicle appraiser certificate.

The education program is a non-vocational training program specifically designed for individuals who are required to hold a vehicle appraiser certificate as a condition of employment. Examples of employers that may require an employee to hold an appraiser certificate include towing businesses and public agencies such as state, city and county law enforcement agencies that enforce laws relating to abandoned vehicles and vehicles that constitute a roadside hazard.

Training will be conducted by DMV-approved instructors and will provide education on the basic skills and minimum knowledge required to appraise vehicles in Oregon. DMV will administer the education program at no cost to program instructors or trainees. Instructors will not be compensated by DMV.

Text of proposed and recently adopted ODOT rules can be found at web site <http://www.oregon.gov/ODOT/CS/RULES/>.

A public rulemaking hearing may be requested in writing by 10 or more people, or by an association with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the *Oregon Bulletin* or 28 days from the date Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the *Oregon Bulletin* at least 14 days before the hearing.

The agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

September 22, 2008

Last Day for Public Comment

Last day to submit written comments to the Rules Coordinator

Signature

Lauri Kunze

Printed name

Date

* The *Oregon Bulletin* is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation. Notice forms must be submitted to the Administrative Rules Unit, Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310 by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday when Notice forms are accepted until 5:00 pm on the preceding workday.

Secretary of State
STATEMENT OF NEED AND FISCAL IMPACT

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Oregon Department of Transportation, Driver and Motor Vehicle Services Division

735

Agency and Division

Administrative Rules Chapter Number

In the Matter of the Amendment of OAR 735-158-0000 and the Adoption of OAR 735-158-0005 and 735-158-0010, Relating to Vehicle Appraisers.

Rule Caption: Establishes Procedures and Requirements for Oregon's Vehicle Appraiser Education Program

Statutory Authority: ORS 184.616, 184.619, 802.010 and 819.480

Other Authority: None

Statutes Implemented: ORS 819.210, 819.220, 819.480, 819.482 and 822.700

Need for the Rule(s): Chapter 630, Or. Laws 2007 (HB 2435) renumbered, from ORS 819.230 to ORS 819.480, the statute establishing requirements for the issuance of Oregon vehicle appraiser certificates. The law change also granted DMV authority to adopt rules to establish educational requirements for the issuance or renewal of vehicle appraiser certificates.

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Training will be conducted by DMV-approved instructors and will provide education on the basic skills and minimum knowledge required to appraise vehicles in Oregon. DMV will administer the education program at no cost to program instructors or trainees. Instructors will not be compensated by DMV.

Documents Relied Upon and where they are available: Chapter 630, Oregon Laws 2007 (HB 2435) - to request a copy of this document, please contact David Eyerly at 503-945-5256. Alternatively, the document is available electronically at: <http://www.leg.state.or.us>

Fiscal and Economic Impact, including Statement of Cost of Compliance: DMV anticipates a minimal fiscal impact to the agency as a result of these rules. Anticipated costs to the agency include a small increase in the workload of the Business Regulation Section manager who will review and process documents pertaining to education program instructors and individuals who wish to become instructors. Additionally, agency costs resulting from these rules include a potential increase in requests for contested case hearings by vehicle appraisers or education instructors found in violation of relevant statutes and DMV rules. There are currently 274 certified vehicle appraisers in Oregon. DMV cannot quantify the cost of compliance with these rules because interest in the education program and the number of future violations is impossible to predict.

Projected reporting, recordkeeping and other administrative activities required for compliance: None.

Equipment, supplies, labor and administration required: None.

How were small businesses involved in the development of this rule? In November of 2007, DMV met with individual appraisers, individuals representing Oregon vehicle dealers, towing businesses, vehicle dismantlers and other interested parties to solicit input on the development of these rules. This included development of education curriculum standards and qualification requirements for appraiser education instructors and trainees. This same group had an opportunity to comment on early drafts of this rulemaking.

Administrative Rule Advisory Committee consulted?: No. If not, why?: As noted above, DMV met with interested parties to receive input on the development of these rules. Additionally, members of the Oregon Dealer Advisory Committee (ODAC) will be given a copy of these proposed rules and may comment on them during the rulemaking process. ODAC includes representatives from vehicle-related businesses, consumer protection groups and members of the public. For those reasons, DMV did not believe it was necessary to assemble a formal advisory committee.

Authorized Signer

Lauri Kunze

Printed name

Date