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PERMANENT ADMINISTRATIVE ORDER

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DEPARTMENT OF TRANSPORTATION
DRIVER AND MOTOR VEHICLE SERVICES DIVISION

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RULES:

735-028-0000, 735-028-0005

AMEND: 735-028-0000

NOTICE FILED DATE: 08/29/2023

RULE SUMMARY: DMV amended this rule to remove the definition of "voluntary odometer reading."

CHANGES TO RULE:

735-028-0000

~~Definitions Relating to Odometer Disclosures and Voluntary Odometer Readings~~ ¶

As used in OAR 735-028-0000 through 735-028-0100 the following terms apply:¶

- (1) "Actual Mileage" means the distance a vehicle has traveled while in operation.¶
- (2) "Buyer" refers to the transferee as defined in ORS 803.102 and 49 CFR, Part 580 for the purpose of odometer disclosure.¶
- (3) "DMV" means the Driver and Motor Vehicle Services Division of the Oregon Department of Transportation.¶
- (4) "Seller" has the same meaning as "transferor" as that term is defined in ORS 803.102 and 49 CFR, Part 580 for the purpose of odometer disclosure.¶
- (5) "Odometer" means a device on a motor vehicle for recording the accumulated total mileage a vehicle has been driven. It does not include a device designed to be reset to zero by the operator for purposes of recording trip mileage.¶
- (6) "Odometer Reading" means the mileage indicated on the odometer, excluding any tenths of a mile or kilometer.¶
- (7) "Odometer Disclosure" is a written statement required by state or federal law upon a transfer of an interest in motor vehicle, which contains:¶
 - (a) A vehicle description, the odometer reading and a certification as to whether, to the best of the person's knowledge, the reading reflects the actual mileage, mileage in excess of the designed mechanical limit or does not reflect actual mileage; and¶
 - (b) Depending on the type of transaction, any other information required by rule to be on the disclosure.¶
- (8) "Conforming Title" means a certificate of title or salvage title issued by any state, which contains spaces for odometer information required by 49 CFR, Part 580. Any Oregon title or salvage title issued on or after January 1,

1992, is a conforming title.¶

(9) "Nonconforming Title" means a certificate of title issued by any state that does not contain spaces for odometer information required under 49 CFR, Part 580. Any Oregon title issued prior to January 1, 1992, is a nonconforming title.¶

(10) "Secure Form" refers to an odometer disclosure and reassignment form or a power of attorney form that includes odometer information, issued by DMV or another jurisdiction that meets or exceeds federal requirements on form and content. The forms incorporate security features to deter and detect counterfeiting or unauthorized reproduction, and make alterations visible to the naked eye.¶

~~(11) "Voluntary odometer reading" is an odometer reading provided to DMV on a voluntary basis in connection with a title transaction for a vehicle that is exempt from the odometer disclosure requirements as provided in OAR 735-028-0010.~~

Statutory/Other Authority: ORS 184.619, 802.010, 802.200, 803.015, 803.045, 803.050, 803.065, 803.092, 803.094, 803.097, 803.102, 803.120, 803.122, 803.124, 803.126, 803.140, 803.207, 803.370, 803.475, 805.120, 815.405, 821.060, 821.080

Statutes/Other Implemented: ORS 803.102, 803.120, 803.122, 803.124, 803.126, 49 CFR Part 580

REPEAL: 735-028-0005

NOTICE FILED DATE: 08/29/2023

RULE SUMMARY: DMV repealed this rule because Oregon laws 2023, chapter 400 amended ORS 803.102 and it no longer permits voluntary odometer readings.

CHANGES TO RULE:

~~735-028-0005~~

~~Voluntary Odometer Reading~~

~~The purpose of this rule is to establish the manner in which a person may provide a voluntary odometer reading to DMV under OAR 735-028-0000 (11).~~

~~(1) A voluntary odometer reading:~~

~~(a) Must be submitted to DMV during the process of a title transaction. A person may submit the voluntary odometer reading by:~~

~~(A) Providing it on the application; or~~

~~(B) Giving it to the DMV representative verbally.~~

~~(b) Must include the date of the reading or the date the reading was received by DMV;~~

~~(c) Must include the following to be recorded on the vehicle record and title or salvage title:~~

~~(A) A reading greater than zero; or~~

~~(B) A reading of zero or greater, if provided with an odometer message as described in subsection (d) of this Section.~~

~~(d) May include an odometer message that states to the best of the knowledge of the person providing the reading that:~~

~~(A) The mileage stated is in excess of the odometer's mechanical limits;~~

~~(B) The reading does not reflect the actual mileage; or~~

~~(C) The odometer is not readable.~~

~~(e) Does not constitute an endorsement by DMV as to the accuracy, completeness, reliability or usefulness of the odometer reading, odometer message or the date of the reading.~~

~~(2) DMV will not attempt to verify the mileage reported for a voluntary odometer reading.~~

~~(3) A person who provides a voluntary odometer reading to DMV is not subject to the certification requirements for an odometer disclosure required under ORS 803.102, 49 CFR, Part 580 or DMV rules.~~

~~Statutory/Other Authority: ORS 184.619, 802.010, 802.200, 803.102, 803.120~~

~~Statutes/Other Implemented: ORS 803.102, 803.120~~