Dealer Details

Newsletter of the DMV Business Regulation & Oregon Dealer Services Section

DEQ's Clean Vehicle Rebate Program and Legislation Discussed

The Oregon Dealer Advisory Committee (ODAC) held its 2nd quarterly meeting for 2023 on April 27th. ODAC received updates from, the Department of Environmental Quality's (DEQ) Clean Vehicle Rebate Program, ODOT's Road Usage Charge Program (OReGO) and DMV on legislative bills that impact DMV and may impact the vehicle-related industries ODAC represents.

DEQ shared with ODAC that there are two types of rebates – Standard and Charge Ahead. DEQ has issued 30,000 rebates since its inception in 2018. The Charge Ahead program is an income-based program and is only available for new vehicles but used vehicles should be able to use a voucher system in the future. There is more information available on <u>DEQ's website</u>. The EV program is allocated \$12 million annually for the two types of rebates. Any unused money from a previous year will roll over to the next year. As the program has been very successful with demand outpacing funding the rebate program was suspended on May 1, 2023. Vehicles purchased on or before April 30th are eligible for the rebate. It is anticipated the program will be reinstated in March 2024.

ODOT's Innovative Program Policy Advisor provided an update on OReGO, ODOT's road usage charge program, which is a voluntary pay-per-mile program. Vehicles are charged for the miles driven as opposed to a fuel tax. There is proposed legislation during this year's session, HB 3297, to make the program mandatory for model year 2028 and later with vehicles rated at 30 mpg or better, which would begin July 2027. So far, it's a very modest program, with 878 vehicles enrolled as of April 2023, of which 476 are electric vehicles (EVs).

Danny Lopez, manager of the Oregon Dealer Services Unit, gave an update on the unit's progress since the first of the year. He discussed a review of current staffing, the development of key metrics to measure the unit's productivity and the creation of an email distribution list so the unit can communicate directly with dealers and their staff. Mr. Lopez thanked the ODAC members for their support in the transition and will have further updates in the future.

The target end (sine die) of this year's Legislative session was Sunday, June 25. There were hundreds of proposed bills that could become law. However, the following bills passed by sine die which our vehicle community may have an interest in:

HB 2100 increases fees related to driver licenses, driver permits, identification cards and motor vehicles. Provides that registration period for new mopeds and motorcycles is two years instead of four years. Effective 01/01/2024. **(PASSED)**

HB 3080 Directs Department of Transportation to adopt rules permitting vehicle dealers or financial institutions to electronically transmit documents necessary to take actions related to vehicle ownership including registering and titling vehicles. Effective 01/01/27. **(PASSED)**

HB 3001 waives veteran recognition plate surcharge fee if applicant is a Gold Star member and funds are available. Effective 7/1/23. (PASSED)

SB 569 requires televisions in public areas to display closed captioning. Effective 09/24/23. (PASSED)

SB 889 removes requirement that certain off-road vehicles be equipped with windshield wipers when vehicle operated off highway. Modifies definitions of Class I ATV and Class IV ATV. Effective 01/01/24. (PASSED)

SB 780 creates offense of illegal fender height modifications. (Boosted vehicles.) Effective 01/01/244. (PASSED)

Everyone is welcome to attend the July 27, 2023, 9am to noon ODAC meeting at DMV Headquarters, 1905 Lana Ave. NE, in Salem, or via phone or TEAMS (like Zoom)

-Gary Sargent
ODAC Vice Chair

DMV DEALER TRAINING – Redux

In 2001, DMV initiated "Dealer Training" program, which lasted almost 15 years. The program was offered by DMV throughout the state and helped dealers understand DMV rules, statutes and policies and the way DMV enforces the regulations to avoid civil penalties or sanctions. This was an attempt to provide dealers efficient "one stop shopping", by having a Dealer Investigator and a local field office representative, when available, at each class. This way, dealers got the "big picture" as to how DMV thinks and does business. The philosophy behind the Dealer Training program was simple. It is good for DMV and it is good for the community.

In 2015, a pause occurred with this program, as DMV systems were upgraded to the new computer system, OLIVR, which went live in January 2019 for vehicle transactions. With the recent creation (January 2023) of the Oregon Dealer Services Unit at DMV, a single team dedicated to processing dealer transactions, DMV is initiating a new kind of dealer training program.

DMV prefers to educate a dealer upfront, turn around a troubled dealership and help keep dealerships from getting into trouble, rather than wait until enforcement action is necessary. This is good business for DMV and dealers. We both save time and money.

In the coming months, you will receive more information about DMV's dealer training. Utilizing current technology, DMV will be able to provide more timely information to a broader dealer audience. We will offer online webinars, easy-to-find FAQs, and revised Oregon Dealer pages on DMV's website.

But remember, this training is NOT a substitute for continuing education, required by state law. The pre-licensing and continuing education programs are offered by private vendors, provide a broader scope of training, and include topics that are not within DMV's jurisdiction. With the Dealer Training provided by DMV, Oregon will have the best educated dealers among the 50 states and territories!

Oregon Dealer Services Team Update

Since the Oregon Dealer Services Unit report to ODAC in April, much progress has been made in several areas. Some of the key activity has been:

- A review of processing staff resources, including use of other DMV staff to assist Oregon Dealer Services in reducing the turnaround times for title processing and related work. Staff training materials have been updated with a "dealer focus" approach.
- Measurement of incoming transaction volumes at DMV Headquarters and Dealer Service Centers, and through our electronic vehicle registration (EVR) vendor. We utilize this information to determine future staffing needs and allocate our resources appropriately.
- An initial review of our electronic vehicle registration (EVR) transactions was conducted. We are working with our EVR vendor, Vitu, to identify dealers with high error rates and are developing action plans to assist those dealers in reducing their error rates to avoid delays in processing.
- Conducting reviews of our Dealer Service Centers' processes to identify more efficient ways to provide services. In late summer or early fall 2023, DMV will implement a pilot project with "Smart Lockers" at DMV Headquarters in Salem and at our Southeast Portland Dealer Service Center. We anticipate this change will improve dealer drop offs and increase staff's productivity.

The unit established a dealer email distribution list using Gov.Delivery.com email service. In mid-June the first weekly unit processing updates and monthly newsletter were sent out to over 2100 dealer emails. In the future we plan to use this email service to provide a variety of updates, training materials and invitations to training events. Anyone can subscribe to this service using this link:

https://public.govdelivery.com/accounts/ORDOT/subscriber/new?topic_id=ORDOT_900.

Future planned improvements include:

- DMV dealer web page will be updated to centralize commonly used information to make it easier for dealers to find what they need to complete their transactions. This will include links to the Dealer Portal, the Titling and Registration Handbook, and training materials.
- A library of dealer staff training materials and opportunities to include webinars and You Tube tutorials focusing on reducing paperwork submission errors and training new staff on the basics of title and registration.
- Updates to the "Dealer Handbook" that will transition it to a training tool with more examples and explanations tailored to the needs of dealer staff.
- An expansion to the EVR program to offer more services and include out-of-state dealers, financial institutions, and large volume submitters (fleet, etc).

The Oregon Dealer Services Unit values our partnership with dealers and their staff and welcome suggestions that will help us improve service to our mutual customers.

Update on the DMV MOVEit Data Breach

The Oregon Department of Transportation (ODOT) uses a file transfer service called MOVEit to send and receive sensitive information. In mid-June, we discovered that hackers successfully exploited a <u>vulnerability</u> in MOVEit software to steal information from their customers across the globe. Unfortunately, this included files from Oregon DMV.

Which customers are impacted?

- All customers 16 years or older who hold an unexpired permit, license or ID card issued by Oregon should assume their data was included in the breach.
- We cannot determine by looking at a customer's record whether their data was included.

What data was taken?

- Some publicly available information was included as well as some personal information (PI). Individuals should assume information related to their active license or ID card information is part of this breach.
- We don't know exactly what data was compromised by the breach, or which individuals had data stolen. Our customers should be aware that the personal information that is typically associated with a DMV driver's license or ID record—and thus, may have been exposed—would include:
 - Name
 - Home and mailing address
 - License or ID number
 - Last four digits of Social Security number
- We also don't know how external parties may use this information if they access it. Monitoring one's credit and freezing credit files are the best things a person can do to protect themselves from fraud.

Is my financial information secure?

• We do not believe accessed information included financial information or banking information.

Where can customers learn more?

• Information page about this issue is on the DMV website at www.oregondmv.com. The yellow banner on the top of the page has a direct link. DMV and ODOT websites are the best place for customers to stay up to date on the latest information.

What is ODOT doing to prevent this in the future?

• ODOT takes privacy and security seriously. We continually review the security of our systems and will be working on additional ways to prevent things like this in the future.

Our Motto: Getting it Right the First Time

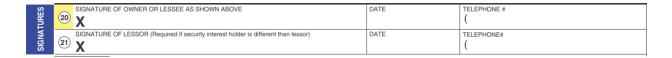
As dealers, you understand the value of your customers' time as well as your own. Vehicle transactions should be clear-cut and straightforward so you can sign that bottom line and hand over the keys to the excited buyer. However, more often than we like to see, forms sent to DMV are incomplete and missing critical buyer information which leads to the delay in processing of ownership paperwork.

Incomplete buyer information can result in duplicate records which are often only discovered when the customer visits a DMV field office for another transaction months or years after a vehicle purchase. This creates additional work for DMV staff and can delay the customer's transaction leaving them very frustrated.

Instructions for completing all forms required to be submitted with vehicle purchases are outlined in the Vehicle Title and Registration Handbook. For example, Chapter B, page B2 provides line-by-line instructions on how to complete DMV Form 735-226, Application for Title and Registration (Form 226). The buyer's full name, Oregon driver license number (ODL), birthdate, and home and mailing addresses are necessary information to ensure a duplicate customer record is not created. Providing only the buyer's name could potentially match with many other Oregonians! Additionally, Line 20 asks for the buyer's phone number so that DMV can contact the buyer if there are any questions during title processing. If the buyer has a working phone number, always provide it on line 20.

DMV Form 735-226 Application for Title/Registration

	Complete Line 5 with the owner whose address will be used for all DMV mail regarding this vehicle. List additional owners on Lines 8 and 9. This in no way determines a priority of ownership.) If any owner listed uses a work address on DMV records, that owner must be shown on Line 5. See reverse for more information.									
	5	PRINT FULL LEGAL NAME: LAST, FIRST, MIDDLE OF (check one)	OWNER OR	LESS	EE	ODL / ID / CUSTOMER #	DATE OF BIRTH (MM/DD/YYYY)			
ESS	6	RESIDENCE / BUSINESS ADDRESS - (Address will be used to upda	ate your ODL / ID card)	MAILING ADDRESS (If different from residence – will be used to update your ODL / ID card)						
OWNER or LESSEE / ADDRESS	7	CITY, STATE, ZIP CODE	COUNTY OF RESIDENCE	CITY, STATE, ZIP CODE			COUNTY OF MAILING			
	8	JOINT OWNER OR LESSEE - PRINT FULL LEGAL NAME: LAST	F, FIRST, MIDDLE See "Change of Addr	ess" on reve	erse)	ODL / ID / CUSTOMER #	DATE OF BIRTH (MM/DD/YYYY)			
	9	JOINT OWNER OR LESSEE - PRINT FULL LEGAL NAME: LAST	, FIRST, MIDDLE See "Change of Addr	ess" on reve	erse)	ODL / ID / CUSTOMER #	DATE OF BIRTH (MM/DD/YYYY)			
	10	ONE-TIME MAILING ADDRESS (Will not change your custome		Reg. Only Title Only Both	VEHICLE ADDR	RESS (Vehicle location if different from residence)	dence, or park model RV site)			
	11	CITY, STATE, ZIP CODE			CITY, STATE, 2	ZIP CODE	COUNTY (of vehicle address or use)			

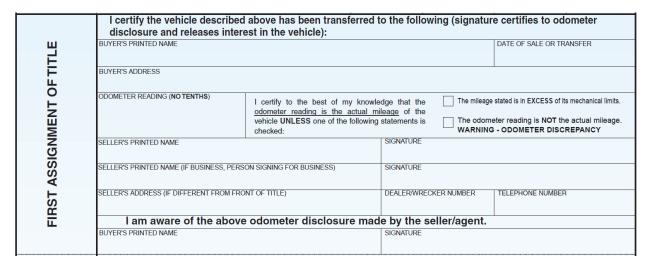


Other ways you can **prevent processing delays** include:

- Identify custom plate requests in the Remarks box on the DMV Form 735-226. This helps ensure your customer gets the plate they ordered.
- Ensure your dealer number is on the transaction and the dealer transaction box is checked. Every extra step required at DMV HQ creates a delay.
- Include the buyer's name and address on DMV Form 735-501 Bill of Sale. Although not required, this can help us to process transactions more efficiently.

Include **buyer information and odometer reading certification** on Form 735-403A, the Secure Odometer Disclosure/Reassignment form, as required by Federal law.

DMV Form 735-403A Secure Odometer Disclosure/Reassignment



It may seem redundant, but the buyer's name, address and phone number is also required on VIN Inspection and Secure Power of Attorney forms. The Secure Power of Attorney form also certifies the odometer reading, along with the name and information of the person certifying the reading. This step is necessary for processing.

DMV Form 735-11 VIN Inspection Form

CUSTOMER INFORMATION							
NAME (PRINT LAST, FIRST, MIDDLE)	ODL/ID/CUSTOMER#	STATE OF ISSUE	MESSAGE PHONE #				
			()				
ADDRESS, STREET, CITY, STATE AND ZIP CODE							

DMV Form 735-402A Secure Power of Attorney

PART A: POWER OF ATTORNEY TO DISCLOSE MILEAGE									
BUYER'S PRINTED NAME			DATE OF SALE OR TRANSFER						
BUYER'S ADDRESS (STREET, CITY, STATE, ZIP CODE)									
ODOMETER READING (NO TENTHS)	I certify to the best of my knowledge that the o		is in EXCESS of the mechanical limits						
	reading is the actual mileage of the vehicle L	JNLESS The odometer re	ading is NOT the actual mileage						
	one of the following statements is checked: The odometer reading is NOT the actual mileage. WARNING - ODOMETER DISCREPANCY								
I, as seller, appoint the b	uyer as my attorney-in-fact to disclose the mi	leage for the vehicle describe	d above, exactly as stated in my						
disclosure, and to transfer my interest in the vehicle described above. Further, I certify that I give my power of attorney because the title is									
being held by the security interest holder or has been lost.									
SELLER'S PRINTED NAME SELLER'S SIGNATURE									
X									
SELLER'S ADDRESS (STREET, CITY,	TELEPHONE NUMBER								
I am aware of the above odometer disclosure made by the seller/agent.									
BUYER'S PRINTED NAME		BUYER'S SIGNATURE	-						

If you have questions regarding the completion and processing of these and other related forms used in vehicle ownership transactions, direct them to Oregon Dealer Services at DMVDealerServices@odot.oregon.gov.

Dealer Location Regulations

Most dealers are aware that other than the exemptions in Oregon Administrative Rules (OAR 735-150-0020), all dealers must have a certificate or supplemental certificate for each location where vehicles are sold or displayed for sale prior to conducting business. A dealer who moves their place of business or changes the business name must obtain a corrected dealer certificate before business can be conducted at the new location.

But are you aware that you are required to have sufficient space at your approved location to display one or more vehicles of the type that you have been issued a certificate to sell? You must also provide a means for the public to contact you or an employee during normal business hours. In addition, you must have an exterior sign permanently affixed to the land or building which identifies the business by the name printed on the dealer certificate. In situations where you cannot meet any or all of these requirements and there are no reasonable alternatives available for compliance (e.g., you are located in a residential neighborhood and city ordinances forbid the display of vehicles and/or exterior signage), you must apply for an exemption by submitting a Request for Location Requirement Exemption, Form 735-7178. Exemptions can only be granted by DMV when zoning or local ordinance prevent compliance.

Updates to Dealer Handbook for May and June 2023

The May and June, 2023 revisions of the Title and Registration Handbook are available to view, print, or copy at DMV's Web site www.oregondmv.com. The Handbook is normally updated guarterly. The next revision is scheduled for August 2023, if needed.

You may buy a printed copy from one of these organizations:

- Oregon Independent Auto Dealers Association (OIADA), 1-800-447-0302; email: info@OIADA.com; http://www.oiada.com/
- Oregon Vehicle Dealers Association (OVDA), 1-877-541-2277; email: ovda@ordealers.com;
 www.ordealers.com/

Changes in the May 2023 Handbook revision are as follows:

Cover Page

The Cover Page has been updated to show the revision date of 05/23. Chapter B, Application for Title and Registration, Form 226

The Application for Title and Registration, Form 226, has been replaced with the version dated 05/23.

Chapter D, Miscellaneous Title Application Information

When completing the Vehicle Identification Number Inspection Form, Form 11, the dealer must include the address where the VIN inspection took place.

Chapter E, Releases of Interest

The Bill of Sale, Form 501 has been replaced with the version dated 03/22. The Statement of Lien Satisfaction, Form 524, has been replaced with the version dated 02/23.

Chapter G, Operation of Law

The Vehicle Repossession Certificate, Form 263, has been replaced with the version dated 06/22.

Chapter H, Odometer Disclosure Requirements

Chapter H was revised to correct a typo.

Chapter J, Damaged/Totaled Vehicles

Information concerning the National Motor Vehicle Title Information System (NMVTIS) is included in this chapter. NMVTIS will give a more complete vehicle branding history than other vehicle history providers.

Chapter K, Registration

The Custom Plate Application, Form 205, has been replaced with the version dated 05/22. The Application for Replacement, Renewal, Replacement or Transfer of Plates and/or Stickers, Form 268, has been replaced with the version dated 06/22.

Chapter M, Fees

Vehicles manufactured prior to the year 2000 are registered at the lowest MPG tier. The plate fee is now \$25.50 for two plates, \$12.50 for one.

Chapter O, Tow/Recovery Vehicles

The Application for Tow or Recovery Vehicle Certificate, Form 387, has been replaced with the version dated 10/22.

Chapter P, Dismantlers

The Vehicle Dismantler's Notice, Form 270, has been replaced with the version dated 03/22.

Chapter R, Dealers

The Dealer Notice of Vehicle Purchase, Form 165, has been replaced with the latest version dated 09/22.

Changes in the June 2023 Handbook revision are as follows:

Cover Page

The Cover Page has been updated to reflect the current revision, dated 06-23.

Chapter E, Releases of Interest

A release of interest, including an authorized representative of a business, can be hand-printed or an owner's or releaser's "mark."

Chapter P, Dismantlers

DMV will not remove the dismantler indicator from the record when the dismantler has submitted it in error unless the dismantler supplies a statement that the Form 270 was submitted in error and the dismantler amends the report to NMVTIS.

Dave Adams, Vehicle Policy

Tips on Replacing Dealer Plates, Submitting Paperwork

Replacing old dealer plates

If a dealer has an old, banged-up dealer plate they want replaced with the exact same lettering, they can return the old plate to Business Licensing and pay a fee of \$22.50. The cost for a motorcycle plate is \$15.50.

To order a replacement plate, a dealer must turn in the old plate they want to replace.

If dealers are replacing a plate when renewing their dealer certificate, they must add the plate replacement renewal fee to the renewal cost. Alternatively, dealers can purchase a new plate.

When submitting Original and Renewal Applications

- Make sure to provide your current mailing address, especially if it is different from your business address.
- All persons affiliated with the dealership who are listed on the Secretary of State Business Registry must be listed on the original/renewal application, sign the application and provide a copy of current, valid identification. The application may include more parties (principals) than shown on the Business Registry.

Domicile / Residency and Registration

Dealers are expected to be diligent in screening title and registration applications when acting as agents of DMV. Guidelines for Domicile and Residency are contained in the Title and Registration Handbook, Section L-5. Dealers should familiarize themselves with the requirements. Submitting an application for title and registration the dealer knows or should know contains a false certification of domicile and residency can subject the dealer to civil penalties and sanctions.

Dealers must remove and destroy Oregon registration plates on vehicles sold to persons the dealer knows or has reasonable cause to believe are not residents or otherwise not qualified for registration. This closes a loophole created when a non-Oregon resident buys a used vehicle with valid Oregon registration plates. If an Oregon title transfer is processed, the registration may also be transferred to the new owner.

DMV relies on the assistance of our dealers to help prevent false registrations. If you have questions, contact DMV Customer Assistance, Oregon Dealer Services or your local Dealer Investigator for guidance.

Vitu Client Services

Any client of Vitu can request assistance with title and registration. Vitu can provide insight into your dealership's title and registration process. Vitu offers several services to help support your dealership including training for staff, registration processing, regular dealership visits and DMV paperwork review. Please reach out to Vitu's Account Executive or its Support team to schedule any of these services. Visit Vitu at www.Vitu.com or by phone at 971-808-0202.

Sanctions

Dealer	City	Violations Found	Offense	Count	Amount
Unlicensed					
dealer/dismantler					
Carlos Ayala-Quiceno dba Ayala Auto Recycling LLC	Portland	Acting as a vehicle dismantler without a current dismantler certificate	1	1	\$2,500
Troy Leon Brown	Albany	Acting as a vehicle dealer without a current dealer certificate	1	10	\$25,000
Christian Michael Mallory	Shady Cove	Acting as a vehicle dealer without a current dealer certificate	1	10	\$25,000
Sabel D L Wilder	Seaside	Acting as a vehicle dealer without a current dealer certificate	1	12	\$30,000
Erick Mendoza- Guadarrama	Portland	Acting as a vehicle dealer without a current dealer certificate	1	10	\$25,000
Frederick Scott dba S&S Auction Company LLC	Hermiston	Acting as a vehicle dealer without a current dealer certificate	1	6	\$15,000
Ghassan Ali Ghareeb	Beaverton	Acting as a vehicle dealer without a current dealer certificate	1	6	\$15,000
Licensed					
dealer/dismantler					
W.A.M. Recycling LLC (3 YR Suspension)	Waldport	Failure to physically separate or visually label a vehicle without possessing an ownership record	1	10	\$2,500
Viking Auto Sales (3 YR Suspension	Salem	Failure to submit all fees and documents to DMV within 90 days	3	1	\$1,000

		Failure to submit all fees and documents to DMV within 30 days	4	2	\$2,000
		Failure to provide written delay to SIH and purchaser within 25 days	2	3	\$750
		Failure to maintain records of title delivery/submission/document delays	2	3	\$750
S & Z Auto Sales LLC (3 YR Suspension)	Hubbard	Failure to submit all fees and documents to DMV within 90 days	1	4	\$4,000
		Issuing DMV a dishonored check	1	9	\$9,000
		Knowingly making a false statement of material fact in an investigation	1	2	\$500
		Failure to allow an administrative inspection	1	1	\$1,000
A & L Auto Sales LLC (3 YR Suspension)	Forest Grove	Failure to allow an administrative inspection	1	2	\$2,000
		Failure to submit all fees and documents to DMV within 90 days	1	2	\$2,000
Car Guys NW LLC dba Car Guys (3 YR Suspension)	Portland	Failure to submit all fees and documents to DMV within 90 days	3	1	\$1,000
, ,		Failure to furnish title to purchaser within 90 days	1	1	\$1,000
		Failure to allow an administrative inspection	1	5	\$5,000
		Allows or permits the unlawful use of any certificate or registration plate	1	1	\$100
G & R Auto Wreckers Inc	Salem	Failure to submit Dismantler's Notice and ownership document within 30 days of vehicle being dismantled/destroyed	2	10	\$2,500
Lithia Klamath -T Inc dba Lithia Toyota of Klamath Falls	Klamath Falls	Failure to submit all fees and documents to DMV within 90 days	1	1	\$1,000
		Failure to maintain records at dealer's main location	2	1	\$500
		Failure to provide written delay to SIH and purchaser within 25 days	2	1	\$250
All Star Dealer LLC	Vernonia	Failure to submit all fees and documents to DMV within 90 days	1	3	\$3,000
Hutchins Eugene Nissan Inc dba Lithia Nissan of Eugene	Eugene	Knowingly making a false statement of material fact in any DMV document	1	1	\$500
PDX Autohaus Inc	Portland	Failure to maintain records vehicle was result of possessory lien including signed and dated documents	1	1	\$1,000
		Failure to maintain records vehicle was result of possessory lien including notice to owner of possessory lien	1	2	\$2,000

Truck Connection LLC	Milwaukie	Failure to notify DMV of vehicle transferred to dealer within 7 days	2	6	\$300
		Failure to maintain records at dealer's main location	2	3	\$1,500
Edgewater Auto Center LLC (3 YR Suspension)	Salem	Failure to submit all fees and documents to DMV within 90 days	1	5	\$5,000
		Knowingly making a false statement of material fact in any DMV document	1	3	\$1,500
		Failure to maintain proper records	2	1	\$250
Morelos Auto Sales LLC (3 YR Suspension)	Portland	Failure to furnish title to purchaser within 90 days	1	1	\$1,000
		Failure to allow an administrative inspection	1	4	\$4,000
		Failure to display permanently affixed exterior sign visible to major avenue of traffic	2	1	\$250

NOTE: Civil penalty amounts may not reflect settlements or judgments

DMV Business Regulation and Oregon Dealer Services

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