



PERMANENT ADMINISTRATIVE ORDER

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CHAPTER 735
DEPARTMENT OF TRANSPORTATION
DRIVER AND MOTOR VEHICLE SERVICES DIVISION

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FILING CAPTION: Electronic Record Inquiry during Application for an Oregon Title or Salvage Title

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RULES:

735-020-0070, 735-024-0025, 735-024-0030, 735-024-0160

AMEND: 735-020-0070

NOTICE FILED DATE: 05/28/2020

RULE SUMMARY: This rule provides a list of terms DMV has determined designate a vehicle as junk. DMV amended the rule to include the term "crushed," and added language that prevents the term "salvage" from becoming a term that designates a vehicle as junk. The amendments bring the rule into compliance with statutory changes regarding electronic record inquiry to NMVTIS.

CHANGES TO RULE:

735-020-0070

Junk Titles ¶

(1) Pursuant to ~~ORS 803.045~~, prior to issuance of an Oregon title or salvage title, DMV makes an electronic record inquiry of the National Motor Vehicle Title Information System (NMVTIS), as defined in OAR 735-024-0030. ¶

(2) DMV ~~will~~ may not issue an Oregon title or salvage title for a vehicle ~~that has been issued a junk title, junk if the vehicle has a junk status or similar brand, disposition or notation as described in section (3) of this rule, as indicated:~~ ¶

(a) In the vehicle record within NMVTIS, as updated by a jurisdiction or other entity that is required to report to NMVTIS under 28 CFR Part 25. ¶

(b) On the current title, certificate, or ~~similar~~ ownership document, ~~or:~~ ¶

(3) A junk or similar brand, disposition or notation ~~that includes~~ is a word, term, brand or notation that includes, but is not limited to, any of the following: ¶

(a) Destroyed; ¶

(b) Dismantled or Dismantler only; ¶

(c) Hulk; ¶

(d) Junk; ¶

(e) Non-rebuildable;¶¶

(f) Non-repairable;¶¶

(g) Parts only;¶¶

(h) Scrap¶¶

(i) Crushed; or¶¶

(ij) Wreck or Wrecker only.¶¶

(24) Section (3) of this rule does not include the word, term, brand or notation of "salvage."¶¶

(5) A designation as described in section (12)(a) of this rule is based strictly on a determination made by another jurisdiction, as reflected on the current title or other ownership document issued by that jurisdiction, solely on a determination made by a jurisdiction or other entity required to report to NMVTIS under 28 CFR Part 25, as indicated in NMVTIS.¶¶

(6) A designation as described in section (2)(b) of this rule is based solely on a determination made by another jurisdiction, as reflected on the current title or other ownership document issued by that jurisdiction.¶¶

(7) Notwithstanding section (2) of this rule, DMV may issue a branded title for a vehicle when the vehicle record within NMVTIS lists the vehicle as "scrap" or "crushed" if the vehicle record in NMVTIS subsequently lists the vehicle as "sold."

Statutory/Other Authority: ~~ORS 184.616~~, 184.619, 802.010, 803.045 & 803.140

Statutes/Other Implemented: ORS 803.045, 803.140, 28 CFR Part 25 and 49 U.S.C. § 30502

AMEND: 735-024-0025

NOTICE FILED DATE: 05/28/2020

RULE SUMMARY: This rule provides information about title brands and when they will be issued and removed. DMV amended the rule to add to the list of reasons a title brand will be added to a title to include information received from NMVTIS. DMV is clarifying that DMV is adding brands based on information returned from NMVTIS and may issue a branded title when an application for an Oregon title is submitted and NMVTIS contains any report concerning the vehicle in the Junk, Salvage, Insurance section that has not been amended or retracted by the reporting party.

CHANGES TO RULE:

735-024-0025

Title Brands; When Issued, Removed and Exceptions ¶¶

(1) When Issued. DMV will issue a branded title or a title with an "assembled" make when an application for an Oregon title is submitted and:¶¶

(a) The vehicle's title ~~carries or~~ NMVTIS carries one or more brand(s) described under OAR 735-024-0015(2) and (3);¶¶

(b) DMV receives notice from a vehicle manufacturer to inscribe "Lemon Law Buyback" on the certificate of title for the vehicle;¶¶

(c) The vehicle meets the definition of an "Assembled vehicle" as defined under OAR 735-024-0015(2);¶¶

(d) The vehicle meets the definition of a "Reconstructed Vehicle," a "Replica" or a "Totaled vehicle" as those terms are defined under OAR 735-024-0015; or¶¶

(e) DMV determines from a previous title or vehicle record, including a record from another jurisdiction, from the application for title or from information obtained from any source, that a brand or "assembled" make should be placed on the Oregon title.¶¶

(f) NMVTIS contains any report concerning the vehicle in the Junk, Salvage and Insurance section that meets DMV's criteria for a "salvage" vehicle and that has not been amended or retracted by the reporting jurisdiction or entity.¶¶

(2) For purposes of section (1) of this rule, DMV may require documentation to determine if a vehicle should be issued an Oregon title with a brand or "assembled" make.¶¶

~~(23)~~ An Oregon title issued under section (1) of this rule:¶¶

(a) Will not necessarily be issued with the same brand that appeared on the vehicle's previous certificate of title or other ownership document or in another jurisdiction's record of the vehicle;¶¶

(b) Will be issued with a brand described under OAR 735-024-0015 determined by DMV to be most comparable to the brand that appeared on the previous certificate of title or in the vehicle's record. This subsection does not apply to a "branded" brand or an Oregon title with a "Lemon Law Buyback" brand;¶¶

(c) Will be issued with a brand described under OAR 735-024-0015 determined by DMV to be the most appropriate if DMV determines from information obtained from any source that a brand should be placed on the Oregon title.¶¶

(d) Will indicate the name of the jurisdiction that issued the title brand, unless the title brand was issued by DMV; and¶¶

~~(34)~~ Except as specifically provided in section ~~(45)~~ of this rule, once a title brand or "assembled" make has been placed on a vehicle's Oregon Certificate of Title that brand or "assembled" make will appear on any subsequent Oregon title issued for the vehicle.¶¶

~~(45)~~ DMV may omit, remove, add or change a title brand or "assembled" make when:¶¶

(a) DMV receives information that indicates an Oregon title or Oregon Salvage Title Certificate was issued with an incorrect brand or "assembled" make. For example, DMV receives written information from an originating jurisdiction that indicates its title incorrectly reflects a title brand;¶¶

(b) DMV is satisfied the title brand or "assembled" make was placed on the Oregon title or Oregon Salvage Title

Certificate in error;¶

(c) DMV failed to place a title brand or "assembled" make on the Oregon title or Oregon Salvage Title Certificate when required under section (1) of this rule or subsections (d), (e) and (f) of this section.¶

(d) A subsequent accident or occurrence causes the vehicle to be identified with a brand or different brand such as "totaled," "reconstructed," or "Lemon Law Buyback."¶

(e) A vehicle issued an Oregon title with any brand or an "assembled" make other than totaled is reported to DMV as a totaled vehicle under ORS 819.012 or 819.014. Except as described in subsection (f) of this section, when DMV issues a new Oregon title it will include a totaled brand, which replaces any previous brand shown on the Oregon title. For example, a vehicle issued an Oregon title with a flood brand will be issued an Oregon title with a totaled-reconstructed brand when the vehicle is reported to DMV as a totaled vehicle and is subsequently titled as a reconstructed vehicle;¶

(f) Notwithstanding subsection (e) of this section, a vehicle issued an Oregon title with an "assembled" make, or glider kit, "Lemon Law Buyback," reconstructed or replica brand is reported to DMV as a totaled vehicle. If DMV issues a new Oregon title, it will include the original brand and a totaled brand. For example, a vehicle issued an Oregon title with a "replica" brand that is later reported to DMV as "totaled" under ORS 819.020 or 819.014, will be issued an Oregon title with a "replica-totaled-reconstructed" brand when the vehicle is reported to DMV as a totaled vehicle and is subsequently titled as a reconstructed vehicle; or¶

(g) The reason the vehicle was reported to DMV as a totaled vehicle is theft and the vehicle is recovered and no longer meets the definition of a "totaled vehicle" under ORS 801.527.

Statutory/Other Authority: ORS ~~184.616~~, 184.619, 646A.405, 802.010, 803.012, 803.015, 803.140, 819.016, 821.060

Statutes/Other Implemented: ORS 646A.405, 803.015

AMEND: 735-024-0030

NOTICE FILED DATE: 05/28/2020

RULE SUMMARY: This rule provides a list of definitions for vehicles that have been damaged, altered or rebuilt. DMV added the term "NMVTIS" and defined it, and added language to the definition of "Certificate of Title" to incorporate NMVTIS.

CHANGES TO RULE:

735-024-0030

Definitions Relating to Vehicles and Documents for Vehicles that Have Been Damaged, Altered, or Rebuilt ¶

The following definitions and application of terms apply to OAR 735-024-0030 through 735-024-0170:¶

- (1) "Accepting Vehicles as Salvage Material" as used in ORS 819.040, means to receive or purchase a vehicle that has already been wrecked, dismantled, or disassembled.¶
- (2) "Assembled Vehicle" as defined in ORS 801.130 and these rules, means a vehicle:¶
 - (a) With a body that does not resemble any particular year model or make of vehicle;¶
 - (b) That is not a vehicle rebuilt by a manufacturer;¶
 - (c) That is not a vehicle built in a factory where the year model and make are assigned at the factory; and¶
 - (d) That is not an antique vehicle, a vehicle of special interest, a reconstructed vehicle or a replica.¶
- (3) "Brand," "branded title" or "title brand" means a notation, indicator, symbol or phrase that is or has been printed, stamped or otherwise affixed to a certificate of title to indicate the history, condition, or circumstances of a vehicle. A title brand does not necessarily indicate the extent to which a vehicle may have been damaged, whether a vehicle has been repaired or to what degree a damaged vehicle has been repaired.¶
- (4) "Certificate of Title" or "title" is defined in ORS 801.185. A title:¶
 - (a) May be issued by Oregon or ~~some another~~ jurisdiction;¶
 - (b) When issued by Oregon, is issued under ORS 803.045 or as is provided in ORS 821.060;¶
 - (c) Except where designated, does not include a "salvage title certificate," "salvage title" or "salvage certificate";¶
 - (d) Is not issued to vehicles that:¶
 - (A) Are dismantled, disassembled, or substantially altered;¶
 - (B) Are otherwise in a condition that would require the title to be surrendered to the DMV for cancellation; ~~or~~¶
 - (C) Have been issued a junk title, junk certificate or similar ownership document or brand as described in OAR 735-020-0070; or¶
 - (D) Have a junk status or similar brand, disposition, or notation when DMV queries NMVTIS as described in OAR 735-020-0070.¶
 - (e) Follows the frame or unibody of the vehicle for which the title was originally issued.¶
- (5) "Dismantle" and "Disassemble" are defined in OAR 735-024-0050.¶
- (6) "Frame" or "Unibody" refer to the major component(s) of a vehicle that form the support structure, undercarriage or lower structure of the vehicle, excluding such things as wheels or suspension. "Frame" does not include the body of the vehicle.¶
- (7) "Insurer" as used in ORS 801.527 and 819.014 and in these rules, means a person engaged in the business of entering into policies of insurance. The term does not include persons who are self-insured.¶
- (8) "National Motor Vehicle Title Information System" or "NMVTIS" means the electronic vehicle record system described in 28 CFR Part 25, Subpart B, and operated by the American Association of Motor Vehicle Administrators.¶
- (9) "Primary Ownership Document" is defined in ORS 801.402 and OAR 735-020-0010.¶
- (910) "Proof of Compliance" means a document issued by DMV as evidence that:¶
 - (a) The title or primary ownership document was surrendered to DMV in accordance with ORS 819.010, 819.012 or 819.014; and¶
 - (b) The title or primary ownership document was marked, or DMV received other documentation that satisfied

DMV that the vehicle was wrecked, dismantled, disassembled or totaled.¶

(101) "Reconstructed Vehicle," or "reconstructed" as defined in ORS 801.405 and these rules, means either:¶

(a) A vehicle that:¶

(A) Has a body that resembles and primarily is a particular year model or make of vehicle;¶

(B) Is not a vehicle rebuilt by a manufacturer;¶

(C) Is not a vehicle built in a factory where the year model and make are assigned at the factory; and¶

(D) Is not a replica; or¶

(b) A motor truck that has been rebuilt using a component kit if the manufacturer of the kit assigns a vehicle identification number and provides a manufacturer's certificate of origin for the kit.¶

(112) "Replica" as defined in ORS 801.425 and these rules, means a vehicle with a body built to resemble and be a reproduction of another vehicle of a given year and given manufacturer.¶

(123) "Salvage Title Certificate," "Oregon Salvage Title Certificate" or "salvage title" as defined in ORS 801.454 and this rule means a written document issued by DMV under the provisions of ORS 803.140 and 819.016 as evidence of vehicle ownership. Unless designated otherwise, an Oregon Salvage Title Certificate is not a certificate of title.¶

(134) "Salvage title," "salvage certificate," and "dismantler (wrecker) bill of sale" means a document issued for a vehicle to indicate the vehicle has been damaged, wrecked or salvaged or words of similar import. "Salvage title" does not refer to an Oregon salvage title certificate as defined by ORS 801.454 and this rule, unless the Oregon salvage title certificate reflects a brand that indicates the vehicle was damaged in another jurisdiction, before being titled in Oregon.¶

(145) "Substantially Alter the Form" is defined in OAR 735-024-0050.¶

(156) "Totaled vehicle" and "totaled" as defined in ORS 801.527 and these rules means:¶

(a) A vehicle that is declared a total loss by an insurer that is obligated to cover the loss or that the insurer takes possession of or title to;¶

(b) A vehicle that is stolen, if it is not recovered within 30 days of the date that it is stolen and if the loss is not covered by an insurer; or¶

(c) A vehicle that has sustained damage that is not covered by an insurer and that is such that the estimated cost to repair the vehicle is equal to at least 80 percent of the retail market value of the vehicle prior to the damage. For purposes of this subsection, "retail market value" is determined utilizing publications used by financial institutions doing business in Oregon.¶

(167) "Wreck" is defined in OAR 735-024-0050.

Statutory/Other Authority: ~~803.015~~ ORS 184.619, 803.0140, 819.0162, 821.060, ORS 184.616, 184.619, 802.010, 803.01203.015, 803.140, 819.016 & 821.060

Statutes/Other Implemented: ORS 803.015, 803.420 & 28 CFR Part 25

AMEND: 735-024-0160

NOTICE FILED DATE: 05/28/2020

RULE SUMMARY: This rule lists the form and content of salvage titles. DMV amended it to include a statement that a salvage title will contain title brands that were available through NMVTIS prior to the issuance of the salvage title.

CHANGES TO RULE:

735-024-0160

Salvage Title - Form and Content ¶

All of the following apply to salvage titles issued by the Driver and Motor Vehicle Services Division of the Department of Transportation (DMV):¶

- (1) Salvage titles ~~shall~~ contain a control number and ~~be~~ produced by a secure process that meets or exceeds the requirements of federal law.¶
- (2) ~~Information contained on a salvage title shall~~A salvage title may contain information including but ~~shall not be~~ limited to:¶
 - (a) The make, year model, vehicle identification number, and body style of the vehicle;¶
 - (b) The name and address of the owner to whom the salvage title was issued;¶
 - (c) If provided by the applicant, a ~~claim or policy number, date of loss or other file number.~~reference number and equipment number;¶
 - (d) A printed seal of the State of Oregon;¶
 - (e) ~~If applicable, o~~Qdometer disclosure information provided to DMV at the time the salvage title was issued; and ¶
 - (f) ~~If applicable,~~ information that the vehicle was totaled, and any title brands that were on DMV records or available through NMVTIS prior to issuance of the salvage title.¶

(3) Salvage titles ~~shall~~ provide space for persons to assign interest and disclose odometer information.

Statutory/Other Authority: ORS 184.619, 802.010, 803,~~819~~, ~~820~~, ~~821~~, ~~822~~ & Ch. ~~820~~ & ~~873~~, OL 1991.120, 803.140, 819.016 & 821.060

Statutes/Other Implemented: ORS 803.140