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## **NOTICE OF PROPOSED RULEMAKING**

### **INCLUDING STATEMENT OF NEED & FISCAL IMPACT**

CHAPTER 735

### **DEPARTMENT OF TRANSPORTATION**

### **DRIVER AND MOTOR VEHICLE SERVICES DIVISION**

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**FILED: 05/26/2026 4:32 PM**

ARCHIVES DIVISION SECRETARY OF STATE

**FILING CAPTION:** Electronic Signatures on Title and Registration Documents Submitted by Vehicle Dealers, Financial Institutions, Other Businesses

**LAST DAY AND TIME TO OFFER COMMENT TO AGENCY:** 06/21/2026 5:00 PM

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

*A public rulemaking hearing may be requested in writing by 10 or more people, or by a group 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 the 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.*

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**NEED FOR THE RULE(S):**

The Oregon Department of Transportation, Driver and Motor Vehicle Services (DMV), proposes to adopt Oregon Administrative Rules (OAR) 735-018-0065 to authorize DMV and DMV integrators to accept documents that include electronic signatures from businesses, as defined in the rule, on vehicle title and registration transactions. This rulemaking establishes requirements for the use of electronic signatures, standards for the electronic signatures, identifies who may submit documents with an electronic signature, and specifies how those signatures must be retained for DMV inspection upon request.

DMV has determined that the most appropriate location for the new rule is in Division 18 of Chapter 735. Accordingly, DMV will amend OAR 735-018-0000 to clarify that the purpose of this division includes specifying the procedures and requirements under which a business may submit information to DMV that includes an electronic signature.

In addition, DMV proposes to amend OAR 735-020-0075 to ensure the rule aligns with, and permits, the submission of documents bearing electronic signatures, consistent with the new requirements established in proposed OAR 735-018-0065.

DMV also proposes updates to OAR 735-028-0000 to revise the definitions of “secure form” and “odometer disclosure.” The amendment includes a minor clarification to the definition of “odometer disclosure” and updates the definition of “secure form” to distinguish between forms submitted with an electronic signature and those submitted in paper format with a traditional ink signature.

Further amendments are proposed for OAR 735-028-0050, 735-028-0070, and 735-028-0080 to ensure alignment with the updated definitions in OAR 735-028-0000 and the electronic processes established in OAR 735-018-0065. DMV is also updating OAR 735-028-0080 to reference the new form that will be used when submitting a secure power of attorney with an electronic signature.

This rulemaking is needed to improve efficiency and reduce administrative burdens for businesses, including Oregon and vehicle dealers in other jurisdictions, when submitting documents to DMV. Currently, businesses and DMV rely on submission of documents with manual signatures (a handwritten signature on paper), which often requires mailing documents back and forth, resulting in delays, additional labor, and increased costs. By allowing the use of electronic signatures, businesses may be able to complete transactions quicker and reduce the need for mailing solely for signature purposes. While in many cases documents will still be printed and submitted to DMV in paper form, the ability to use electronic signatures provides flexibility and modernizes DMV processes to better align with industry practices and customer expectations.

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#### DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

- ORS Chapter 84 (Uniform Electronic Transactions Act) - [https://www.oregonlegislature.gov/bills\\_laws/ors/ors084.html](https://www.oregonlegislature.gov/bills_laws/ors/ors084.html)
- Federal Odometer Requirements 49 CFR 580 - <https://www.ecfr.gov/current/title-49/subtitle-B/chapter-V/part-580>

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#### STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE:

DMV does not anticipate any impacts on racial equity in Oregon as a result of this rulemaking. This change will allow all businesses, including minority-owned businesses, to submit documents related to title and registration transactions using electronic signatures. If there are any impacts on racial equity, DMV expects them to be positive, particularly by providing greater convenience and accessibility for minority-owned businesses.

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#### FISCAL AND ECONOMIC IMPACT:

See below.

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#### COST OF COMPLIANCE:

*(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).*

(1) Public - Customers may receive titles and registrations more quickly if dealers submit complete and accurate documents that include electronic signatures, which could improve customer satisfaction and reduce delays in vehicle ownership transfers. However, if submissions are incomplete or incorrect, processing times may remain unchanged. The

benefit to the public is indirect and difficult to measure.

**Businesses** - Large businesses may experience savings on postage and administrative time associated with mailing documents for signature purposes. Electronic signatures could streamline the process of obtaining signatures internally and reduce delays caused by mailing documents back and forth. However, DMV cannot quantify these savings because participation is optional and will vary based on business size and transaction frequency. Additionally, postal service providers may experience fewer shipments because businesses are providing the documentation through electronic mail instead of using envelopes and mailing them through the postal service providers.

**DMV** - Allowing electronic signatures may reduce staff time associated with handling incomplete documents and managing signature-related delays. Mailing costs for signature collection could also decrease because businesses will not need to mail documents back and forth solely for manual signatures. DMV may incur minimal implementation costs for staff training and outreach to businesses, but these costs will be absorbed within existing resources. DMV is unable to quantify potential savings because there is no requirement for businesses to use electronic signatures; the actual impact depends on how many documents businesses choose to sign electronically.

**Integrator** - Implementing electronic signatures will reduce the need for businesses to send physical documents, eliminating tasks such as opening, sorting, and reviewing mail. It also removes the need for integrators to scan, upload, and manage paper documents for each transaction. Integrators will also save time and money with filing, retrieving and shredding physical documents once documents are retained for the specified period of time. As a benefit to the implementation electronic signatures, Integrators can effectively utilize resources to focus on auditing transactions as opposed to allocating resources to managing physical documents. DMV cannot quantify these potential savings for the integrator because the submission of electronic documents is optional for the vehicle dealers and businesses that provide documents to the integrator.

(2) As with large businesses, small businesses may experience savings on postage and administrative time associated with mailing documents for signature purposes. Electronic signatures could streamline the process of obtaining signatures internally and reduce delays caused by mailing documents back and forth. However, DMV cannot quantify these savings because participation is optional and will vary based on business size and transaction frequency.

Small businesses that sell printed secure forms to end users, including vehicle dealers and other businesses, may experience a decrease in secure form sales. Because the use of electronic signatures is optional, DMV cannot determine the exact financial impact; however, DMV does anticipate that agents may see reduced demand for secure forms as more transactions shift toward electronic signature options.

(2)(a) No small business is required to comply with this rule. However, any small business that submits title and registration documents to DMV may choose to use electronic signatures when completing DMV forms. The rule is permissive rather than mandatory, so participation is optional. Small businesses that may benefit from this rule include Oregon vehicle dealers and vehicle dealers in other jurisdictions, leasing companies, financial institutions, insurance companies, or other businesses involved in vehicle sales or transfers of ownership or interest. Because the rule does not impose requirements and only provides an option, DMV cannot estimate the exact number of small businesses that may choose to use electronic signatures.

There are four secure forms agents authorized to sell secure forms.

(2)(b) Small businesses that choose to use electronic signatures may have additional recordkeeping and administrative responsibilities. These activities include maintaining records of the electronic signatures used on DMV forms and ensuring that the identity of the individual signing the document can be verified. Businesses may also need to implement processes or systems to store these records securely and make them available for DMV inspection upon request. The associated costs could include software or service fees for electronic signature platforms, staff time for managing

records, and potential storage expenses. However, these costs only apply if a small business opts to use electronic signatures, and the costs will vary widely depending on the provider chosen, the business's internal processes, and its existing technological infrastructure.

There is no additional reporting for secure forms agents.

(2)(c) DMV cannot estimate the costs of professional services, equipment, supplies, labor, or increased administration for businesses because these expenses vary widely. Electronic signature providers offer different pricing structures, which may include subscription fees, per-signature charges, or bundled services. Additionally, businesses employ staff at different wage rates, and the amount of labor required to implement electronic signatures depends on each business's internal processes. Storage costs for electronic records can also differ significantly based on the technology and security measures chosen by each business. Because these factors are unique to each business and participation in electronic signature use is optional, DMV cannot reasonably quantify these costs.

If overall use of paper secure forms decreases as more businesses and vehicle dealers adopt the electronic version, there may be a possibility of higher per form costs. This potential increase could be absorbed by secure forms agents or passed along to those who continue using the secure paper forms.

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DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Representatives from small businesses participated in the rule advisory committee and provided input during the development of these rules.

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WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

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RULES PROPOSED:

735-018-0000, 735-018-0065, 735-020-0075, 735-028-0000, 735-028-0050, 735-028-0070, 735-028-0080

AMEND: 735-018-0000

RULE SUMMARY: DMV proposes amending OAR 735-018-0000 to clarify that the purpose of this division includes specifying the procedures and requirements under which a business may submit information to DMV that includes an electronic signature.

CHANGES TO RULE:

735-018-0000

Authority and Purpose-

(1) OAR chapter 735, division 18, rules are adopted by DMV under the authority of ORS 802.012 and 803.206.¶

(2) The purpose of these rules is to:¶

(a) Specify the procedures and requirements under which a person or organization may, by electronic means, submit information to DMV that is customarily provided on paper forms;¶

(b) Specify the procedures and standards under which a business or vehicle dealer may submit information to DMV that contains an electronic signature; and¶

(c) Promote the development and use of electronic transactions and signatures between DMV and its customers while providing service that is efficient, secure, convenient and responsive.

Statutory/Other Authority: ORS ~~184.616~~, 184.619, 802.012, 803.460

Statutes/Other Implemented: ORS 802.012, 802.560, 803.200, 803.220, 803.360, 803.370, 803.450, 803.460, 807.420, 807.560

ADOPT: 735-018-0065

RULE SUMMARY: DMV proposes to adopt OAR 735-018-0065 to authorize DMV and DMV integrators to accept documents that include electronic signatures from businesses, as defined in the rule, on vehicle title and registration transactions.

CHANGES TO RULE:

735-018-0065

Use of Electronic Signatures by Businesses and Dealers in Vehicle Transaction

(1) This rule establishes the standards under which a business or vehicle dealer may use an electronic signature on documents submitted directly to DMV or through a DMV integrator, as defined in ORS 802.600, for vehicle title and registration transactions.

(2) For the purposes of this rule:

(a) "Business" includes a vehicle dealer in another jurisdiction, leasing company, financial institution, insurance company or other business involved in vehicle sales or transfer of ownership or interest.

(b) "Electronic signature" has the meaning given the term in ORS 84.004.

(c) "Manual signature" means a handwritten signature on paper.

(d) "Printed submission" means:

(A) A document that has been electronically signed and submitted to DMV by a business or vehicle dealer, either printed as a paper hardcopy or submitted electronically; or

(B) A document that has been electronically signed and submitted to an integrator, as defined in ORS 802.600, by a business or vehicle dealer either as a paper hardcopy or submitted electronically.

(e) "Vehicle dealer" means a person who holds a vehicle dealer certified issued under ORS 822.020.

(3) An electronic signature submitted under this rule must:

(a) Comply with ORS Chapter 84 (Uniform Electronic Transactions Act);

(b) Be applied using a computer or electronic device; and

(c) Be submitted as a printed submission.

(4) With the exception of a vehicle title, all vehicle title and registration application documents that contain an electronic signature may be submitted directly to DMV or to DMV through an integrator.

(5) If DMV determines that an electronic signature on a submitted document does not meet the standards described in section (3) of this rule, DMV may:

(a) Reject the document; or

(b) Cancel the title, registration, or both that were issued as a result of the submission.

(6) If DMV or the integrator questions the validity or authenticity of a signature, DMV or the integrator may request records pertaining to the signature from the business or vehicle dealer.

(7) Any document submitted under this rule that contains an electronic signature is deemed to satisfy any requirement for submitting an original document for purposes of the Oregon Vehicle Code and implementing administrative rules.

(8) All records and associated information used to accurately reproduce, authenticate, or confirm the validity of a signature must be retained in electronic or physical form for five years, unless the document is required by Oregon law to be retained for a longer period.

Statutory/Other Authority: ORS 84.001-84.061, 184.619, 802.010, 802.012, 803.206

Statutes/Other Implemented: ORS 84.001-84.061, 803.206, 49 CFR § 390.32

RULE SUMMARY: DMV proposes to amend OAR 735-020-0075 to ensure the rule aligns with, and permits, the submission of documents bearing electronic signatures, consistent with the new requirements established in proposed OAR 735-018-0065.

CHANGES TO RULE:

735-020-0075

Release or Assignment of Interest; Oregon Title or Salvage Title~~¶¶~~

Authority and Purpose. This rule specifies the requirements for the release or assignment of interest shown on an Oregon-titled vehicle as required by ORS 803.094.~~¶¶~~

(1) Definitions. For purposes of ORS 803.094 and this rule:~~¶¶~~

(a) "Affiant" means the person who signs a simple estate affidavit filed under ORS 114.515;~~¶¶~~

(b) "Assign," "assignment" or "assignment of interest" means the act of a lien holder, owner, or security interest holder transferring his or her interest in a vehicle to another person by signing the release section on an Oregon title, a secure odometer form, a bill of sale, or other document showing the transfer of the interest;~~¶¶~~

(c) "Authorized agent" means a person given a power of attorney by the owner of a vehicle for the purposes of transferring an interest in the vehicle;~~¶¶~~

(d) "DMV" means the Driver and Motor Vehicle Services Division of the Oregon Department of Transportation;~~¶¶~~

(e) "Estate" means the real and personal property of a decedent;~~¶¶~~

(f) "Heir" means the person who is entitled under intestate succession to the property of a decedent who died wholly or partially intestate (without a will);~~¶¶~~

(g) "Interest" means a right, claim or legal share in a vehicle shown on an Oregon title, or other ownership document described in subsection (k) of this section;~~¶¶~~

(h) "Interest holder" means a lien holder, owner, or security interest holder;~~¶¶~~

(i) "MCO" means either a:~~¶¶~~

(A) Manufacturer's Certificate of Origin; or~~¶¶~~

(B) Manufacturer's Statement of Origin;~~¶¶~~

(j) "Operation of law" means a transfer or assignment of interest in a vehicle from one person to another person due to death, divorce, merger, consolidation, dissolution, bankruptcy, inheritance, devise or bequest, court order, dissolution decree, insolvency, seizure or foreclosure;~~¶¶~~

(k) "Other ownership document" means a primary ownership document as described in OAR 735-020-0010. For example, MCO, a sheriff's bill of sale, a court judgment or a completed signed Certification of Ownership Facts (DMV Form 735-550);~~¶¶~~

~~(l)~~ "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, governmental agency, public corporation or a legal or commercial entity;~~¶¶~~

(m) "Release" or "release of interest" means the act of a lien holder, owner, or security interest holder transferring an interest in a vehicle by signing the release section on an Oregon title, a secure odometer form, a bill of sale, or other document showing the transfer of the interest. For purposes of these rules, transferring includes release, termination, assignment or transfer of an interest;~~¶¶~~

(n) "Representative," "authorized agency representative" or "personal representative" means a personal representing agent, government official, receiver, trustee, executor, administrator, or other representative with lawful right or authority to transfer an interest in a vehicle on behalf of the owner or by operation of law;~~¶¶~~

(o) "Title" means an Oregon certificate of title, Oregon salvage title, other ownership document or electronic equivalent issued by DMV, as evidence of ownership interest in a vehicle recorded in DMV's records;~~¶¶~~

(p) "Transferee" means a person to whom an interest in a vehicle is transferred, including but not limited to a purchaser of the vehicle;~~¶¶~~

(q) "Transferor" means any person who transfers an interest in a vehicle.~~¶¶~~

(r) "VIN" means vehicle identification number.~~¶¶~~

(2) General Requirements. Except as provided in section (6) of this rule, upon transferring an interest in an Oregon-titled vehicle, any person whose interest is released, terminated, assigned or transferred, or the person's representative, must release or assign that interest in writing. A release or assignment document must be an original or certified copy, unless a copy is permitted under section (8) of this rule, and include the following:~~¶¶~~

(a) For the vehicle subject to the transfer, the VIN or title number or license plate number if DMV can verify the title or license plate number matches the vehicle;~~¶¶~~

(b) The full name and signature of the transferor(s), or the transferor's representative;~~¶¶~~

(c) If available, the date the interest in the vehicle was released or assigned; and~~¶¶~~

- (d) A statement or other indicator in the document that the vehicle was sold, ownership was transferred or released, or any interest, including a lien or security interest, was assigned, released, terminated or transferred.¶
- (3) Although not required, a release or assignment document should include the name of the transferee.¶
- (4) DMV will accept the following as a release or assignment document:¶
- (a) The current title issued for the vehicle with the release/assignment section completed by the transferor(s) or the transferor(s) authorized agent;¶
- (b) The vehicle's MCO with the release section completed by the dealer.¶
- (c) A completed odometer disclosure that meets the requirements of ORS 803.120, 803.122 and OAR 735-028-0050; or¶
- (d) A bill of sale or other document that meets the requirements of section (2) of this rule.¶
- (5) Additional Requirements. In addition to the requirements of section (2) of this rule, a release or assignment of interest for a vehicle with a salvage title must comply with OAR 735-024-0170.¶
- (6) Operation of Law. In addition to other applicable requirements of this rule, if an interest in a vehicle is transferred by operation of law as described in this section, a representative, an authorized agency representative, personal representative, heir, affiant, security interest holder, or lien claimant must release or assign the interest in the vehicle as follows:¶
- (a) Transfer of Interest upon Death. The personal representative of an estate must sign the original release or assignment document unless DMV receives:¶
- (A) If the owner of the vehicle died intestate, an ~~original~~ Inheritance Affidavit (DMV Form 735-516) signed by all of the heirs; or¶
- (B) An original Simple Estate Certification (DMV Form 735-6797) signed by the affiant;¶
- (b) Vehicle Repossession. The security interest holder or representative of the security interest holder must sign an original Vehicle Repossession Certificate (DMV Form 735-263).¶
- (c) Possessory Lien Foreclosure. A lien claimant must fulfill all legal requirements to foreclose a possessory lien on the vehicle and sign an original certificate of possessory lien foreclosure form as specified in OAR 735-020-0012.¶
- (d) Government Agency. A government agency may transfer interest in a vehicle in its custody, if it complies with relevant legal requirements and, at the time of transfer, provides the transferee an original certificate of sale, bill of sale or similar document that contains:¶
- (A) A citation of the legal authority authorizing the government agency to transfer or assign interest in the vehicle;¶
- (B) The make, model, year and VIN of the vehicle subject to the transfer; and¶
- (C) The full name and signature of an authorized agency representative.¶
- (7) A person who assigns or releases a partial interest in a vehicle but will remain on the vehicle title as an owner, does not need to complete an assignment or release document. However, the person must acknowledge that the addition of a new owner on the title is authorized by signing:¶
- (a) A title application that lists the additional owner; or¶
- (b) A ~~written~~ document that identifies and permits the addition of the additional owner on the title.¶
- (8) DMV may accept a copy of a document described in section (2) of this rule, when DMV is satisfied the person seeking the transfer has made all reasonable efforts to obtain a release of interest and the interests of all parties to the transfer are protected.-Before DMV may accept a copy of a document described in section (2) of this rule, DMV will:¶
- (a) Check if the vehicle is listed as stolen;¶
- (b) Review any evidence that an interested party is contesting ownership; and ¶
- (c) Review any information provided by the person, or required by the department, concerning the missing original document.
- Statutory/Other Authority: ORS 184.619, 802.010, 803.094  
 Statutes/Other Implemented: ORS 803.015, 803.094

AMEND: 735-028-0000

RULE SUMMARY: DMV proposes updates to OAR 735-028-0000 to revise the definitions of "secure form" and "odometer disclosure." The amendment includes a minor clarification to the definition of "odometer disclosure" and updates the definition of "secure form" to distinguish between forms submitted with an electronic signature and those submitted in paper format with a traditional ink signature.

CHANGES TO RULE:

735-028-0000

Definitions Relating to Odometer Disclosures

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, and:~~
  - (a) When issued or submitted in a paper format, incorporates security features that deter and detect counterfeiting or unauthorized reproduction, and makes any alterations visible to the naked eye.
  - (b) When issued or submitted electronically, provides security by means of an electronic signature, as defined in ORS 84.004.

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

AMEND: 735-028-0050

RULE SUMMARY: DMV proposes amending OAR 735-028-0050 to ensure alignment with the updated definitions in OAR 735-028-0000 and the electronic processes established in OAR 735-018-0065.

CHANGES TO RULE:

735-028-0050

Odometer Disclosure Requirements Upon Transfer of Interest - When and from Whom Required-

(1) The term "transfer" means any change of interest in a vehicle, whether by purchase, gift or any other means. The term applies, unless otherwise exempt, to vehicles:¶

- (a) That have never been titled;¶
- (b) That are titled in another jurisdiction;¶
- (c) That have been issued any form of title ~~(e.g., salvage title, certificate of title);~~¶
- (d) That are new;¶
- (e) That are of original construction, or have been rebuilt, reconstructed or assembled; and¶
- (f) Whether or not transfer is recorded with the Driver and Motor Vehicle Services Division of the Department of Transportation (DMV).¶

(2) A transfer, as defined in section (1) of this rule, does not include:¶

- (a) Changes in interest that are specifically exempt from odometer disclosure under ORS 803.102 or OAR 735-028-0010;¶
- (b) Changes in interest if at least one of the owners is remaining the same (e.g., where a co-registered owner is being added or deleted); or¶
- (c) A change in interest due solely to the creation, release or assignment of a security interest.¶

(3) Upon transfer of interest in a vehicle subject to odometer disclosure:¶

- (a) The seller shall ~~make a written~~ provide an odometer disclosure that contains all of the following:¶
  - (A) The odometer reading at the time of transfer, excluding tenths of a mile or kilometer;¶
  - (B) The date of transfer;¶
  - (C) The printed name and current address of the seller. If the seller is a business, the printed name of both the business and the printed name of the person signing for the business shall be included;¶
  - (D) The printed name and current address of the buyer. If the buyer is a business, the printed name of both the business and the printed name of the person signing for the business shall be included;¶
  - (E) The vehicle identifiers, including make, model, year, body type, and vehicle identification number;¶
  - (F) A certification whether, to the best of the seller's knowledge, the odometer reading reflects the actual mileage, is in excess of the designed mechanical odometer limit, or does not reflect the actual mileage;¶
  - (G) The signature of the seller.¶
- (b) The buyer shall:¶
  - (A) Sign the seller's disclosure; and¶
  - (B) Return a copy to the seller.¶

(4) If a conforming title has been issued for the vehicle:¶

- (a) The disclosure from the seller in whose name the title or salvage title was issued shall be made on the actual title or salvage title;¶
- (b) Disclosures from other parties ~~(e.g., dealer reassignments)~~ may be made on the title or on separate secure ~~reassignment~~ forms.¶

(5) If a nonconforming title has been issued for the vehicle, or the vehicle has never been titled but is not covered by a Manufacturer's Certificate of Origin, disclosures shall be made on forms:¶

- (a) Issued by the Oregon DMV, or the equivalent agency in another state which may include photocopies, facsimile copies, digitized copies or other reproductions of blank state forms other than secure forms;¶
- (b) That contain all of the information required under section (3) of this rule; and¶
- (c) That may be, but shall not be required to be, secure forms.¶

(6) If the vehicle is covered by a Manufacturer's Certificate of Origin and a disclosure is required, it shall be made either:¶

- (a) On the certificate of origin, that contains spaces for all the information required under section (3) of this rule; or¶
- (b) On a disclosure form that contains all the information required under section (3) of this rule.¶

(7) If the transfer involves more than one seller (e.g., co-owners selling a vehicle), only one seller shall be required to sign the odometer disclosure.¶

(8) All of the following apply to leased vehicles that are otherwise subject to odometer disclosures upon transfer of interest:¶

(a) When the lessor is the seller, the lessor shall make the disclosure required of the seller. A lessor who transfers a leased vehicle without obtaining possession of it may, when making the odometer disclosure statement required from the seller, rely upon the mileage disclosed by the lessee to the lessor, as required by federal rules;¶

(b) When the lessee is the seller (i.e., the lessee acquired the vehicle under lease purchase and subsequently sells the vehicle), the lessee shall make the disclosure required of the seller;¶

(c) The lessee may acknowledge as purchaser the disclosure made by the seller, if the lessee is to be shown as the owner on the Oregon title.¶

(9) In the case of a transfer of interest by operation of law:¶

(a) If the owner whose interest is transferred would otherwise be required to complete an odometer disclosure, the person required to make the disclosure shall be:¶

(A) The person who transferred that owner's interest, if that person has possession of or reasonable access to the vehicle (e.g., a sheriff or tow company); or¶

(B) The buyer, if the person who transferred that owner's interest did not have possession or reasonable access to the vehicle (e.g., a court or bankruptcy judge).¶

(b) The disclosure shall be made on:¶

(A) The title for the vehicle, if the title is a conforming title and is available; or¶

(B) On a disclosure form issued by DMV, or some other state, if the title is a nonconforming title or if the title is not available, and ownership is being transferred without the title as allowed under Oregon law.¶

(10) A buyer or a seller may appoint an attorney in fact for purposes of odometer disclosure. Provisions covering the use of a power of attorney for odometer disclosure are as provided in OAR 735-028-0060 through 735-028-0080.¶

(11) When application for title or salvage title is required to be made, or is made on a vehicle subject to odometer disclosure under this rule, the required disclosure shall be submitted to DMV with the application for title or salvage title along with any other requirements.¶

(12) Dealers required to provide notice of purchase of a vehicle to DMV under ORS 803.105, shall not be required to include an odometer disclosure with the notice. This section, however, does not exempt dealers from obtaining or providing odometer disclosures, or from maintaining odometer disclosure records for vehicles they acquire or sell.

Statutory/Other Authority: ORS 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 & Ch. 873, OL 1991

Statutes/Other Implemented: ORS 803.102, 49 CFR Part 580

AMEND: 735-028-0070

RULE SUMMARY: DMV proposes to amend OAR 735-028-0070 to ensure alignment with the updated definitions in OAR 735-028-0000 and the electronic processes established in OAR 735-018-0065.

CHANGES TO RULE:

735-028-0070

Odometer Disclosures - Power of Attorney Granted to Disinterested Third Party~~¶¶~~

All of the following apply to the use of powers of attorney for the purpose of making an odometer disclosure, when the power of attorney is granted by the buyer or seller to a "disinterested third party," as defined in OAR 735-028-0060:~~¶¶~~

(1) The power of attorney may be on any form as long as it:~~¶¶~~

(a) Contains a vehicle description sufficient for the Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) to identify the vehicle (e.g., year, make and vehicle identification number);~~¶¶~~

(b) Contains a statement as to what authority is being granted (e.g., authority to make odometer disclosure);~~¶¶~~

(c) Indicates who is granted the power of attorney; and~~¶¶~~

(d) Is signed by the person granting the power of attorney.~~¶¶~~

(2) The person who receives the authority granted by the power of attorney must exercise the power of attorney by completing an odometer disclosure in the same manner and form required under OAR 735-028-0050 of the person who granted the power of attorney.~~¶¶~~

(3) The power of attorney must be submitted to DMV with the title or title documents with which it is used. When application for title is submitted, DMV may accept a copy of a general power of attorney that is not limited to the authority to make an odometer disclosure or transfer title on a specific vehicle. DMV also may accept a copy if the power of attorney is lost. Any copy submitted with a manual signature shall include a certification signed by either the person who granted the power of attorney or the person who received the authority, that the document is a true copy of the original.

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, 803.140, 803.207, 803.370, 803.475, 805.120, 815.405, 821.060, 821.080

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

AMEND: 735-028-0080

RULE SUMMARY: DMV proposes to amend OAR 735-028-0080 to ensure alignment with the updated definitions in OAR 735-028-0000 and the electronic processes established in OAR 735-018-0065. DMV is also updating OAR 735-028-0080 to reference the new form that will be used when submitting a secure power of attorney with an electronic signature.

CHANGES TO RULE:

735-028-0080

Odometer Disclosures - Power of Attorney Between the Buyer and Seller

- (1) A person may sign an odometer disclosure as both the buyer and seller by power of attorney only when allowed under OAR 735-028-0060.
- (2) When a seller gives a power of attorney to the buyer for the purpose of making an odometer disclosure, the form used must be the Driver and Motor Vehicle Services Division of the Department of Transportation (y must use one of the following forms:
  - (a) DMV "Secure Power of Attorney," Form 735-402;
  - (b) DMV "Secure Power of Attorney," Form 735-402, ~~DMV's "A;~~
  - (c) DMV "Electronic Secure Power of Attorney," Form 735-402A, B; or a
  - (d) A secure form issued by another state that conforms to federal rules (49 CFR, Part 580).
- (3) DMV does not accept secure power of attorney forms for use in making odometer disclosures that are photocopies, facsimiles, digitized copies or other reproductions of such forms. This section does not prevent a persons from making copies of completed forms for their records.
- (4) DMV's Secure Power of Attorney, Form 735-402, and the secure forms of some other states, are multi-copy forms, each copy of which is a secure form. When used as intended, completion of the original power of attorney will result in the other copies being completed with the same information. Such copies must be acceptable for submission to the state as otherwise provided in this rule.
- (5) A seller who grants power of attorney under section (2) of this rule, shall complete Part A of the secure power of attorney form, including the seller's signature and all other information required to be part of an odometer disclosure, as covered in OAR 735-028-0050.
- (6) A buyer who receives power of attorney under section (2) of this rule shall print and sign their name in Part A of the secure power of attorney form and provide a copy of the form to the seller.
- (7) Upon receipt of the seller's title, the person granted the power of attorney shall determine whether the mileage disclosed on the power of attorney is less than the mileage shown on the title:
  - (a) If the mileage disclosed on the power of attorney is greater than the mileage shown on the title, the person may use the power of attorney to make the required disclosure:
    - (A) If the title is a conforming title, the person shall complete the space for mileage disclosure on the title exactly as the mileage was disclosed on the power of attorney;
    - (B) If the title is a non-conforming title, the power of attorney form itself may be considered the disclosure, and the person need not complete a separate state-issued disclosure form.
  - (b) If the mileage disclosed on the power of attorney is less than the mileage shown on the title, and there is no indication from the seller on Part A of the power of attorney that the mileage has exceeded the mechanical limits of the odometer or that the mileage is not actual, the power of attorney is void for the purpose of making an odometer disclosure. In this case, the person granted the power of attorney may not make the disclosure on the title and shall obtain a new disclosure from the seller. This subsection does not apply if it is determined that DMV or another state made an error in recording the mileage on the title, and that the actual mileage reported and which should have been shown on the title was less than that reported on the power of attorney.
- (8) If the person who is granted power of attorney under section (2) of this rule resells the vehicle prior to receipt of the title, and if the new buyer elects to grant power of attorney to that person for the purpose of making an odometer disclosure, the exact power of attorney form that was completed under sections (2) through (6) of this rule shall be used. In granting power of attorney under this section, the new buyer:
  - (a) Grants authority for the seller to sign all papers and documents required to secure title on the buyer's behalf;
  - (b) Grants authority for the seller to make the odometer disclosure on the title, only if the disclosure is exactly as completed on the power of attorney; and
  - (c) Acknowledges that the buyer is aware of the odometer disclosure made under Part A of the power of attorney form the buyer is signing.
- (9) When power of attorney is granted under section (8) of this rule:

(a) The seller who is granted power of attorney shall complete Part B of the secure power of attorney form, including the seller's signature and all other information required to be part of an odometer disclosure, as covered in OAR 735-028-0050;¶

(b) The new buyer shall sign their name in Part B of the power of attorney;¶

(c) The seller shall provide a copy of the completed power of attorney to the buyer;¶

(d) Upon receipt of the title, the person who is granted power of attorney shall comply with the provisions of section (7) of this rule; and¶

(e) If the title is a conforming title, and the power of attorney is not void and is being used to make a disclosure under both Parts A and B of the power of attorney form, the person granted the power of attorney shall also complete Part C of the power of attorney form. Part C of the power of attorney includes, but is not limited to:¶

(A) The signature, printed name and address of the person exercising the power of attorney;¶

(B) A certification that the person has disclosed the mileage on the title as it was disclosed on the power of attorney, that the person has examined the title and any reassignment documents, and that the examination indicated the mileage disclosed on the power of attorney is greater than that shown on the title and any reassignment documents;¶

(C) The date of the certification.¶

(10) A person who is granted and who exercises a power of attorney under this rule shall complete the required odometer disclosure(s) on the title when received. The person shall provide the original power of attorney or one of the secure copies of a multi-copy form to:¶

(a) The Oregon DMV, along with the title and any other requirements, if that person is applying for title in their name or on behalf of the new applicant; or¶

(b) Whomever that person provides the title.

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, 803.140, 803.207, 803.370, 803.475, 805.120, 815.405, 821.060, 821.080

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