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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

FILED: 05/26/2026 4:57 PM

ARCHIVES DIVISION SECRETARY OF STATE

FILING CAPTION: Vehicle Identification Number (VIN) Inspections

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):

Driver and Motor Vehicle Services (DMV) is proposing amendments to OAR 735-022-0070, 735-150-0010, and 735-150-0040 to update the Oregon Administrative Rules (OAR) regulating VIN inspections. DMV has determined that VIN inspections for certain vehicles are more complex due to issues such as fraud, theft, and vehicle damage. To address these challenges, DMV proposes to introduce more than one level of VIN inspections. Additionally, DMV recognizes the need to expand service options and provide alternatives to going into a DMV field office for customers who need VIN inspections to title their vehicle in Oregon.

This rulemaking establishes two levels of VIN inspections, outlines the qualifications for entities authorized to perform each level of VIN inspection, permits rental fleet companies to conduct VIN inspections when transferring title to Oregon for vehicles they own, and expands service options by allowing designated third-party VIN verifiers to conduct Level 1 VIN inspections.

DMV proposes to amend OAR 735-022-0070 to define terms; create two levels of VIN inspections; provide rental fleet companies the authority to act as agents of DMV to perform Level 1 VIN inspections on vehicles they own when there is no change in ownership; require Level 2 VIN inspections when there is a missing VIN, VIN discrepancy or the identity of the vehicle is in question; and add "VIN verifier" to the list of people DMV may designate to perform Level 1 VIN inspections.

DMV also proposes to amend OAR 735-022-0070 to clarify that DMV, the Oregon State Police or another law enforcement agency acting as an agent of DMV may perform a VIN inspection on a vehicle if DMV has previously received notice that it was substantially altered. This amendment ensures the rule aligns with current statutory requirements and eliminates outdated references.

DMV proposes to amend OAR 735-150-0010 to add "Level 1 VIN inspections" and "VIN" to the list of defined terms.

DMV proposes to amend OAR 735-150-0040 to clarify that dealers, acting as DMV agents, may perform only Level 1 VIN inspections.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

DMV did not rely on any documentation.

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

DMV does not believe this rulemaking will impact racial equity in Oregon. In this rulemaking, DMV is differentiating between "normal" VIN inspections (Level 1) and more complicated VIN inspections (Level 2), defining terms, and permitting rental fleet companies to conduct Level 1 VIN inspections in limited circumstances. These changes do not impact racial equity in the state.

FISCAL AND ECONOMIC IMPACT:

See below.

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) The public may obtain a VIN inspection through a VIN verifier operating under agreement with Oregon DMV or designated by another state motor vehicle agency. This may save the customer time and potential expenses related to transporting vehicles to a DMV field office and waiting for the service. VIN verifiers will be authorized to charge for this service, but this rulemaking does not require customers to use a VIN verifier service. It only adds VIN verifiers as a service option. It is unknown how much a VIN verifier may charge a person for a VIN inspection; therefore, DMV is unable to estimate the economic impact if a person chooses to obtain a VIN inspection through a VIN verifier.

Businesses –Rental fleet companies will save time because they will be able to conduct VIN inspections on vehicles they own, if there is no transfer of ownership. Although DMV must continue to collect the VIN inspection fee, rental fleet companies will gain efficiency and decrease costs associated with transporting vehicles and waiting for services at DMV field offices. DMV is unable to quantify the savings for rental fleet companies because DMV does not have any estimates of the costs associated with VIN inspections for rental fleet vehicles. Businesses, including Oregon certified dealers, out-

of-state dealers, and third-party service providers may enter into agreements with DMV to become designated VIN verifiers. These businesses will be authorized to set and charge a fee for the service.

DMV – DMV anticipates that DMV staff will save time under these proposed rules. Vehicle rental fleet companies represent a large volume of vehicle transactions. These companies would be able to conduct their own VIN inspections under the proposed rules. There may also be a reduction in foot traffic in DMV field offices and in special requests for staff to conduct off-site VIN inspections for inoperable vehicles or large fleets. DMV expects that saving its employees time will help reduce wait times for customers seeking other services. Conversely, DMV expects to incur minimal administrative costs associated with the proposed rules, including the initial development of a VIN Verifier agreement. There may also be a slight increase in the cost to mail license plates, registration stickers, and registration cards to customers from the DMV Headquarters in Salem, as customers will have the ability to mail completed transactions directly to the DMV Headquarters rather than bring their vehicle transaction into a DMV field office for processing.

DMV does not believe there will be any impact as a result of defining Level 2 VIN inspections. DMV is clarifying and labelling the type of VIN inspection already conducted by law enforcement agencies and the National Insurance Crime Bureau.

(2) See below.

(2)(a) DMV cannot estimate how many businesses may utilize the option to use the services of a third-party VIN verifier or, for rental fleet companies, perform VIN inspections on their own vehicles. These provisions are optional. Additionally, DMV cannot estimate the number of small businesses that may choose to enter into VIN verifier agreements with DMV.

(2)(b) There are no additional reporting, recordkeeping or administrative activities required to comply with the rules. Designated VIN Verifiers and vehicle rental fleet businesses that choose to conduct VIN inspections, as permitted by the proposed rules, must complete the VIN Inspection form in accordance with DMV requirements.

(2)(c) DMV believes there will be minimal, if any, cost of professional services, equipment supplies, labor or increased administration required to comply with the rules. Any costs incurred are most likely associated with entering into a VIN verifier agreement with DMV, and would be voluntary.

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

DMV sent draft rules to 14 organizations representing small businesses. Additionally, the Oregon Dealer Advisory Committee (ODAC) participated in the Rule Advisory Committee.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

RULES PROPOSED:

735-022-0070, 735-150-0010, 735-150-0040

AMEND: 735-022-0070

RULE SUMMARY: DMV proposes to amend OAR 735-022-0070 to define terms; create two levels of VIN inspections; provide rental fleet companies the authority to act as agents of DMV to perform Level 1 VIN inspections on vehicles they own when there is no change in ownership; require Level 2 VIN inspections when there is a missing VIN, VIN discrepancy or the identity of the vehicle is in question; and add “VIN verifier” to the list of people DMV may designate to perform Level 1 VIN inspections.

DMV also proposes to amend OAR 735-022-0070 to clarify that DMV, the Oregon State Police or another law enforcement agency acting as an agent of DMV may perform a VIN inspection on a vehicle if DMV has previously received notice that it was substantially altered. This amendment ensures the rule aligns with current statutory requirements and eliminates outdated references.

CHANGES TO RULE:

735-022-0070

Inspection of Vehicle Identification Numbers~~¶~~

DMV adopts the following definitions and procedures relating to the inspection of the vehicle identification number (VIN) of a vehicle under ORS 803.212.~~¶~~

~~(4)~~ VIN of a vehicle under ORS 803.212:~~¶~~

(1) "Agent" means a certified vehicle dealer designated by DMV to conduct Level 1 VIN inspections on behalf of DMV.~~¶~~

(2) "ECU" means engine control unit.~~¶~~

(3) "Frame VIN" means a manufacturer-applied VIN that is permanently stamped, etched, or affixed directly onto the frame, chassis, or structural member of a vehicle, and is:~~¶~~

(a) Located on a load-bearing or structural component that is integral to the vehicle or trailer's construction; and~~¶~~

(b) Permanently applied in a manner intended to prevent removal without damage to the component.~~¶~~

(4) "Hidden VIN" means a manufacturer-applied VIN that is intentionally placed in a concealed or non-public location on a vehicle for the purpose of confirming identity when public VINs are damaged, altered, or missing, and is:~~¶~~

(a) Permanently stamped, etched, or affixed by the manufacturer on a non-visible structural or internal component; and~~¶~~

(b) Not normally observable without partial disassembly, removal of parts, or use of specialized inspection methods.~~¶~~

(5) "Level 1 VIN inspection" means a physical inspection to verify the primary VIN and secondary VIN, if the vehicle has a secondary VIN, match the VIN on the title, primary ownership document, or vehicle record.~~¶~~

(6) "Level 2 VIN inspection" means a physical inspection to verify the primary VIN, secondary VIN, if the vehicle has a secondary VIN, and frame VIN match the VIN on the title, primary ownership document, or vehicle record. A "Level 2 VIN inspection" includes verifying hidden VINs and the VIN in the ECU if the results of a Level 2 VIN inspection of the primary VIN, secondary VIN and frame VIN are inconclusive.~~¶~~

(7) "Missing VIN" means a VIN on the vehicle that is unable to be located.~~¶~~

(8) "Primary VIN" means the main publicly visible VIN affixed to a vehicle by the manufacturer in the location intended to serve as the official point of identification, and is:~~¶~~

(a) Permanently affixed, stamped, or labeled by the manufacturer;~~¶~~

(b) Located in the manufacturer-designated primary display position (for example, the dashboard VIN plate visible through the windshield, or the primary VIN plate on a trailer's frame or body); and~~¶~~

(c) The authoritative VIN against which any additional public VINs are compared.~~¶~~

(9) "Public VIN" means any VIN that is intentionally exposed and visible on a vehicle, and includes the primary VIN and secondary VIN.~~¶~~

(10) "Secondary VIN" means a second, publicly visible VIN that is located on most vehicles, is independently verifiable from the primary VIN, and is:~~¶~~

(a) Permanently affixed, stamped, or labeled by the manufacturer; and~~¶~~

(b) Placed in a location intended for inspection without disassembly.~~¶~~

(11) "VIN" has the meaning given the term in ORS 801.600.~~¶~~

(12) "VIN discrepancy" means:~~¶~~

(a) The VIN on the documents does not match the VIN on the vehicle;~~¶~~

(b) The VINs on the vehicle do not match each other;~~¶~~

(c) The VIN on the vehicle does not match the vehicle type, make or year; or~~¶~~

(d) The VIN on the vehicle has been altered or defaced.~~¶~~

(13) "VIN verifier" means a person authorized by a state motor vehicle agency to conduct a Level 1 VIN inspection.~~¶~~

(14) A vehicle dealer certified under ORS 822.020 and who meets the qualifications under OAR 735-150-0039, may act as an agent of DMV to perform Level 1 VIN inspections under ORS 803.212 for vehicles that they sell, except as ~~prohibit~~ described under section ~~(518)~~ of this rule.~~¶~~

~~(215)~~ An Oregon law enforcement agency may act as an agent of DMV to perform Level 1 VIN inspections under ORS 803.212. For purposes of acting as an agent of DMV to perform VIN inspections, an Oregon law enforcement agency means the Oregon State Police, an Oregon county sheriff's office, or an Oregon city or municipal police department.~~¶~~

~~(316)~~ A rental fleet company may perform a Level 1 VIN inspection under ORS 803.212 for a vehicle in its fleet as part of an application for an Oregon title without a change in ownership.~~¶~~

(17) DMV may authorize a person or agency to perform Level 1 VIN inspections under ORS 803.212 and this rule.~~¶~~

OAR 735-022-0070. The person or agency must request DMV's authorization in writing by emailing ~~DMV Vehicle Programs~~ vehicleprogramsolicity@odot.oregon.gov or mailing the request to ~~DMV Headquarters Oregon DMV,~~ Attn: Vehicle Programs at, 1905 Lana Ave NE, Salem, OR 973174, to enter into a VIN inspection agreement with DMV.¶

~~(4) For purposes of this rule, "agent" means a certified vehicle dealer or Oregon DMV, in its discretion, law enforcement agency designated by DMV to conduct VIN inspections on behalf of DMV.¶~~

~~(5) DMV, in its discretion, may limit the type of VIN inspections an agent may perform.¶~~

~~(6) As provided in subsection (a)-(h) of this section, Only DMV, the Oregon State Police (OSP), or another Oregon law enforcement agency acting as an agent of DMV, may perform a VIN inspection on a vehicle located in Oregon if:¶~~

~~(a) The vehicle is assembled;¶~~

~~(b) The vehicle is reconstructed;¶~~

~~(c) The vehicle is a replica; and any of the following circumstances:¶~~

~~(a) The vehicle is assembled and the new title must be issued with an assembled make.¶~~

~~(b) The vehicle is reconstructed and the new title must be issued with a reconstructed brand.¶~~

~~(c) The vehicle is a replica and the new title must be issued with a replica brand.¶~~

~~(d) DMV has received been notified that the vehicle has been or will be wrecked, dismantled, or disassembled or substantially altered under ORS 819.010 or 822.133;¶~~

~~(e) The vehicle is from another jurisdiction and documents presented show or the vehicle has been damaged (i.e., salvage bills of sale, salvage title, etc.); or electronic record shows the vehicle has been totaled.¶~~

~~(f) The vehicle is imported and the original manufacturer did not certify that it complies with federal vehicle standards as described in OAR 735-022-0080; or.¶~~

~~(g) The vehicle has been reported to DMV as a totaled vehicle. This provision does not apply to a vehicle reported totaled due to theft and later recovered in a condition that no longer meets the definition of "totaled vehicle" under ORS 801.527.¶~~

~~(7) DMV may designate any person or agency. Prior to January 1, 2026, DMV received notice that the vehicle was substantially altered.¶~~

~~(19) A Level 2 VIN inspection is required when there is a missing VIN on the vehicle, there is a VIN discrepancy, or the identity of the vehicle is in question.¶~~

~~(20) A public VIN may be located on a vehicle as follows:¶~~

~~(a) Motor vehicles: the primary VIN is typically located on the dash, and the secondary VIN located on the door frame.¶~~

~~(b) Trailers: the primary VIN may be located on the frame, on the body of the trailer, or inside the trailer on a wall or in a cabinet.¶~~

~~(c) Motorcycles and mopeds: the primary VIN may be stamped on the frame or on a label placed on the vehicle.¶~~

~~(d) Recreational vehicles: the primary VIN may be located on the frame, on the body, or inside the vehicle on a wall or cabinet.¶~~

~~(21) DMV designates the following persons and agencies located in other jurisdictions as authorized to perform Level 1 VIN inspections on vehicles in located in the other jurisdictions, including:¶~~

~~(a) A law enforcement agency or entity with administrative or regulatory authority for vehicles within the jurisdiction;¶~~

~~(b) A VIN verifier in another jurisdiction that is recognized and authorized by that jurisdiction to perform an inspection equivalent to a Level 1 VIN inspection;¶~~

~~(c) For vehicles owned by U.S. armed services personnel, the owner's commanding officer, Provost Marshal or other person in authority as authorized by DMV; or¶~~

~~(ed) Anyone designated by DMV under a written agreement.¶~~

~~(822) The inspection fee established under ORS 803.215 is required for inspections performed under ORS 803.210. The fee does not apply to inspections performed outside the State of Oregon.¶~~

~~(923) If a vehicle does not have a VIN, DMV will assign one and affix it to the vehicle. When a VIN is assigned, the title record will indicate the VIN assigned by DMV.¶~~

~~(4024) Under an agreement with DMV, Oregon law enforcement agencies and the National Insurance Crime Bureau (NICB) are authorized to conduct Level 2 VIN inspections for vehicles located in Oregon when referred to the agency or NICB by DMV.¶~~

~~(25) DMV may enter into agreements to compensate the Oregon State Police or other Oregon law enforcement agencies for any Level 2 VIN inspection conducted under ORS 803.212(5). DMV will only compensate an Oregon law enforcement agency only if DMV has entered into an agreement with the Oregon law enforcement agency. Statutory/Other Authority: ORS 184.619, 802.010, 803.212~~

~~Statutes/Other Implemented: ORS 803.212~~

AMEND: 735-150-0010

RULE SUMMARY: DMV proposes to amend OAR 735-150-0010 to add "Level 1 VIN inspections" and "VIN" to the list of defined terms.

CHANGES TO RULE:

735-150-0010
Definitions

As used in this division and ORS Chapter 822:

- (1) "Additional (or supplemental) place of business" or "additional (or supplemental) location" means a location, other than one exempted under OAR 735-150-0020, that is more than 500 feet from any other business location of the dealer that is operated under the same name as the main business location.
- (2) "Advertise" means to offer a vehicle for sale or to communicate to the public that a person is acting as a vehicle dealer, by any oral, written, or graphic means including, but not limited to, handbills, the Internet, newspapers, signs, television, billboards, radio, and telephone directories.
- (3) "Agent" means any dealer possessing a current valid vehicle dealer certificate issued under ORS 822.020, who accepts applications and fees for the titling and registration of vehicles sold by the dealer and who performs such other duties related to the titling and registration of vehicles as DMV authorizes under the rules set forth in division 150.
- (4) "Applicant" means a person that applies for the issuance or renewal of a vehicle dealer certificate under ORS 822.020 and these division 150 rules.
- (5) "Broker" has the same meaning as "motor vehicle broker" as defined in ORS 822.047(1).
- (6) "Brokerage services" has the same meaning as defined in ORS 822.047(1).
- (7) "Business day" means Monday through Saturday and does not include Sundays or State of Oregon and Federal legal holidays.
- (8) "Buyer," "purchaser" and "lessee" have the same meaning as "owner" as defined in ORS 801.375.
- (9) "Cancellation" has the same meaning as "revocation" as defined in section (31) of this rule.
- (10) "Certified dealer" means a vehicle dealer who holds a vehicle dealer certificate issued or renewed under ORS 822.020.
- (11) "Circumstances beyond the dealer's control," as used in ORS 822.045(3)(b) and OAR 735-150-0050(5) means:
 - (a) That the dealer could not get the title from any state and the prior security interest holder was paid in full by the dealer; and
 - (b) The delay was a result of the security interest holder failing to release title; or
 - (c) DMV may consider the following mitigating circumstances if those circumstances result in the physical destruction of, or inaccessibility to, vehicle records necessary to prove compliance with ORS 822.045(1) and OAR 735-150-0050(5):
 - (A) The direct result of clearly-established fraud or other criminal activity against the vehicle dealer, as determined in a criminal or civil action in a court of law or independently corroborated by a report of a law enforcement agency or insurer or the sworn testimony or affidavit of an accountant or the person who actually engaged in the criminal activity. This mitigating circumstance does not apply if the dealer is the perpetrator of the wrongdoing described in this paragraph; or
 - (B) The direct result of fire, flood or other calamitous event, resulting in physical destruction of, or inaccessibility to vehicle records to prove compliance with ORS 822.045(1) and OAR 735-150-0050(5).
- (12) "Closure" means a vehicle dealership that no longer has legal authority to conduct dealer-related activity. ~~For example, including when~~ a dealer's certificate issued under ORS 822.020 is expired, cancelled, suspended or revoked.
- (13) "Clearly marked" means the notice and dealer contact information required under ORS 822.040(4)(b) and OAR 735-150-0033 is conspicuously posted on the window of each display vehicle, is in plain view of the public and is legible at a distance of six feet or more.
- (14) "Date of sale," or use of similar terms to indicate the day that the sale occurred, means the date that the purchaser takes possession of the vehicle. This does not apply to vehicles purchased by a dealer at wholesale auction. With respect to auto auctions and for purposes of consignor payment under ORS 822.060(1)(d), "date of sale" means the date upon which the consigning party delivers the necessary title documents to the purchasing dealer.
- (15) "Dealer" means a person who engages in any of the activities described in ORS 822.005, except those persons exempted by ORS 822.015.

- (16) "Dealership," "place of business" or "business location" means a location within the State of Oregon where activities specified in ORS 822.005 take place.¶
- (17) "Designated dealer" means a certified dealer who has been authorized to act as an agent of DMV under OAR 735-150-0040.¶
- (18) "DMV" means the Driver and Motor Vehicle Services Division of the Oregon Department of Transportation.¶
- (19) "DMV Administrator" means the administrator of the Driver and Motor Vehicles Services Division of the Oregon Department of Transportation.¶
- (20) "Employee," for purposes of ORS 822.015 and OAR division 150, means a person over whom a dealer exercises the type of control typically associated with an employer, including but not limited to:¶
- (a) Determining the frequency, method and amount of compensation;¶
 - (b) Determining whether the person's work is continuous or intermittent;¶
 - (c) Determining the hours or frequency of a person's work; or¶
 - (d) Retaining the ability to terminate the relationship.¶
- (21) "Good faith effort" as used in ORS 822.045(3) means action satisfactory to DMV that a vehicle dealer complied with the requirements set forth in OAR 735-150-0050(1) and (2).¶
- (a) DMV will determine that the dealer's efforts are in good faith if written documentation is provided that verifies:¶
 - (A) Action(s) was taken by the dealer within ten (10) days of sale to resolve problems with providing transfer of ownership; and¶
 - (B) The dealer provided complete and timely information to the customer concerning any problems encountered and actions being taken to resolve them.¶
 - (b) DMV will not accept a good faith effort by a dealer if, before the sale of the vehicle, the dealer knows or reasonably should know that title transfer could not be completed within 30 days.¶
- (22) "Level 1 VIN inspection" has the meaning given the term in OAR 735-022-0070. ¶
- (23) "Licensed dealer" as used in ORS 822.015, 822.045 and division 150, means a person who is currently licensed as a vehicle dealer in another jurisdiction.¶
- ~~(234)~~ "Location," "main business location" or "main dealership" means a location identified and listed as the dealer's main business location on the most current application for vehicle dealer certificate.¶
- ~~(245)~~ "Normal business hours" means:¶
- (a) With respect to vehicle dealer's normal business hours, all times during which a dealer engages in any of the activities described in ORS 822.005, except as exempted by ORS 822.015; or¶
 - (b) With respect to DMV's normal business hours, Monday through Friday, 8:00 a.m. to 5:00 p.m.¶
- ~~(256)~~ "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation or any other legal or commercial entity.¶
- ~~(267)~~ "Permanent revocation" means to permanently revoke a vehicle dealer certificate and the right to apply for a vehicle dealer certificate.¶
- ~~(278)~~ "Probation" means a period of time specified by DMV during which a vehicle dealer may continue to operate, but only under the terms or conditions established by DMV.¶
- ~~(289)~~ "Principal" means any owner, partner of a partnership, corporate officer, proprietor of a sole proprietorship, LLC member, or other person who controls the business entity.¶
- ~~(2930)~~ "Purchaser" has the same meaning as buyer or lessee.¶
- ~~(301)~~ "Rebuilder" means a person engaged in conducting a "vehicle rebuilding business" as specified in ORS 822.070.¶
- ~~(342)~~ "Revocation" means to void and terminate a vehicle dealer certificate. Unless permanently revoked, DMV will specify the period of time before the person subject to the revocation may apply for a new vehicle dealer certificate.¶
- ~~(323)~~ "Sanction" means an action taken against a vehicle dealer by DMV in cases of non-compliance, fraud, misuse or abuse of privileges granted by a vehicle dealer certificate pursuant to a violation of the Oregon Vehicle Code or any rule adopted by DMV relating to vehicle dealers or the operation of a vehicle dealership.¶
- ~~(334)~~ "Suspension" means a period of time specified by DMV during which a vehicle dealer is prohibited from:¶
- (a) Buying, selling, trading, exchanging any vehicle or providing brokerage services. ~~This, includes~~ ing, but is not limited to, providing information about price, quality, availability, payment terms, or any other information specific to the sale of a vehicle; and¶
 - (b) Acting as DMV's agent.¶
- ~~(345)~~ "VIN" has the meaning given the term in ORS 801.600. ¶
- ~~(36)~~ "Violation" means any violation by a person or vehicle dealer of the Oregon Vehicle Code or any rules adopted by DMV in accordance with ORS 822.009(1) and (2).¶
- ~~(357)~~ "Warning" means a documented oral warning to the principal of a dealership or a written correction notice issued to the principal, or an employee of the dealership.

Statutory/Other Authority: ORS 184.619, 802.010, 822.035
Statutes/Other Implemented: ORS 822.005 - 822.080

AMEND: 735-150-0040

RULE SUMMARY: DMV proposes to amend OAR 735-150-0040 to clarify that dealers, acting as DMV agents, may perform only Level 1 VIN inspections.

CHANGES TO RULE:

735-150-0040

Designation of Dealers as Agents

(1) Persons issued a dealer certificate under ORS 822.020 and who meet the qualifications set forth in OAR 735-150-0039, are designated as DMV's agent pursuant to ORS 802.031 and may perform the duties of an agent as identified in section (4) of this rule.

(2) Snowmobile dealers and Class I, Class III and Class IV all-terrain vehicle dealers are designated as agents of DMV pursuant to ORS 802.031.

(3) DMV may impose sanctions against a dealer's agent status as provided in OAR 735-150-0120.

(4) An agent of DMV may:

(a) Prepare, submit, or prepare and submit documents and collect fees necessary to title and register vehicles they sell, as provided in OAR 735-150-0050;

(b) Participate in DMV's Electronic Vehicle Registration (EVR) program if approved under OAR 735-150-0041;

(c) Perform ~~vehicle identification number~~ Level 1 VIN inspections on vehicles they sell, as provided in OAR 735-022-0070, when the vehicle has been registered or titled in another jurisdiction subject to the limitations of OAR 735-022-0070;

(d) Issue temporary registration permits for unregistered vehicles they sell, as provided in ORS 803.625 and OAR 735-150-0060;

(e) Issue trip permits for unregistered vehicles they sell, as provided for in OAR 735-150-0070 and 735-150-0080;

(f) Issue 10-day trip permits for registered vehicles they sell, as provided in ORS 803.600, OAR 735-150-0070, 735-150-0080 and 735-034-0010. When issuing a 10-day trip permit as described in this subsection, a vehicle dealer:

(A) Must ensure any Oregon registration stickers have been removed from the registration plates in accordance with ORS 803.600;

(B) May not issue more than two permits for the same motor vehicle; and

(C) Must require the person applying for the permit to submit proof that the vehicle is covered by an insurance policy that meets the requirements of ORS 806.080 and OAR 735-034-0010; and

(g) Except as provided under section (9) of this rule, prepare, submit, or prepare and submit documents and collect fees for transfers of registration plates, for vehicles they sell, in accordance with OAR 735-150-0050.

(5) A dealer who, on behalf of a purchaser, prepared, submitted, or prepared and submitted documents and collected fees necessary to title and register a vehicle and who then receives from DMV the registration plates, stickers or temporary registration for the vehicle, must ensure delivery of the items obtained to the purchaser. Within five working days of receipt from DMV, the dealer must:

(a) Deliver the items to the purchaser;

(b) Mail the items to the purchaser; or

(c) Advise the purchaser the items are at the dealership and, if the purchaser agrees, arrange to have the items picked up at the dealership.

(6) The dealer must document in the dealer's records the actions taken by the dealer to notify the purchaser or to deliver the registration plates, stickers and temporary registration.

(7) No dealer may, as a result of a dispute between the purchaser and dealer or for any other reason, withhold registration plates or stickers or temporary registration from the purchaser.

(8) Designated agents must only charge title, registration or plate transfer fees in the amount authorized by Oregon Revised Statutes and Oregon Administrative Rule when collecting such fees on behalf of DMV.

(9) A dealer may not prepare, submit, or prepare and submit an application and collect fees for the transfer of plates under subsection (4)(g) of this rule if the dealer determines the plates the purchaser wants to transfer are not from a current issue of plates, are not customized plates described under ORS 805.240 or are not eligible for transfer under ORS 803.530.

Statutory/Other Authority: ORS 184.619, 802.010, 802.031, 803.530, 803.600, 803.625, 821.060, 821.080

Statutes/Other Implemented: ORS 802.031, 803.565, 803.600, 803.602, 803.645, 821.060, 821.080, 822.005, 822.080