

Dealer Details

A newsletter from
Oregon Department of
Transportation, DMV Business
Regulation Section

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Oregon Dealer Advisory Committee, Dealer VIN Inspection Pointers	1	The DMV is seeking interested persons to serve as a member of the Oregon Dealer Advisory Committee for a three-year term beginning in January 2004.
Dealer Handbook Revisions, Electronic Vehicle Registration (EVR), Payoff of Prior Interests	2	We are recruiting for representatives in the categories: <ul style="list-style-type: none">• Used vehicle dealer (2)• New car dealer (1)• Wrecker/dismantler (1)
Location Suspensions, Unlicensed Dealers Investigated, Licensed Dealer Sanctions and Penalties	3	If you are interested in serving, we ask that you seek a recommendation from a trade or professional association in the above categories. For your convenience, here is a contact list for the professional associations:
Licensed Dealer Sanctions and Penalties	4	
<u>Business Regulation</u> Chris Ratliff, Manager (503) 945-5283 Susan Kanode, Office Coordinator, Manufactured Structure Processing and Investigative Support (503) 945-5281 Clyde Carrick, Program Specialist and Dealer Details Editor (503) 945-5077 Web Page: www.oregondmv.com		<u>OADA</u> (New Vehicle Dealers) PO Box 14460 Portland OR 97293 503-233-5044 <u>OIADA</u> (Used Vehicle Dealers) 2582 19 th St SE Salem OR 97302 503-362-6839 <u>NATA</u> (Wrecker/Dismantler) 1710 NE 82 nd Ave Portland OR 97220 503-253-9898 <i>Susan Kanode</i> <i>DMV Business Regulation</i>
<u>Investigation Team</u> Rollie Husen, Chief Investigator (503) 945-5496 Investigators: Barbara Caine, Steve Gallier, Dale Geiger, Denzel Gifford, Ron Irving, David Jurgenson, Rick Parsons		DEALER VIN INSPECTION REMINDERS If you suspect a VIN problem with a vehicle in your stock, please do not take the vehicle to Oregon State Police (OSP) without first contacting your local DMV field office. Only DMV can authorize a VIN inspection by OSP, so bring the vehicle and ownership document to a DMV field office. DMV will examine the VIN and decide whether or not to refer the vehicle to OSP using a Form 11. Remember, dealers can do VIN inspections on out-of-state titled vehicle that are in their dealer stock. Dealers cannot perform VIN inspections on the following: <ul style="list-style-type: none">• Vehicles that are not in their stock (this includes consignment vehicles);• Vehicles that are being titled for the first time as assembled, reconstructed, replica or totaled;• Any vehicles that have any indication that the vehicle has been wrecked, junked, disassembled, rebuilt or destroyed (including salvage titled vehicles); or• Vehicles that are imported or that the manufacturer did not certify that the vehicle complies with US Federal Standards.
<u>Business License Unit</u> Staff: Betty Fox, Tami Schemmel, Esther Reynoso, Karen White (503) 945-5052		<i>Clyde Carrick, DMV Business Regulation</i>

USE OF FORM 6890

Oregon law (ORS 803.112) requires that the transferor of interest in a vehicle covered by an Oregon title notify DMV of the transfer within ten days of the transfer date. For dealers this means when you deliver the title or ownership documents on an Oregon titled vehicle directly to the purchaser you need to report the transfer to DMV.

Reporting the sale can be done by submitting Form 6890, Notice of Sale or Transfer of a vehicle. This form can be ordered from DMV. It is a one-part form; therefore, we recommend you keep a copy for your records. When received, DMV places a sold flag of the vehicle's record.

This does not apply when you are submitting the application for title transfer to DMV on behalf of the buyer or when you are transferring interest to another dealer. A seller who has transferred interest in a vehicle by assigning the title to the buyer, delivering possession of the vehicle to the buyer, and notifying DMV of the transfer by providing the required information may not be subject to civil or criminal liability for the parking, abandonment or operation of the vehicle by another person under ORS 803.117. Submission of this form also assists DMV in unlicensed investigations by providing a paper trail.

Rick Parsons
Business Regulation Investigator

ELECTRONIC VEHICLE REGISTRATION (EVR)

The Electronic Vehicle Registration (EVR) pilot began on December 9, 2002 with 10 Oregon franchised auto dealers participating. EVR allows qualified dealers to issue plates and/or stickers to customers at the time of sale and enter data for title and registration transactions. The pilot has been evaluated and EVR is now expanding to include additional qualified dealers interested in participating in the program.

EVR allows dealers to process title and registration transactions, including plate transfers, title transfers, title transfers with registration, replacement title with registration, vehicle record inquiries, and notification of vehicle purchased or sold.

DMV is working with a third-party vendor (known as an integrator) that provides dealers with the necessary title and registration software. Computerized Vehicle Registration (CVR) is the integrator for EVR.

CVR provides the on-site installation and training for the EVR system and program. They also provide ongoing technical support for the software and for all program policies and procedures. CVR ensures that the dealers adhere to the same accuracy rate that DMV requires of its own employees in processing title and registration transactions.

PAYOFF OF PRIOR INTERESTS

Oregon law (ORS 822.045(1)(k)) requires dealers to satisfy the interest of any person or prior security interest **within** 15 days of the transfer of interest in a vehicle to the dealer. DMV considers the date of transfer of interest as the date of sale. Oregon Administrative Rules define the date of sale as the date the dealer takes possession of the vehicle.

The date interest is satisfied when the prior owner or security interest holder **receives payment or consideration**. The date on your check is not the date interest was satisfied, unless the prior owner or security interest holder received the check that same day.

Dealers should insure that payoffs being mailed to customers, financial institutions, etc. are mailed prior to the 15th day! In the course of routine inspections, we often verify the date a payoff was received. Violations can subject the dealer to a civil penalty of \$1,000 for each instance that a payoff was received late. Checks returned for non-sufficient funds, and checks for an amount less than the payoff, do not satisfy interest. The dealer is out of compliance if the check is not cleared or full payment not made within the 15 day period.

There is an exception for dealer to dealer transactions. In these cases, satisfaction of interest must be made within 15 days of obtaining clear title from the selling dealer or being advised the clear title is available for pickup.

Rick Parsons
Business Regulation Investigator

Customers, dealers and DMV benefit from EVR. EVR improves customer satisfaction because customers receive plates and stickers when they purchase their car. Dealers benefit from time saved with fewer trips to a DMV field office. Customers, dealers and DMV gain from the increased accuracy in the exchange of information and less rework due to errors and duplicate data entry.

For additional information about EVR, contact CVR at 1-800-386-1746.

David K Martin
DMV Program Services



LOCATION SUSPENSIONS

The following dealers were suspended for moving their place of business without obtaining a corrected dealer certificate and violating dealer location regulations:

Name	DBA	City
JVT Homes		McMinnville
Merit Enterprises		Aurora
Cherries A And R Autos		Portland
Kiwi Auto Brokers Inc		Portland

UNLICENSED DEALERS INVESTIGATED

Note: PENALTY AMOUNTS AND SANCTIONS MAY NOT REFLECT NEGOTIATED SETTLEMENTS

Name	DBA	City	Amount
Manuel M Galan		Redmond	\$22,500.00
John Stephen Lemley	Laurel Auto and Laurel Auto Body	Gaston	\$20,000.00
Cheyneitheia Wesley		Salem	\$20,000.00
L and D Race Tech Inc		Astoria	\$22,500.00

Licensed Dealer Penalties and Sanctions

Note: PENALTY AMOUNTS AND SANCTIONS MAY NOT REFLECT NEGOTIATED SETTLEMENTS

Dealer	City	Violations Found	Offense	Count	Amount
Redstone Auto	Portland	Failure to obtain a supplemental dealer certificate	1	4	\$ 2000
Scozzaris Auto Sales LLC	Milwaukie	Failure to pay consignor within 10 days of sale Dealer Certificate/Right to Apply Suspended 3 yrs	1	1	\$ 500
H & L Motors	Salem	Failure to satisfy interest in a vehicle within 15 days Dealer Certificate/Right to Apply Suspended 3 yrs	1	6	\$ 6000
B & L Motors	Salem	Failure to obtain a corrected vehicle dealer certificate Making false statement of material fact in application of a dealer's certificate Dealer Certificate Suspended 3 yrs	1 1	1 3	\$ 500 \$ 1500
Price Automotive Refinishing	Molalla	Failure to obtain a corrected vehicle dealer certificate	1	1	\$ 500
J and R Motors	Portland	Failure to obtain a corrected vehicle dealer certificate Failure to maintain proper records	1 2	1 1	\$ 500 \$ 250
Fred's RV World	Sandy	Failure to satisfy interest in a vehicle within 15 days	1	1	\$ 1000
Beaverton Toyota	Beaverton	Failure to maintain proper records	2	2	\$ 500
Volvos Only	Portland	Failure to maintain records of title delivery	4	1	\$ 1000

Licensed Dealer Penalties and Sanctions

Note: PENALTY AMOUNTS AND SANCTIONS MAY NOT REFLECT NEGOTIATED SETTLEMENTS

Dealer	City	Violations Found	offense	count	Amount
East Auto	Portland	Failure to obtain a corrected dealer certificate	1	1	\$ 500
		Failure to maintain record of title delivery/submission	2	7	\$1750
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		Failure to maintain proper records	2	9	\$2250
Cascade Marine Center	Portland	Failure to submit fees/application to DMW within 30 days	2	1	\$ 250
		Failure to maintain records of title delivery	2	2	\$ 500
		Failure to maintain proof consignor was registered owner/SIH/lessor	2	1	\$ 250
		Failure to pay consignor within 10 days of sale	1	1	\$ 500
		Failure to have record of consignment	1	1	\$ 250
		Failure to arrange for disposition of money at time of consignment	1	1	\$ 250
Power City Auto Sales	Umatilla	Failure to satisfy interest in a vehicle within 15 days	1	1	\$1000
		Failure to pay consignor within 10 days	2	7	\$1750
		Failure to maintain proof consignor was registered owner/SIH/lessor	2	2	\$ 500
		Failure to maintain records of good faith effort	2	1	\$ 250
Oregon Auto Network	Eugene	Failure to satisfy interest in a vehicle within 15 days	1	5	\$5000
		Suspended 3 Years Failure to Pay Civil Penalty			
Top O Hill Quality RV	Aurora	Failure to submit fees and application to DMV within 30 days	2	1	\$ 250
		Failure to satisfy interest in a vehicle within 15 days	1	1	\$1000
Chaney's Auto Wholesale	Portland	Failure to submit fees and application to DMV within 30 days	3	1	\$ 500
		Failure to supply ownership documents to purchaser within 25 days	2	1	\$ 250
		Failure to provide notice of title delay to purchaser within 25 business days	2	1	\$ 250
		Failure to maintain records of title delivery/submission	3	1	\$ 500
		Making false statement of material fact in a DMV investigation	1	1	\$ 500
		Suspended 3 Years Failure to Pay Civil Penalty			
Van City FKA Century Leasing	Portland	Failure to submit fees and application to DMV within 30 days	2	3	\$ 750
		Failure to provide a notice of title delay to purchaser within 25 business days	2	3	\$ 750
		Failure to maintain records of title delivery/submission	2	4	\$1000
Trade Link Inc	Hillsboro	Failure to submit fees and application to DMV within 30 days	2	1	\$ 250
		Failure to satisfy interest in a vehicle within 15 days	2	1	\$1000
Spirit Mountain Motors	Willamina	Late renewal of dealer certificate	1	1	\$ 100
Mid Columbia Marina	Hood River	Late renewal of dealer certificate	1	1	\$ 100
Miller Auto Sales	Grants Pass	Late renewal of dealer certificate	1	1	\$ 100