

# TRAFFIC NEWSLETTER

DMV Administrator's Office 1905 Lana Avenue NE Salem, Oregon 97314

Vol. 21 No. 1, January 2010

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**HB 2870 – Permanent Revocations ●** HB 2870 revises ORS 809.235 to require a court to permanently revoke a person's driving privileges if the person is convicted of aggravated vehicular homicide; manslaughter in the first or second degree resulting from the operation of a motor vehicle; criminally negligent homicide resulting from the operation of a motor vehicle; or assault in the first degree resulting from the operation of a motor vehicle. It also requires DMV to increase the revocation length for offenses listed in ORS 809.409(2) from eight years to 10 years and takes into account other crimes arising from the same criminal episode to determine reinstatement eligibility.

DMV will create four new permanent (court ordered) revocations for convictions of aggravated vehicular homicide; manslaughter in the first or second degree resulting from the operation of a motor vehicle; criminally negligent homicide resulting from the operation of a motor vehicle; and assault in the first degree resulting from the operation of a motor vehicle.

When a court sends in a form 6116 requesting that one of these permanent revocations be recorded, the person will be revoked indefinitely. After 10 years, the person may petition the court to have his or her driving privileges restored. If the offense includes incarceration, the person may petition the court 10 years from release of incarceration for the offense and all other crimes arising out of the same criminal episode.

DMV will also increase the length of the DMV imposed revocations under ORS 809.409(2) and court imposed revocations under ORS 809.240 from 8 years to 10 years if the conviction is on or after January 1, 2010.

If the offense includes incarceration, the person will be revoked for 10 years from the release date of their incarceration as noted by Dept. of Corrections. The release from incarceration takes into account the offense listed in ORS 809.409(2) plus any other crimes arising out of the same criminal episode. Because DMV has no way to determine all offenses arising out of the same episode, it will be up to the person to provide evidence of their release date for purposes of determining reinstatement eligibility for a revocation under ORS 809.409(2).

## Hardship Permits

There is no hardship permit available for any of the above driver license revocations.

For additional information, please call (503) 945-5000 or (503) 299-9999 (Portland Metro Area).

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**SB 129 – Commercial Driver Licensing** ● SB 129 contains changes related to Oregon’s commercial driver license (CDL) program. This bill does the following:

Effective June 18, 2009:

- Established authority to cite a CMV operator, who is licensed and suspended in another state, for driving while suspended.
- Provided additional clarification of the term, “hold a CDL” as used in diversion and CDL suspension statutes.

Effective January 1, 2010:

- Changes Oregon’s civil and criminal penalties related to violation of out-of-service orders to match the penalties in federal regulation. The length of suspension for violation of out-of-service order changes from 90 days to 180 days. In addition, the civil penalties increase to \$2,500 - \$5,000 for a driver who violates an out-of-service order and to \$2,750 - \$25,000 for an employer who allows, permits, requires or authorizes an employee to violate an out-of-service order.
- Changes the definition of commercial motor vehicle to include consideration of gross vehicle weight (GVW) as well as gross vehicle weight rating (GVWR).
- Removes the provision that a person in the Armed Forces of the United States must have a current out-of-state license or a permit issued by the Armed Forces to be exempted from the requirement to have an Oregon driver license to operate a vehicle for military purposes.
- Defines use of “conviction” in vehicle code to include out-of-state administrative actions and other determinations of guilt not otherwise considered in the ordinary definition.
- Restricts issuance of a hazardous materials endorsement to U.S. citizens or lawful permanent residents in the U.S.
- Removes remaining statutory language that includes mass transit vehicles under the definition of a commercial motor vehicle.
- Extends statute of limitation for Failure to Appear (F/A) and Failure to Comply (F/C) CDL suspensions from out of state from five years to 10 years. This aligns the statute of limitation increases that occurred in HB2321 (2007 Legislative Session).
- Changes statute to disqualify Farm endorsement privileges when two or more CDL/CMV disqualifying offenses under ORS 809.404 are committed.

For additional information, please call (503) 945-5000 or (503) 299-9999 (Portland Metro Area).

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**SB 583 – No Helmet on ATV**● SB 583 adds Class II ATV’s to ORS 821.202, “no helmet on ATV.” It requires persons under the age of 18 to wear a motorcycle helmet, with a chinstrap, if operating or as a passenger on a Class I, II, or III ATV. SB 583 also provides an additional exemption if the Class II ATV is registered under ORS 803.420 and has a roof or roll bar.

This offense is a Class D traffic violation and is applicable to DMV’s Driver Improvement and Habitual Offender programs.

SB 583 is effective January 1, 2010.

For additional information, please call (503) 945-5000 or (503) 299-9999 (Portland Metro Area).

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**SB 579 – No Seatbelt on ATV** ● SB 579 amends ORS 811.210 by adopting additional criterion for the offense of “failure to properly use safety belts.” It adds persons under the age of 16 and parents and other persons responsible for the safety and welfare of children under the age of 16. It requires the adult to ensure the youth is properly using safety belts or safety harnesses, on a Class I or Class II ATV, on premises open to the public.

This offense to the responsible adult is a Class D traffic violation and is applicable to DMV’s Driver Improvement and Habitual Offender programs.

SB 579 is effective January 1, 2010.

For additional information, please call (503) 945-5000 or (503) 299-9999 (Portland Metro Area).

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**SB 314 – Driver or Occupant Failure to Report Accident to Law Enforcement** ● SB 314 requires accidents be immediately reported to law enforcement by:

- Driver or, if driver unable, occupants of a vehicle involved in an accident resulting in injury or death;
- The driver of a vehicle involved in an accident if damage to their vehicle is over \$1,500;
- All drivers involved in an accident if damage is in excess of \$1,500 to property other than a vehicle; or
- All drivers involved in an accident if any vehicle has damage over \$1,500 and any vehicle is towed as a result of damages.

An exemption is provided for any accident that results in serious injury or death and the driver or occupant immediately calls 9-1-1 emergency services.

Failure to report an accident immediately to law enforcement under these circumstances is a Class A traffic violation. These new offenses are applicable to DMV’s Driver Improvement and Habitual Offender programs.

These new reporting requirements to law enforcement are separate and independent from DMV’s accident-reporting requirements.

SB 314 is effective January 1, 2010.

For additional information, please call (503) 945-5000 or (503) 299-9999 (Portland Metro Area).

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**SB 124 – Penalty Increase for Operating a Motorcycle without a Motorcycle Endorsement** ● SB 124 amends ORS 807.010. It requires the court to suspend the fine of a driver charged with “operating a motorcycle without a motorcycle endorsement” if the driver completes a motorcycle education course and obtains a motorcycle endorsement within 120 days of sentencing. If the defendant does not complete the requirements within 120 days, the court may grant an extension or impose the fine.

This bill increases the penalty for ORS 807.010, “operating a motorcycle without a motorcycle endorsement” from a Class B traffic violation to a Class A traffic violation. This conviction is applicable to DMV’s Driver Improvement and Habitual Offender programs.

SB 124 is effective January 1, 2010

For additional information, please call (503) 945-5000 or (503) 299-9999 (Portland Metro Area).

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**HB 3508 – Penalty Increase for Assault with Motor Vehicle in the Third Degree ●** HB 3508 increases the penalty for ORS 163.165, “assault in the third degree” if the assault resulted from the operation of a motor vehicle and the defendant was driving while under the influence of intoxicants. The enhanced conviction for ORS 163.165, “assault with motor vehicle in the third degree,” increases the penalty from a Class C felony to a Class B felony. This offense is applicable to DMV’s Driver Improvement and Habitual Offender programs.

HB 3508 had an emergency clause, effective on passage. Governor Kulongoski signed HB 3508 on July 1, 2009.

For additional information, please call (503) 945-5000 or (503) 299-9999 (Portland Metro Area).

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**HB 2738 – Disposal of Disabled/Abandoned Vehicles by Person Engaged to Tow Vehicle ●** HB 2738 repeals ORS 819.220, which eliminates the need for an authority to take custody of abandoned vehicles appraised at \$1000 or less and more than \$500, and the need to issue a certificate of sale. A person authorized by an authority to tow a disabled or abandoned vehicle will dispose of the vehicle. The bill also permits vehicles to be disposed of under ORS 819.110.

HB 2738 repeals ORS 819.270, which eliminates the conviction of “improper operation of a junk vehicle sold by a public body” for vehicles sold after the effective date of this bill.

HB 2738 is effective January 1, 2010.

For additional information, please call (503) 945-5000 or (503) 299-9999 (Portland Metro Area).

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**HB 2377 – Expands Cell Phone Law ●** HB 2377 amends ORS 811.507, “operating a motor vehicle while using a mobile communication device.” Persons of any age may not use a mobile communication device while operating a motor vehicle. In addition to the two previous exemptions to the offense (a person who is summoning medical or emergency help and a person using the device for the purpose of farming or agricultural operations), the bill provides further exemptions to the offense of operating a motor vehicle while using a mobile communication device as follows:

- To persons operating an ambulance or emergency vehicle;
- To a person 18 years of age or older using a hands-free accessory;
- To a person operating a motor vehicle while providing public safety services or emergency services as a volunteer;
- To a person operating a motor vehicle while acting in the scope of the person’s employment as a public safety officer;
- To a person operating a motor vehicle in the scope of the person’s employment if operation of the motor vehicle is necessary for the person’s job;

- To a person activating or deactivating the mobile communication device or a function of the device;
- To a person who holds a valid amateur radio operator license issued or any other license issued by the Federal Communications Commission and is operating an amateur radio;
- To a person who operates a two-way radio device that transmits radio communication transmitted by a station operating on an authorized frequency within the citizens' or family radio service bands in accordance with rules of the Federal Communications Commission; or
- To a person using a function of the mobile communication device that allows for only one-way voice communication while the person is:
  - Operating a motor vehicle in the scope of the person's employment;
  - Providing transit services to persons with disabilities or to senior citizens; or
  - Participating in public safety or emergency service activities.

The bill also defines a hands-free accessory as an attachment or built-in feature for, or in addition to, a mobile communication device, whether or not permanently installed in a motor vehicle, that when used allows a person to maintain both hands on the steering wheel.

As of the effective date, operating a motor vehicle while using a mobile communication device will be a primary offense.

This offense is a Class D traffic violation, effective January 1, 2010, and is applicable to DMV's Driver Improvement and Habitual Offender programs.

For additional information, please call (503) 945-5000 or (503) 299-9999 (Portland Metro Area).

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**HB 2040 – Expands Move Over Law ●** HB 2040 amends ORS 811.147, "failure to maintain a safe distance from an emergency vehicle or ambulance," to include tow vehicles and roadside assistance vehicles. It also defines a roadside assistance vehicle as a vehicle with warning lights that responds to requests for repair assistance from motorists with disabled vehicles.

HB 2040 specifies that a person approaching an emergency vehicle, roadside assistance vehicle, tow vehicle or ambulance that is stopped and displaying warning lights must:

- Change lanes or slow down to at least five miles per hour under the posted speed limit, if making the lane change is unsafe. This applies to a highway having two or more lanes for traffic in a single direction; or
- Slow down to at least five miles per hour under the posted speed limit if traveling on a two directional, two-lane highway.

This offense is a Class B traffic violation, effective January 1, 2010, and is applicable to DMV's Driver Improvement and Habitual Offender programs.

For additional information, please call (503) 945-5000 or (503) 299-9999 (Portland Metro Area).

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**'Limited Term' Driver Licenses, Permits and ID Cards ●**

Beginning January 1, 2010, Oregon DMV will begin to issue limited-term driver licenses, instruction permits and identification cards to applicants who provide valid documentation proving they are legally present in the United States on a temporary basis.


The limited-term card will be valid during the applicant's authorized length of stay in the United States, but for no longer than the period of time for which a driver license, driver permit or identification card of the same type is issued by the department. If there is no definite end to the cardholder's authorized length of stay the limited term card will be valid for one year from the date of issuance.

Limited-term cards may be renewed upon presentation of valid documentation showing that the status by which the applicant qualified for the limited term driver license, limited-term driver permit or limited-term identification card has been extended or is still in effect.


**Note:** The expiration of a limited term card **does not** mean that the cardholder's lawful presence in the U.S. has expired.



Sample limited-term provisional license



Sample limited-term driver license



Sample limited-term identification card

**NOTE:**  
 Limited-term cards will look the same as regular licenses, permits and ID cards, except:

- LIMITED TERM will be printed on the bottom-right hand corner of the card;
- The expiration may be less than the normal eight years: and
- The expiration date will not match the cardholders' birth date (except by coincidence).

"LIMITED TERM" will appear on the paper interim card that DMV issues at field offices

These changes are a result of Oregon law passed in 2008

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**Cooperative Efforts by DMV & Courts Improving Oregon's CDL/CMV Convictions Reporting ●**

There is a federal requirement that when an out-of-state driver who holds a CDL or is driving a CMV is convicted of a traffic offense, the state where the offense occurred must report the conviction to the driver's home state within 10 days of the date of conviction.

DMV and courts have been working cooperatively on speeding up the processing of these convictions so that Oregon can meet this requirement, and the efforts are bearing fruit. In 2006, only 5 percent of CDL/CMV convictions were received by DMV from courts within 10 days of the conviction date. This improved to 17 percent in late 2008, and for the period January through September 2009, was almost 22 percent.

DMV provides special envelopes for courts to use to expedite CDL/CMV conviction processing. If your court is using those envelopes, please accept DMV's thanks for your part in moving Oregon toward compliance with the federal CDL program. If your court is not currently using these free envelopes, please contact Kelly Kercheski at DMV for information about how to order and use them. Kelly can be reached at 503-945-5036 or [kelly.s.kercheski@odot.state.or.us](mailto:kelly.s.kercheski@odot.state.or.us).

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For additional information, please visit [www.OregonDMV.com](http://www.OregonDMV.com) or call Customer Assistance, Salem, (503) 945-5000; Portland Area, (503) 299-9999; Eugene/Springfield, (541) 686-7855; TTY, (503) 945-5001, or call your local DMV office.

*OREGON DRIVER AND MOTOR VEHICLE SERVICES*