

TRAFFIC NEWSLETTER

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

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New longer IID requirements for DUII convictions ● House Bill 2774, passed by the 2007 Oregon Legislature, amends the statute to expand the time an ignition interlock device (IID) is required following a suspension for driving under the influence of intoxicants (DUII). HB 2774 amends ORS 813.602 to increase the time an IID is required from six months, to **one year** after the ending date of the suspension or revocation for a **first** conviction of DUII, and for **two years** after the ending date of the suspension or revocation for a **second or subsequent** DUII conviction. The bill is effective Jan. 1, 2008.

The new IID requirements apply to drivers whose **DUII suspension ends** on or after Jan. 1, 2008. This will be applied as follows: When a person is convicted of DUII, an IID will be required for one year after the ending date of the suspension for a first conviction, and the IID will be required for two years after the ending date of the suspension from a second or subsequent conviction.

DMV is taking steps to notify affected drivers of the new requirements. The DMV DUII Suspension Notices will be updated to reflect the one- or two-year requirement for drivers who do not already have an IID before their suspension ends. Also, DMV will send a letter explaining the extended IID requirements to drivers who currently have an IID installed and whose DUII suspension ends January or later (e.g., drivers with a Hardship/Probationary Permit). DMV also is sending notification of the changes to IID installers and vendors. These letters were mailed prior to Dec. 1 2007.

For additional information on DUII suspension requirements contact Sandra Walker, DMV Driver Suspension Unit Manager, at (503) 945-5050 or e-mail sandra.l.walker@odot.state.or.us

HB 2268 – CDL cleanup ● HB 2268 makes changes to Oregon's commercial driver license (CDL) program to clarify law, clean up implementation of HB 2107 (2005 Oregon Legislature) and make other minor changes. The bill is effective Jan. 1, 2008. The only section of the bill with impact is the following:

Expands the list of traffic violations that result in the CDL "serious violation" suspension to include the speeding suspensions implemented with SB 568 (2005 Oregon Legislature).

FMCSA rules require that certain convictions committed by a CDL holder in their personal vehicle that result in suspension count towards a "serious violation" suspension. One of the convictions identified in Table 2 to 383.51 is "speeding excessively, involving a speed of 24.1 kph (15 mph) or more above the posted speed limit. The 2005 Oregon Legislature passed SB 568, which created two new speeding-related suspensions. These suspensions are:

- 990 C/O SPDG may be imposed by a court if a person is convicted under ORS 811.109 while driving at least 31 mph over the speed limit or designated speed and the person has been convicted of one prior speeding offense under ORS 811.100 or ORS 811.111 within 12 months of the date of the current offense.
- 991 C/O SPD100 must be imposed by a court if a person is convicted of a speeding offense under ORS 811.109 while driving over 100 mph.

Suspensions imposed as a result of convictions with an offense date of Jan. 1, 2008 or later will count towards a “serious violation” suspension of a CDL.

The other changes made by HB 2268 have no impact and are as follows:

- Exempts a school bus manufacturer, school bus dealer or school bus mechanic from the requirement to have a school bus endorsement if the school bus is empty.
- Defines what it means to “hold a commercial driver license” as: a valid license, a license expired less than one year or a license that is suspended but not revoked or canceled.
- Changes Oregon’s civil penalties related to violation of out-of-service orders to match the civil penalties as defined by federal regulation.
- Specifies that a “trailer endorsement” authorizing a person to operate double and triple trailers applies to a CDL only. Changes “trailer endorsement” to “double/triple trailer endorsement.” Clarifies that a farm endorsement permits operation of tankers and double-trailer combinations.
- Clarifies language about diversion eligibility.
- Cleans up conflicting language from HB 2107 related to reinstatement of a lifetime suspension.

For additional information, please call (503) 945-5000 or (503) 299-9999 (Portland Metro Area), or visit the DMV Web site at <http://www.odot.state.or.us/dmv>.

SB 101 – ATV regulations ● This bill amends requirements of Class I and Class III ATV operators. It requires anyone 16 years of age or older operating a Class I ATV to hold a valid Class I ATV operator permit issued under ORS 390.570. It requires anyone 16 years of age or older operating a Class III ATV to hold a valid Class III ATV operator permit issued under ORS 390.575. In addition, a child under 16 years of age can only operate a Class I or Class III ATV if the child has a valid Class I ATV or Class III ATV operator permit, meets rider fit guidelines under ORS 390.585, and the child is accompanied by a person who is at least 18 years of age who holds a valid ATV operator permit and is able to provide immediate assistance and direction to the child. This bill phases in the requirements, as defined in ORS 821.170 and 821.172, to hold a Class I or Class III ATV permit as follows:

- January 1, 2009 or later – Applies to persons under 16 years of age.
- January 1, 2010 or later – Applies to persons under 31 years of age.
- January 1, 2011 or later – Applies to persons under 41 years of age.
- January 1, 2012 or later – Applies to persons under 51 years of age.
- January 1, 2013 or later – Applies to persons under 61 years of age.
- January 1, 2014 or later – Applies to all persons.

An operator or passenger of a Class I or Class III ATV under 18 years of age must wear a helmet “with a fastened chin strap.” A child under seven years of age may not operate a Class III ATV.

If the Class I or Class III ATV is used exclusively in an agriculture, farming, forestry, nursery or Christmas tree growing operation and being used on land owned or leased by the owner of the ATV, the operator is exempt from these requirements. Violation of the new requirements and prohibitions is a Class C traffic violation.

SB 108 – “Unsafe passing” and “failure to inspect” ● SB108 clarifies “safe distance” for purposes of a driver of a motor vehicle passing a person operating a bicycle. It creates the offense of unsafe passing of a bicycle by the driver of a motor vehicle and is a Class B violation for offenses of “unsafe passing of a bicycle.”

The bill creates the offense of “failure to inspect” if a vehicle used in commercial delivery that has a combined weight of more than 10,000 pounds does not have forward cross view mirrors or if the driver fails to visually inspect the intended path of a vehicle. Under this bill, the offense of failure to inspect does not apply to commercial buses, tow vehicles, vehicles owned by the federal government, vehicles owned by mass transit districts formed under ORS 267, and vehicles used for solid waste collection and recycling. It creates a Class C violation for offenses for “failure to inspect.”

It also specifies “motor” vehicle when describing vehicles that commit the offense of following too closely and maintains the Class B violation for offense of “following too closely.”

Effective Jan. 1, 2008.

HB 2119 – Registration display ● HB2119 prohibits the display of a registration plate on any vehicle other than the vehicle to which it was issued to or to display a registration sticker that contains an expiration date different from the expiration on the vehicle registration record.

This bill creates a conviction for the offense of illegal alternation or illegal display of registration plate. This bill provides exemptions to law enforcement, the trucking industry and dealers.

This bill takes effect on Jan. 1, 2008.

HB 2872 – Use of mobile communication device ● HB 2872 creates a new offense of “operating a motor vehicle while using a mobile communication device” to persons under 18 years of age who hold:

- a) A provisional driver license,
- b) A special student driver permit, or
- c) An instruction driver permit.

The offense is a Class D traffic violation.

It provides that officers may enforce this offense only as a secondary action when a driver has been detained for some other offense.

It has exemptions for persons summoning medical or emergency help if no other person in the vehicle is capable of summoning help and using the device for farming or agricultural operations.

Effective Jan. 1, 2008

HB 2147 – Expansion of age range for alcohol-related convictions ● Beginning Jan. 1, 2008, a court may deny driving privileges to a person who is 18, 19 or 20 years of age upon conviction of an offense involving the possession, use or abuse of alcohol. The offense does not have to have involved use of the person’s driver license or permit, or the operation of a motor vehicle. This action is under authority of ORS 809.260, as it has been amended by Chapter 359 Oregon Laws, 2007 (HB 2147). Courts already can deny driving privileges to juveniles convicted of or determined to have committed offenses involving the possession, use or abuse of alcohol. The new provisions merely expand the age range to include persons 18, 19 or 20 years of age. Please note that the provisions of ORS 809.260 that are applicable to offenses other than those for possession, use or abuse of alcohol continue to apply only to juveniles.

When DMV receives notification from the court, a suspension will be imposed as required under ORS 809.280 (7). For persons age 18 or older, the period of suspension is one year, but if it is the first such order issued with respect to the person the court, upon petition of the person, may withdraw the order at any time after a period of 90 days. If it is the second or subsequent order, the court may not withdraw the order unless it determines that the order was issued in error.

Persons suspended under ORS 809.280 (7) are not entitled to a hardship permit, but they are entitled to apply for an emergency driver permit. An emergency driver permit is similar to a hardship permit, although there are some differences in the application process and the type of driving allowed under the permit. A court recommendation is not a requirement for an emergency driver permit.

HB 2936 – Pilot cars and removal of vehicles ● HB 2936 was passed by the 2007 Oregon Legislature. This bill improves the safety of vehicle movements that require the use of pilot cars and clarifies drivers' responsibilities by reducing blockages and traffic congestion resulting from non-injury, "fender-bender" crashes. HB 2936 creates two new convictions and changes the Oregon Vehicle Code as follows:

- Permit violations: Amends ORS 818.340 by making the failure to provide a pilot car as required for certain vehicle permits a Class A violation (a fine of up to \$720). Under current law, this violation is subject to a fine of up to \$90, less than the cost of providing a pilot car.
- Removal of vehicles: Creates new offense by requiring drivers involved in a crash to move their vehicles off the highway if the vehicles can be moved and if there are no injuries. Drivers who do not move their vehicles would be subject to a Class C violation (a fine of up to \$180). Drivers are confused about their responsibilities after a crash. While the Oregon Driver Manual advises drivers to move off the highway to exchange information, many incorrectly believe that insurance companies require them to remain in place until a police officer arrives at the scene.

Both new convictions apply to offenses occurring on or after Jan. 1, 2008, and will count towards DMV's Driver Improvement Program.

For additional information, please call (503) 945-5000 or (503) 299-9999 (Portland Metro Area), or visit the DMV Web site at <http://www.odot.state.or.us/dmv>.

HB 3527 – Racing activity vehicles ● HB 3527 defines a racing activity vehicle as a new vehicle type and adds it to the Oregon Vehicle Code. The bill exempts racing activity vehicles from certain vehicle equipment requirements. Racing activity vehicles will be identified by a PIN (product identification number) instead of a VIN (vehicle identification number). This bill is effective Jan. 1, 2008.

This bill also requires racing activity vehicles to be permanently registered, limits usage to highways where racing activity vehicles may be used to those with a speed no greater than 55 mph, sets the permanent registration fee at \$81 and creates offenses for violation of registration and unlawful operation of a racing activity vehicle on the highway.

A special interest plate will be issued by DMV upon vehicle registration. A non-registered racing activity vehicle can be operated for purposes of a test drive within a 30-mile radius of the location where the vehicle is manufactured.

Operation of a racing activity vehicle registered as a special interest vehicle is limited to:

- Exhibitions, parades or club activities;
- Driving the vehicle from the person's home to a race track that is within a 90-mile radius of the person's home; or
- Test driving the vehicle for maintenance or repair purposes within a 30-mile radius of where the vehicle is maintained or repaired.

Two new convictions will be created for a person who commits the offense of either:

- Unlawfully operating a racing activity vehicle on a highway that has a speed limit or posted speed that is greater than 55 miles per hour; or
- Violation of registration limits on a racing activity vehicle.

Both new convictions are Class B violations, Chapter 693 (2007 Laws).

For additional information, please call (503) 945-5000 or (503) 299-9999 (Portland Metro Area), or visit the DMV Web site at <http://www.odot.state.or.us/dmv>.

HB 3161 - Veterans' Recognition Group plate and the Gold Star Family plate ● HB 3161 was passed by the 2007 Oregon Legislature and has an effective date of Jan. 1, 2008.

Veterans' Recognition Group plates



Oregon Department of Veteran Affairs (ODVA) worked with DMV to create a unique plate background to be used on all veteran group plates. The bill allows veteran groups to use a unique military-related decal or words on the plate to describe or represent the veteran group. Plates issued under the Veterans' Recognition Program are available for passenger vehicles only.

Qualifying veterans may choose from one of the following service-related insignia or medals for their new veteran plates (see middle example plate):

- Service-related insignias – Air Force, Army, Coast Guard, Marines and Navy
- Service-related medals – Distinguished Service Cross, Navy Cross, Bronze Star, Air Force Cross and Silver Star
- Service campaign medals – World War II Victory, Korea Service, Vietnam Service, Southwest Asia, Global War on Terrorism Expeditionary, Iraq Campaign and Afghanistan Campaign

Qualifying veterans also may choose the new Veteran Recognition plate without a service-related insignia or medal and just have the basic background (see example plate on left). Plate choices, including the insignia and medals options, are available for viewing on the DMV Web site.

Gold Star Family plates



Gold Star Family registration plates will be issued to a surviving parent, spouse or dependent of a person who was killed in action during an armed conflict while serving in the Armed Forces of the United States. The Gold Star Family registration plates will be issued using the veterans' group plate background. The plates will include a gold star decal, a tri-fold flag and the words "Gold Star Family" along the bottom of the plate (see example plate on right).

Issuance of Veteran Recognition and Gold Star Family plates will begin the first week of January 2008.

For additional information, please call (503) 945-5000 or (503) 299-9999 (Portland Metro Area), or visit the DMV Web site at <http://www.oregondmv.com>.

SB 789 – Share the Road group plates ● SB 789 establishes a Share the Road group registration plate. This plate will have a unique background designed by the two non-profit organizations requesting the plate (Bicycle Transportation Alliance and Cycle Oregon) in consultation with DMV. The plate design will include a silver

and dark blue background with the words “Share the Road” at the bottom of the plate and a yellow graphic of a bicyclist on the left-hand side. Share the Road group plates will have a four-letter configuration and are only available to passenger vehicles. Issuance of Share the Road group plates will begin the first week of January 2008.



For additional information, please call (503) 945-5000 or (503) 299-9999 (Portland Metro Area), or visit the DMV Web site at <http://www.oregon.gov/ODOT/DMV/vehicle/platenonprof.shtml>

HB 2390 – Medal of Honor plate ● House Bill 2390, passed by the 2007 Oregon Legislature, authorizes DMV to issue a custom Medal of Honor license plate to World War II veteran Robert Maxwell, the state’s only living recipient of the highest Congressional military award. Future Oregon Medal of Honor recipients also will be eligible for this new plate.

Executive order 07-22 – Revised driver license and identification card requirements ● Gov. Ted Kulongoski signed Executive Order No. 07-22 on Nov. 16, 2007. The order is a directive from the governor to DMV to tighten the documentation and identity verification requirements for issuance, replacement and renewal Oregon driver licenses, driver permits and identification cards. **The proposed effective date is Feb. 4, 2008.**

The changes will dramatically tighten the requirements for proving identity prior to issuance of a driver license or ID card. For persons who have a Social Security number, DMV will compare the applicant’s name, SSN, and date of birth with data on file with the Social Security Administration. If the information does not match, DMV will not issue a license or ID card. Applicants who provide an SSN that cannot be verified will have to work with DMV and/or the SSA to correct the problem. Some common reasons for information not matching may result from name changes due to marriage, divorce, adoptions, etc. Applicants who have a verifiable SSN also must provide at least one identity document approved by DMV, including a U.S. birth certificate, passport, military document, federal Department of Homeland Security document, or a driver license from Oregon or another state. These changes will make Oregon’s requirements for a driver license or ID card more consistent with the requirements of other states.

DMV has a form for persons to certify if they have never been issued an SSN called the “Statement of No Social Security Number” form. Persons who do not have an SSN must also provide at least one identity document from a separate list approved by DMV. Applicants who have never been issued an SSN and present a foreign government passport will need to provide a valid Department of Homeland Security document that has not expired.

If a person currently has an Oregon driver license or ID card, it will be valid until it expires. However, if the card is lost, all applicants must meet the new requirements to obtain a replacement card beginning Feb. 4, 2008. Once these changes are approved by the Oregon Transportation Commission, the lists of acceptable documents and full details of the identification requirements will be available at DMV Field Offices and online at www.OregonDMV.com. This information is expected to be available from DMV by mid to late January 2008.

For more information about the Executive Order, visit www.OregonDMV.com