

TRAFFIC NEWSLETTER

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

Vol. 17 No. 1 January 2006

HB 2946 – Disabled Person Parking Placard Numbers • HB 2946, passed in the 2005 Legislative Session, prohibits DMV from including a person's identifying information on disabled parking placards issued to an individual or family. Such information includes name, address, telephone number, Social Security number, driver license number, identification card number, golf cart permit number, photograph, passport number or visa number. The only identifying information that had been placed on placards was the customer's DMV or ID card number.

The law became effective Jan. 1, 2006.

After Jan. 1, DMV will put only the last four digits of the driver license or ID card number of the person to whom the decal or placard is issued on the back of disabled parking placard. Customers previously issued a placard or decal displaying the full customer number will be advised when inquiring to black out all but the last four digits of their customer number.

For more information contact DMV Customer Assistance (503) 945-5000 or in Portland at (503) 299-9999.

HB 2937 – Suspension of Driving Privileges for Theft of Gasoline • HB 2937 was passed by the Oregon Legislature during the 2005 Legislative Session. HB 2937 amends ORS 809.411 requiring DMV to suspend the driving privileges of an individual who is convicted of theft when that theft was of gasoline for a period of six months upon notification from the court.

This law became effective Jan. 1, 2006.

After Jan. 1, 2006, the courts must forward notification to DMV when a person has been convicted of theft under ORS 164.043, 164.045 or 164.055 when that theft was of gasoline. The courts will use the *Notice of Court Action against Driver License* form (form #735-6115) to notify DMV of a conviction of theft of gasoline. The revised forms were delivered before Jan. 1, 2006.

If you need additional supply, you may fax your request to the ODOT Storeroom at (503) 986-2801. You may use a *Request for DMV Forms* form (form #735-6110) or you may use business letterhead, being sure to include the complete name and address for delivery of the forms.

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

SB 568 – Suspension of Driving Privileges for Speeding Offenses • SB 568, effective January 1, 2006, authorizes the courts to suspend the driving privileges of a person convicted of violating the speed limit by more than 30 miles per hour if the person has at least one prior conviction under ORS 811.100 (violating the basic speed rule) or ORS 811.111 (violating a speed limit) within 12 months of the date of the current offense. This bill also mandates the courts to suspend the driving privileges of a person who is convicted of violating the speed limit, under ORS 811.109, while driving 100 miles per hour or greater. **The speeding offenses that initiate these suspensions must be committed on or after the effective date of this bill (January 1, 2006).**

It will be the responsibility of the court to notify DMV when to initiate suspension action against an offender (per amended language under ORS 811.109 (4) and (5)) on or after the effective date of this bill. When the court notifies DMV to suspend driving privileges, DMV must initiate suspension action against the offender for either suspension. However, if DMV doesn't receive notification of a suspension for the two suspensions described above, DMV will not suspend driving privileges.

The suspension period for a person convicted of violating the speed limit by more than 30 miles per hour if the person has at least one prior conviction as described above will be up to 30 days as determined by the courts. The suspension period for a person convicted of violating the speed limit while driving 100 miles per hour or greater will be between 30 and 90 days, also determined by the courts. The courts will be able to use a revised version of the *Notice of Court Action Against Driver License* form (form #735-6115) to notify DMV of either suspension. The revised forms will be delivered before January 1, 2006.

If you need additional supply, you may fax your request to the ODOT Storeroom at (503) 986-2801. You may use a *Request for DMV Forms* form (form #735-6110) or you may use business letterhead, being sure to include the complete name and address for delivery of the forms.

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

HB 3121- Vehicle abandoned on private property valued at \$500 or less • HB3121 describes how a person may dispose of a vehicle that is located on private property and valued at \$500 or less. Specifically, the bill authorizes city or county authorities to dispose of a vehicle valued at \$500 or less at the request of a person who is both the owner of the property and in legal possession of the vehicle. The vehicle may only be disposed of to a licensed dismantler. Vehicle Abandoned on Private Property Certificate, DMV Form 272, has been created. The authority and the appraiser must both sign the certificate. The authority must provide the original certificate to DMV and provide a copy to the dismantler.

An amendment was made to ORS 87.172, to add that a person claiming a lien under ORS 87.152 on a vehicle for the cost of removing, towing or storage of a vehicle that is appraised by a person who holds an appraiser's certificate to have a value of \$500 or less, must retain the vehicle at least 15 days after the lien attaches to the vehicle before foreclosing the lien.

Changes were made to the foreclosure sale notice requirements for liens created by ORS 87.152 to 87.162. First class mail with certificate of mailing, registered mail, or certified mail are now all acceptable forms of notification.

For more information, contact DMV Customer Assistance at (503) 945-5000; Portland Area, (503) 299-9999

INCREASE IN REGISTRATION WEIGHT FROM 8,001 – 10,001 LBS. • Effective Jan. 1, 2006, Senate Bill 998 increases the weight at which T-plated (trucks), CN-plated (charitable/non-profit), PF-plated (permanent fleet) and B-plated (non-commercial buses) vehicles must register by weight from 8,001 to 10,001 pounds. This change does not apply to truck tractors or commercial buses.

Any of these vehicles with a combined weight of 10,001 pounds or more must establish a registration weight and register by weight. They will receive (or retain) one of the plate types listed above.

Any of these vehicles with a combined weight of 10,000 pounds or less, may now apply for passenger registration. If a vehicle qualifies for passenger registration, the customer may apply for a change of class of registration. The customer will receive a new passenger plate with a biennial registration period.

DMV will not ask the customer for proof of the vehicle's weight. The customer's signature on the Application for Title and Registration is certification that the information provided is true and correct.

Customers with a passenger vehicle that weighs 10,000 lbs or less may purchase a Light Vehicle Trip Permit.

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

SB 938 - Bicycles passing and exceptions to use bicycle lanes and paths • This bill provides exception for bicycles to safely pass on the right, and modifies provisions relating to offense of unsafe operation of bicycles on the sidewalk. It also provides exceptions for failure to use bicycle lanes and paths.

Effective Jan. 1, 2006, this bill amends ORS 811.415 to state that overtaking and passing upon the right is permitted if the overtaking vehicle is a bicycle that may safely make the passage under existing conditions.

A person is not in violation of the offense of failure to use a bicycle lane or path, if the person is able to safely move out of the bicycle lane or path for the purpose of: overtaking and passing another bicycle, preparing to execute a left turn at an intersection or into a private road or driveway, avoiding debris or other hazardous conditions, preparing to execute a right turn where a right turn is authorized, and continuing straight at an intersection where the bicycle lane or path is to the right of a lane from which a motor vehicle must turn right.

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

SB 591 – Revises laws regarding driver duties to pedestrians at crosswalks • This bill clarifies which parts of the roadway are considered adjacent to the lanes a vehicle is using when required to stop and remain stopped for a pedestrian in a crosswalk.

Effective Jan. 1, 2006, this bill repeals ORS 811.010, 811.040 and 811.045 and creates new provisions, i.e., the driver of a vehicle commits the offense of failure to stop and remain stopped for a pedestrian when the pedestrian is “less than six feet from the lane into which the driver’s vehicle is turning, if the driver is making a turn at an intersection that has a traffic control device under which a pedestrian may proceed” and the bill defines “a bicycle lane or the part of a roadway where a vehicle stops, stands or parks that is adjacent to a lane of travel is considered to be part of that adjacent lane of travel.”

There is a new conviction for this offense, F S/RS PED. The following convictions will no longer be used: F S PED S/LT (ORS 811.045), F S PED TCD (ORS 811.040) and F S/R RD CW (811.010).

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

HB 2811 – Vehicle Display Devices • As a result of new legislation, effective Jan. 1, 2006, Oregon is expanding the types of equipment or devices that may not be used in a motor vehicle when the vehicle is driven on the highway. This bill prohibits a television or any other equipment that can display television, DVD or VCR images within a driver’s sight. It exempts emergency vehicles and image displays used to aid navigation.

“Image Display Device” means equipment capable of displaying to the driver of a motor vehicle: (a) a broadcast television image; or (b) a visual image from a digital video disc or video display player.

There is a new conviction for unlawful use of vehicle image display devices. The new conviction literal is “UNL/U IMGD”. This offense is a Class D traffic violation.

Limitations on the use of image display devices in implements of husbandry are provided in ORS 820.400. An image display device may not be operated in an implement of husbandry at any time while the implement of husbandry is being operated on a highway.

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

HB 3252 - Establishes the speed on rural interstate highways • Effective Jan. 1, 2006, this bill states that if the department establishes a designated speed greater than 65 mph, then for certain vehicles (described in ORS 811.111) the speed limit must be at least five miles per hour lower than the designated speed on the specific section of interstate highway.

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

The Judicial Education Conference dates are: March 1st-3rd, at Salishan Lodge •

You may register online by following this link:
<http://www.odot.state.or.us/ffp/ts/judicialconf.htm>

Or, you may go to <http://www.oregon.gov/ODOT/TS/> and click on the Judicial Conference Image.

This conference is open to Oregon Justice, Municipal and Circuit Court Judges, and a limited number of Court Administrators, due to availability of rooms and seating.

Seating is limited. Register **NOW** to secure your spot at the conference.

For additional information, please contact: Steve Vitolo, ODOT Safety Division, LE and Judicial Programs, (503)986-4446 or Email: steve.d.vitolo@odot.state.or.us

Effective Jan. 1, 2006, the Minimum Base Fines written on traffic citations changed.

See attached [Base Fine Schedule](#) and [Letter from the State Court Administrator](#). Please distribute to personnel needing this information.

Special Note:

- 1.) Click it or Ticket Signs will need new Stickers that say "\$97 Fine".
- 2.) All APS/TDS E-Citation Software will need updated to the new base fine schedule.

See "New Base Fine Basic" schedule below and use as a quick reference. There are several new changes not included in this table a more comprehensive quick reference guide will need to be developed for enforcement personnel.

Violation Class	Old Fine	New Fine	New Safety Cor, WZ , SZ	New, If contributed to a Crash
A	\$421	\$427	\$679	\$499
B	\$237	\$242	\$355	\$278
C	\$141	\$145	\$206 (Speed Only)	\$170
D	\$94	\$97	\$127 (Speed Only)	\$109
Other Changes				
Speed 100+ Mph	\$421	\$1,103	N/A	N/A

Questions have been raised about the court's ability to reduce, suspend or waive fines in safety corridors, work zones and school zones. In addition, there have been questions about ORS 153.093 see information provided below:

After reviewing page 16 of the attached Minimum Base Fine Summary, the following remain in effect:

- 1.) School Zone, Work Zone and Designated Safety Corridor offenses:

Under 811.230(4), 811.235 (5), and Section 5 (4) chapter 1071 Oregon Laws, 1999 (Printed behind 811.235 in ORS) "The court shall not waive, reduce or suspend the base-fine or minimum fine required by this section".

2.) ORS 153.093: "A court or violations bureau cannot defer, waive, suspend or otherwise reduce below minimum fine".

After reviewing the statute, it is believed this means a fine reduction cannot exceed 25% of the base fine for A,B,C or D violations (Includes unclassified violations, under 153.012 and 153.015). After reviewing the legislative intent/history of the statute, it is believed that the legislature intended 75% of the base fine be assessed for guilty plea/guilty findings.

Exception: If the offense is a specific fine violation as established under 153.125 to 153.145, the minimum amount that must be assessed upon guilty plea/finding is 20% of the base fine.

For additional information, please call, Steve Vitolo, ODOT Safety Division, (503) 986-4446.
