

# TRAFFIC NEWSLETTER

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

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**HB 2107 – CDL Compliance (2005 Legislative Session)** • HB 2107 brings Oregon into compliance with Federal Motor Carrier Safety Administration (FMCSA) rules related to commercial driver licenses. The bill was effective Sept. 30, 2005.

The bill imposes a suspension for certain violations if a driver is operating a commercial motor vehicle, regardless of whether or not they hold a CDL; or if they are operating a non-CMV and hold a valid CDL. Any combination of two of these violations will result in a lifetime suspension of a person's CDL or right to apply for a CDL.

A driver may petition DMV after 10 years to request reinstatement of the CDL or right to apply for a CDL. Any combination of three of these violations will result in a lifetime suspension of a person's CDL or right to apply for a CDL. There is no reinstatement provision for these drivers.

The violations are:

- Being under the influence of alcohol as prescribed by state law;
- Being under the influence of a controlled substance;
- Having an alcohol concentration of 0.04 or greater while operating a CMV;
- Refusing to take an alcohol test as required by a State under its Implied Consent laws;
- Leaving the scene of an accident;
- Using the vehicle to commit a felony, including but not limited to assault, criminal mischief, fleeing or attempting to elude, murder, negligent homicide, manslaughter, unauthorized use;
- Driving a CMV when, as a result of prior violations committed operating a CMV, the CDL is revoked, suspended or canceled, or the driver is disqualified from operating a CMV;
- Causing a fatality through the negligent operation of a CMV, including but not limited to motor vehicle manslaughter, homicide by motor vehicle and negligent homicide.

Drivers who have a lifetime CDL suspension resulting from two disqualifying offenses must complete at least 10 years of the suspension and meet the following eligibility criteria for reinstatement:

- No offenses in the past 10 years in a CMV;
- No alcohol offenses (conviction, implied consent or diversion) in the past 10 years in any type of motor vehicle;
- No major offenses as defined in federal regulations in 383.51, Table 1, in the past 10 years in any type of motor vehicle;
- No habitual offender revocations in the past 10 years;
- No conviction for reckless driving, reckless endangering a highway worker or assault in the fourth degree resulting from the operation of any motor vehicle in the past 10 years;
- No suspension for violating the speed limit driving 100 miles per hour or greater or by more than 30 miles per hour in any type of motor vehicle in the past 10 years;
- No driver improvement suspensions in the past 3 years; and
- Proof of completion of the following National Safety Council courses – DDC Attitudinal Dynamics of Driving and DDC Professional Truck Drivers.

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>.

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**Move Over Or Slow Down - Maintaining A Safe Distance From An Emergency Vehicle Or Ambulance •**

The 2003 Oregon Legislature passed ORS 811.147 in honor of Senior Trooper Maria F. Mignano and Albany Police Officer Jason Hoerauff, who died, and Sergeant John Burrigh, who was critically injured as a result of being struck by a vehicle while assisting a disabled motorist in September 2001. This law provides for the safety of police officers and emergency personnel performing official duties on the side of the road. It was also designed to protect citizens.

The law requires that a driver approaching the rear of an emergency vehicle displaying emergency lights get over into another available lane away from the emergency vehicle. If moving to the other lane is not safe, the driver must slow down. When traveling on a two-lane road, a driver must slow down when approaching the rear of an emergency vehicle stopped on the side of the road. If there is not an available lane to move into safely, the preference is for drivers to safely provide as much space as possible within their lane of travel for the emergency vehicle.

In 2005, 861 drivers were convicted of violating this law statewide. This violation is a Class B traffic violation with a base fine of \$242. The fine increases to \$355 in a work zone, school zone and designated safety corridor. Enforcement personnel statewide will be providing an enhanced level of enforcement in 2006.

In an effort to increase public awareness an MP3 public broadcast and "Your Vest Won't Stop This Bullet" video have been posted to the Transportation Safety Division internet site located at:  
[http://www.oregon.gov/ODOT/TS/Traffic\\_Enforcement.shtml](http://www.oregon.gov/ODOT/TS/Traffic_Enforcement.shtml)

Please share this link with those in your community that will benefit from hearing this information.

For additional information, please contact Steve Vitolo, Program Manager, Law-Enforcement and Judicial, 503-986-4446, [steve.d.vitolo@odot.state.or.us](mailto:steve.d.vitolo@odot.state.or.us).

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**HB 2937 – Suspension of Driving Privileges for Theft of Gasoline (Post Implementation) •** 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.

When this law went into effect, the courts were required to forward notification to DMV when a person had been convicted of theft of gasoline under ORS 164.043, 164.045 or 164.055 by using the Notice of Court Action against Driver License form (No. 735-6115).

However, keeping in line with the suspension process for all other offenses under ORS 809.411 and complying with statute under ORS 809.240, DMV will now require the courts to notify DMV of a theft of gasoline suspension using the Notice of Suspension and Revocation form (No. 735-6116) in lieu of the Notice of Court Action against Driver License form (#735-6115). The Notice of Suspension and Revocation form also requires the court to forward the conviction abstract that indicates a conviction for theft of gasoline.

DMV will distribute updated forms to the courts in December 2006. When the updated forms are received, the old forms can be recycled.

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

