

TRAFFIC NEWSLETTER

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

Vol. 18 No. 4, October 2007

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 January 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 is also sending notification of the changes to IID installers and vendors. These letters will be 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 email sandra.l.walker@odot.state.or.us

A reminder: It's very important that courts send convictions to DMV in a timely manner ● Did you know that ORS 810.370 requires courts to report convictions to DMV within 24 hours? When notice of a conviction is late, the driver record maintained by DMV is not complete, which impacts the driver, law enforcement and others, such as employers and insurance companies. DMV also receives tort claims for inaccurate driver records resulting from delayed reporting of vacated convictions.

In addition, the regulations under the federal Motor Carrier Safety Improvement Act of 1999 include several new requirements. One of those requirements is that a state that convicts a CDL holder or a driver of a commercial motor vehicle (CMV) of a traffic offense must notify the driver's home state of the conviction within 30 days of the date of conviction. In September 2008, that requirement will change to within 10 days of the date of conviction.

DMV is working toward compliance with the 10-day requirement. A key component of the plan is that DMV, in cooperation with courts, will develop a specially marked envelope that courts will use to send CDL/CMV convictions to DMV immediately, and DMV will use an expedited process to record the convictions and send those for out-of-state drivers to the driver's home state. We believe that this partnership will enable Oregon to meet the upcoming 10-day requirement.

DMV takes Intrastate CDL Medical Waiver Program ● The Motor Carrier Transportation Division (MCTD) is transferring its Commercial Driver Medical Waiver Program to the Driver and Motor Vehicle Services Division (DMV), where it better fits alongside Commercial Driver License (CDL) programs. The CDL Waiver of Physical Disqualification Program is scheduled to be transferred to DMV in October 2007.

There are currently more than 500 drivers holding a CDL with a medical waiver that allows them to drive a truck in Oregon intrastate commerce. The most common waivers are for vision acuity deficiency and a history of diabetes. States are allowed to issue the intrastate waiver if a physician determines that a driver can safely operate a vehicle, even though the driver may fail to meet the physical qualification requirements in federal law, CFR 49, Part 391.41.

Currently, the Oregon program handles about 40 requests each month for a review of medical records. This includes new applications for waivers and renewals. Renewals are usually required every two years; sooner for some drivers.

The transferring of program responsibility will not impact procedures in place for waiver applications and reviews. DMV will continue to use ODOT contracted physicians to review a driver's medical eligibility for a waiver. DMV will maintain a separation between the medical waiver determination process and its authority to impose sanctions on driver licenses. Anyone whose driving privilege has been suspended under the medical waiver program, or who is determined not to be medically eligible to drive, may request a hearing to appeal the decision.

Questions concerning a medical waiver to drive in interstate commerce should continue to be directed to the Federal Motor Carrier Safety Administration (FMCSA) at 503-399-5775. FMCSA administers and determines eligibility for the interstate medical waiver program.

Effective October 2007

Oregon CDL Intrastate Medical Waiver Program

DMV Driver Safety Unit

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503-945-5295

HB 2321 – Duration of suspension for failure to appear and failure to comply ● HB 2321, effective Jan. 1, 2008, increases the length of time a person's license is suspended for court ordered failure to appear (F/A) or failure to comply (F/C) from five years to 10 years if not complied with sooner. It applies to suspensions imposed under ORS 809.416 (1) or (2). The increased duration of these suspensions will be based on suspensions with an effective date of Jan. 1, 2008 or later, rather than when the offense is committed.

When notifying DMV to suspend, it is important for courts to note the applicable ORS number of the offense for which the driver failed to appear or comply. When courts fail to provide the ORS number for failure to appear suspensions when using OJIN to notify DMV, DMV cannot differentiate whether to suspend for F/A Hearing vs. F/A traffic crime vs. F/A MIP, etc. Although the system defaults and imposes the suspension as F/A hearing, additional, specific and vital information associated with F/A traffic crime, F/A bail and F/A MIP suspensions (utilized by courts, law enforcement and for statistical data) will not be noted on the driver record.

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

OREGON DRIVER AND MOTOR VEHICLE SERVICES