

TRAFFIC NEWSLETTER

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

Vol. 23, No. 1, January 2012

House Bill 3150 – A Lower Speed Limit Under Specific Conditions Effective January 1, 2012

● The 2011 Oregon Legislature enacted HB 3150 allowing a road authority to establish, by ordinance, a speed limit for streets that is 5 miles lower than the statutory speed limit under specific conditions. The Oregon Department of Transportation is the road authority for the state highway system.

In order to qualify for a lowered speed limit, the roadway must be a highway that is located within a residential district; that has an average traffic volume lower than 2,000 motor vehicles per day, of which more than 85 percent travel less than 30 miles per hour; and that has a traffic control device indicating the presence of pedestrians or bicyclists. The road authority must post signs giving notice of the speed designated for the neighborhood byway before the speed limit can be enforced.

House Bill 2712 – Makes Changes Related to Offenses and Fines Has been in effect since July 1, 2011, Except the changes that impact DMV are operative on January 1, 2012

● HB 2712 makes changes to Oregon laws related to fines. Some of the class codes changed for offenses posted on driving records by DMV. Most of the bill has no impact on DMV; therefore, the information below refers only to changes that impact DMV. To see other changes related to the bill, refer to 2011 Oregon Laws, Chapter 597.

The bill changes a first offense to a Class C violation, and any second or subsequent offense remains a Class A violation for the following:

- ◆ Unlawful parking in a space reserved for disabled persons;
- ◆ Unlawful use of a disabled person parking permit by a nondisabled person; and
- ◆ Misuse of a program placard.

Improperly disposing of human waste is changing from a Class C misdemeanor to a Class A misdemeanor.

Violation of out-of-service notice, hazardous waste, is changing from an unclassified offense to a Class B misdemeanor.

Senate Bill 341 – Broadens Offense to Include Passing a Commercial Motor Vehicle Effective January 1, 2012

● The 2011 Oregon Legislature enacted SB 341, which amends and clarifies existing statutes on right of way in traffic roundabouts. The law now broadens the offense to include overtaking or passing a commercial motor vehicle or driving alongside a commercial motor vehicle.

The road authority must place signs prior to each multilane roundabout located on a highway under its jurisdiction that warns drivers of the hazard of driving next to a commercial motor vehicle.

SB 341 allows persons operating a commercial motor vehicle within a multilane roundabout that is divided into two or more clearly marked lanes to operate the commercial motor vehicle in more than one lane when it is not practicable to remain entirely within one lane.

House Bill 3186 – Cell Phone Restriction Revisions
Effective January 1, 2012

- HB 3186 removes most exemptions in current statute that allow persons to operate a mobile communications device while operating a motor vehicle in the scope of the person's employment. The only persons who may now use a telecommunications device while operating a vehicle are persons who are:
 - ◆ Using a mobile communication device for the purpose of farming or agricultural operations;
 - ◆ Operating an ambulance or emergency vehicle;
 - ◆ Eighteen years of age or older and are using a hands-free accessory;
 - ◆ Operating a motor vehicle while providing public safety services or emergency services;
 - ◆ Operating a motor vehicle while acting in the scope of the person's employment as a public safety officer, as defined in ORS 348.270;
 - ◆ Operating a tow vehicle or roadside-assistance vehicle while acting in the scope of the person's employment;
 - ◆ Holding a valid amateur radio operator license or any other license issued by the Federal Communications Commission and are operating an amateur radio;
 - ◆ Operating 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;
 - ◆ Operating a vehicle owned or contracted by a utility for the purpose of installing, repairing, maintaining, operating or upgrading utility service, including but not limited to natural gas, electricity, water or telecommunications, while acting in the scope of the person's employment; or
 - ◆ 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; or
 - Participating in public safety or emergency service activities.

Senate Bill 130 –A Bicyclist Should Respond to Signals
Effective January 1, 2012

● SB 130, passed by the 2011 Oregon Legislature, changes the offense of failure to obey a traffic control device. The bill amends Oregon law to add green, yellow, flashing yellow arrow and red bicycle signals, describing the appropriate responses for a bicyclist who sees these signals.

Bicycle signals are already in use on high-volume bicycle routes in Portland. Oregon law lists appropriate driver responses for green, yellow and red traffic signals. However, there is no similar list for bicyclist responses to bicycle signals. SB 130 provides these responses. The bill also clarifies how drivers are expected to respond to a flashing yellow arrow traffic signal.

DMV does not record citations when the notice from the court discloses that the offense occurred on a bicycle.

Senate Bill 405 – University Police Department Established
Effective January 1, 2012

● Senate Bill 405 allows the State Board of Higher Education to authorize a university under the board's control to establish a university police department and grants commissioned police officers all powers and authority granted to peace officers and other police officers of this state.

SB 405 has no impact on DMV work processes. DMV will post convictions for offenses cited by these entities using existing processes.

Oregon Vehicle Code Book

The 2009-2010 Oregon Vehicle Code book is the most current edition of the publication. The book is updated following the odd-year regular session of the Oregon Legislature. The current edition does not include any changes resulting from legislation passed during the 2010 special legislative session or the 2011 regular legislative session.

The Office of the Legislative Counsel is currently in the process of revising and publishing the 2011 edition of the Oregon Revised Statutes (ORS), which will include changes adopted through the end of the 2011 regular session. The 2011 edition of the ORS will be the basis for the 2011-2012 edition of the Oregon Vehicle Code book. Legislative Counsel, Publication Services, has informed agencies that it will be available to work on agency publications in April 2012 after the February 2012 regular session and preparation of the 2012 Oregon Laws.

The 2011-2012 edition of the Oregon Vehicle Code will not include any changes from the upcoming 2012 regular legislative session that will convene in February 2012.

The 2011-2012 Oregon Vehicle Code book is expected to be available for purchase in late spring 2012. Ordering information for the book will be provided when the publication becomes available. Until the new edition is available, orders for the Oregon Vehicle Code Book will be filled with the current (2009-2010) edition.

Federal Motor Carrier Safety Administration Regulations DMV Required to Monitor the Medical Qualifications of Drivers Who Hold a Commercial Driver License



Starting January 30, 2012, Oregon DMV will require commercial truck and bus drivers to submit a photocopy of their medical certificate to continue holding a commercial driver license. The new requirement is part of federal safety regulations aimed at making sure CDL holders are medically fit to operate commercial vehicles.

The federal regulations require that state DMVs withdraw commercial driving privileges from drivers who do not maintain medical qualifications for their type of commercial vehicle operation.

All commercial drivers will need to submit a photocopy of their valid medical card to DMV to obtain and retain a CDL or commercial instruction permit by January 30, 2014. Because medical standards for holding a CDL are dependent upon driving type, federal regulations also require drivers to certify the type of driving they do or might do.

Drivers with a CDL that expires before January 30, 2014, must submit a photocopy of their medical certificate when they renew their license. CDL holders whose commercial license expires after January 30, 2014, will receive a request from DMV to submit a photocopy of their medical card and certify their driving type. If a driver does not submit a photocopy of a valid medical card and driving-type certification when requested, DMV will send the driver a CDL cancellation notice that is effective 30 days later.

When a driver's medical card expires, the driver must submit a photocopy of his or her new medical card. DMV will send the driver a CDL cancellation notice if a medical card submitted to DMV expires before receipt of a new medical card. The driver can stop a cancellation from going into effect by submitting a photocopy of a valid medical card to DMV or by surrendering commercial driving privileges.

DMV recommends that the best way for commercial drivers to protect their driving privileges and to avoid a potential roadside notification that their CDL has been cancelled is to ensure that DMV has the driver's current mailing address, as required by Oregon law. This ensures that drivers receive all notifications from DMV.

A Change to the Oregon Driver Improvement Program Policy Effective Since March 2011

There has been a change in how convictions are counted in the Oregon Driver Improvement Program.

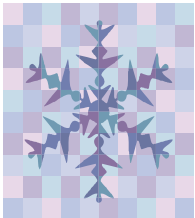
➤ Multiple convictions in one traffic stop, or a conviction and preventable accident occurring in one event, now count as one violation toward a driver improvement restriction or suspension, as opposed to multiple violations.

The policy change became effective in March 2011. It is based on findings from a 2007 Portland State University study that concluded that future crash and conviction risks are significantly lower when prior crashes and convictions are concentrated in a few events, as opposed to those spread over multiple events.

For adults 18 years and older: A person's driving privileges are restricted for 30 days when three convictions or preventable accidents, or a combination totaling three, occur within an 18-month period. A 30-day suspension is imposed when four convictions or preventable accidents, or a combination totaling four, occur within a 24-month period.

For provisional drivers under 18 years: A person's driving privileges are restricted for 90 days when two convictions or preventable accidents, or a combination totaling two, occur. A six-month suspension is imposed when three convictions or preventable accidents, or a combination totaling three, occur.

A Reminder



In the October 2011 issue of *Traffic Newsletter*, the following bills, effective as of **January 1, 2012**, were summarized: [HB 2081](#) (Commercial Truck Idling Offense); [HB 2792](#) (Clarifies Carrying a Concealed Weapon While Operating an ATV); and [HB 3075](#) (Ignition Interlock Device Requirement for Diversion); and [HB 2137](#) (Suspension Changes).

In this wintry season, HB 2329, which was also in the October issue, is repeated below.

[House Bill 2329](#) – Alters and Creates Definitions of ATVs Effective January 1, 2012

● HB 2329 alters the definitions of Class I, II and III ATVs and creates a definition of a Class IV ATV, as follows:

Class I ATV – A motorized, off-highway recreational vehicle that:

- ♦ Is 50 inches or less in width;
- ♦ Has a dry weight of 1,200 pounds or less;
- ♦ Travels on three or more pneumatic tires that are six inches or more in width and that are designed for use on wheels with a rim diameter of 14 inches or less;
- ♦ Uses handlebars for steering;
- ♦ Has a seat designed to be straddled for the operator; and
- ♦ Is designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland or other natural terrain.

Class II ATV – Any motor vehicle that:

- ♦ Weighs more than or is wider than a Class I ATV;
- ♦ Is designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland or other natural terrain;
- ♦ Is actually being operated off a highway or is being operated on a highway for agricultural purposes under ORS 821.291; and
- Is not a Class IV ATV.

Class III ATV – A motorcycle that travels on two tires and that is actually being operated off-highway.

Class IV ATV – Any motorized vehicle that:

- ♦ Travels on four or more pneumatic tires that are six inches or more in width and that are designed for use on wheels with a rim diameter of 14 inches or less;
- ♦ Is designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland or other natural terrain;
- ♦ Has nonstraddle seating;
- ♦ Has a steering wheel for steering control;
- ♦ Has a dry weight of 1,800 pounds or less; and
- Is 65-inches wide or less at its widest point.

Class IV ATVs are exempt from registration, titling (may be optionally titled) and accident-reporting requirements.

Class IV ATVs will be added to existing offenses, effective January 1, 2012, and will be posted using existing conviction literals as follows:

- ORS 811.210 – Child failure to properly use seatbelt (END CHD PAS), Class D traffic violation
- ORS 821.190 – Unlawful operation of an ATV (IL OP A/S) on a highway or railroad, Class B traffic violation
- ORS 821.191 – Unlawful operation of ATV for agricultural purposes (UNL OP F-ATV), Class D traffic violation
- ORS 821.202 – No helmet on an ATV (N HELMET ATV), Class D traffic violation
- ORS 821.203 – Endangering an ATV operator or passenger (END ATV OP/P), Class D traffic violation
- ORS 821.280 – Unlawful damage with snowmobile or ATV (UNL DMG A/S), Class B traffic violation.

A new Class C traffic violation – Operation of a Class IV ATV Without Driving Privileges – was created. This conviction will be posted using existing conviction literal: OP N ATV PRV

A new Class C traffic violation – Endangering a Class IV ATV Operator – was created. DMV will create a new conviction for current ORS 821.191 – Endangering an Operator of a Class I ATV (END OP ATV) – which is a Class C traffic violation. The new Class IV ATV offense will be posted using the new conviction literal: END OP ATV

The above convictions *are* applicable to DMV’s Driver Improvement and Habitual Offender programs.

HB 2329 requires Oregon Parks and Recreation Department to issue or provide for issuance of Class IV ATV operator permits. The Parks and Recreation Department is required to adopt rules to provide for Class IV ATV safety education courses. Although these regulations are effective January 1, 2012, these Parks and Recreation requirements become operative July 1, 2012.

For additional information on issuance of operator permits or safety education courses for Class IV ATVs, please contact Oregon Parks and Recreation Department at (503) 986-0707.

DMV to Close Lloyd Center Office

➤The limited-service DMV office at Lloyd Center will close permanently as its lease expires in January.

If you direct your customers or employees to DMV offices, please update that information with the following changes:

- ♦ The Lloyd Center DMV office will close permanently at 5 p.m. Friday, January 13, so that DMV can remove its equipment and other material before the lease expires January 31.

- ♦ Transaction volumes have decreased significantly over the past few years, and the office does not provide the full range of DMV services. Three other DMV offices are within five miles of the mall, so it caused us to think there may be a better and more cost-effective approach. After considerable review of the options, we decided not to renew the facility lease and to reassign our three employees to the nearby offices. This will save about \$275,000 per biennium in facility-related expenses, but, more importantly, it will offer several opportunities for even better customer service at the surrounding offices.
- ♦ People can renew their vehicle registrations by mail, online or at DEQ stations in the areas that require emissions testing.
- ♦ Customers can file a change of address or notice of sale of their vehicle online at DMV.
- ♦ People also can download forms to do many other transactions by mail.
- ♦ Oregon driver licenses and identification cards now are valid for eight years rather than four, cutting in half the frequency that customers must come to a DMV office for a new photo and new card.
- ♦ Tougher identification requirements that Oregon has implemented in the past few years have made some driver license and ID card renewals more complex and, therefore, more easily done at full-service offices.
- ♦ In these economic times, both businesses and government agencies are looking for ways to streamline services and become more efficient.
- ♦ Three of the original seven limited-service offices were closed in 2000 because of significant budget reductions and the changes in how DMV delivers services.

~ ~ ~ ~ ~

If you, or someone you know, would like to subscribe to the ODOT / Driver and Motor Vehicle Services' *Traffic Newsletter*, please log on to the following website and follow the instructions under *How To Subscribe*:
<http://egov.oregon.gov/ODOT/DMV/news/trafficnews.shtml>.