

# TRAFFIC NEWSLETTER

Deputy Director's Office □ 1905 Lana Avenue NE □ Salem, Oregon 97314

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**COMMERCIAL PICKUP TRUCK USE** ● A new Oregon Administrative Rule effective January 1, 2005, will allow a pickup truck to tow two trailers in a commercial operation if the trailers themselves represent the only commodity being transported.

Recreational vehicles are excluded from the allowance.

The rule, for example, will allow a motor carrier that uses a pickup truck to transport an Oregon manufactured travel trailer to another state to return to Oregon with two empty horse trailers.

OAR 734-071-0060 describes the conditions for such operations and clarifies length requirements for a commercial pickup truck and trailer combination, commonly known as "hot-shot."

For more information, contact Craig Bonney, Motor Carrier Transportation Division, Oregon Department of Transportation, (503) 378-4851.



**TWO DMV CHANGES WILL AFFECT SOME OREGON DRIVERS** ● DMV will implement two changes affecting drivers in Oregon starting Jan. 31, 2005.

The first change adds one of two new restrictions to commercial driver license holders who have a passenger endorsement. These restrictions reflect the size of the passenger vehicle in which the driver took his or her passenger endorsement skills test, and what class of passenger vehicle he or she may operate.

The M restriction will be used for those who took the passenger skills test in a Class B vehicle, and the N restriction will be used for those who took the passenger skills test in a Class C vehicle.

Current CDL holders will have one of these restrictions automatically added to their licenses when they obtain a renewal or replacement, beginning Jan. 31, 2005.

The second change is that DMV will take suspension action against Oregon drivers -- both commercial and non-commercial -- who receive an implied-consent suspension from other states.

For more information, contact Lydia Beebe, DMV Driver Programs, at (503) 945-8927 or at [lydia.k.beebe@odot.state.or.us](mailto:lydia.k.beebe@odot.state.or.us).



**WORK ZONES AND DOUBLED FINES LIKELY TO DOUBLE THEMSELVES** ● With the doubling of highway and bridge projects during the next 10 years under the Oregon Transportation Investment Act, the number of work zones is likely to double.

As a result, citations based on the following offenses are likely to increase in number, too:

**DOUBLE FINES:** Under ORS 153.134, a highway work zone can be created by the party responsible for the work, including a contractor, not just a government agency. However, "fines double" signs are not required in order for double fines in work zones to be in effect. If a person is charged with a traffic offense and the enforcement officer issuing the citation notes on the citation that the offense occurred in a highway work zone, then it is subject to the provisions of ORS 811.230. The foundation amount to be used in calculating the base fine under ORS 153.125 to 153.145 is 80 percent of the maximum fine established for the violation.

**WORK ZONE DOUBLED BASE FINES:** This summary for police is a guide. There are additional specifics for certain offenses and crimes. Enhanced fines apply to all Class A and B violations committed in a safety corridor. Only speed offenses that are Class C and D are enhanced. All other Class C and D fines are not enhanced.

Class A violation: \$672

Class B violation: \$349

Class C violation: \$201

Class D violation: \$123

**RECKLESS ENDANGERMENT OF HIGHWAY WORKERS:** The offense and penalties under ORS 811.231 come into play if a person drives a motor vehicle in a highway work zone in a manner that endangers persons or property, or if the person removes, evades or intentionally strikes a traffic control device in a highway work zone. Reckless endangerment of highway workers is a Class A misdemeanor. In addition to any other penalty, a person convicted of reckless endangerment of highway workers is subject to suspension of driving privileges as provided in ORS 809.410 (35).

**REFUSING TO OBEY A FLAGGER:** The offense and penalty under ORS 811.232 takes place when a person commits the offense of refusing to obey a flagger if the person intentionally and unreasonably disobeys a lawful order by a flagger relating to driving a motor vehicle in a highway work zone. Refusing to obey a flagger is a Class A traffic violation.

**FAILURE TO YIELD RIGHT OF WAY TO HIGHWAY WORKER:** The offense under ORS 811.233 is committed when a person fails to yield the right of way to a highway worker who is a pedestrian if the person is operating a motor vehicle in a highway work zone. The provisions of ORS 814.040 and 814.070 regarding pedestrians do not apply to pedestrians described above. Failure to yield the right of way to a highway worker who is a pedestrian, is a Class B traffic violation.

For more information, contact Anne Holder, Roadway/Workzone Safety, Transportation Safety Division, 503-986-4195.



## MINI-MOTORCYCLES, POCKET BIKES AND SCOOTERS IN OREGON

**Q: Are pocket bikes, mini-choppers or mini-motorcycles legal on Oregon public roads?**

A: No. These vehicles are not intended for use on public streets and highways. They are manufactured for off-road use.

A mini-motorcycle, pocket bike, go-kart, all-terrain vehicle or similar motorized vehicle is not legal for use on public roads in Oregon. At least two traffic violations could apply for anyone found using such a vehicle on public roads:

- Operation of an unsafe vehicle is a Class B traffic violation (ORS 815.020), with a fine up to \$360.
- Operation of a vehicle that violates equipment rules is a Class C traffic violation (ORS 815.100), with a fine up to \$180.

**Q: But don't some of these vehicles fit the legal definition of a motorcycle?**

A: Not necessarily. A motorized vehicle might fit the definition of a motorcycle and still be illegal to ride on public roads.

To be legal on public roads, motorized vehicles, including motorcycles, need to meet the U.S. Department of Transportation's vehicle design safety and equipment requirements, which are also the standards adopted by Oregon (ORS 815.010 and 815.030). Manufacturers that meet these requirements provide a vehicle identification number, or VIN, and a manufacturer's certificate of origin, or MCO, which certifies that the vehicle meets U.S. DOT standards.

Oregon, like all other states, requires that if a motor vehicle is designed for use on public roads that it needs to be titled and registered. That requirement includes mounting of a license plate or plates and payment of a registration fee.

The rider must have a driver license or instruction permit. For some vehicles, such as motorcycles, the driver also must have endorsements on their driver licenses.

**Q: What about scooters, mopeds, electric bicycles and personal mobility devices?**

A: Some of these vehicles are legal in some situations if they meet the specific definitions and restrictions in Oregon law. Also, riders must be at least 16 years old and not have driving privileges suspended or revoked.

Although a driver license is not required for motor-assisted scooters, electric bicycles and personal mobility devices, riders must be at least 16 years old (ORS 802.020 and 814.512) and be eligible for driving privileges. A person who has a driver license that is suspended or revoked is not eligible to operate a motorized vehicle, including a motor-assisted scooter, on public roads.

Driving any motor vehicle on a public road while suspended is a Class A violation with a maximum fine of \$720.

Operation by a rider under 16 years of age is a Class D traffic violation with a maximum fine of \$90.

A parent or legal guardian of a child younger than 16 years old who authorizes or knowingly allows a child to operate a motor-assisted scooter may be subject to a traffic citation and fine (ORS 814.536), as well.

Riders must follow Oregon traffic laws and any laws that apply specifically to these vehicles, such as wearing a helmet.

A driver license or restricted license is required for anyone to operate a moped (ORS 807.031). Violation of this law is a Class B traffic violation with a maximum fine of \$360.

**Q: Which motor-assisted scooters, mopeds, electric bicycles and personal mobility devices are legal on public roads in Oregon?**

**A:** To be legal on Oregon public roads, they must fit one of the definitions in the state's laws.

Riders must be at least 16 years old and must be eligible for driving privileges. In other words, riders may not use these vehicles on public roads if their driving privileges are suspended or revoked.

Use of these vehicles also may be restricted in cities, counties, parks, bike lanes, crosswalks, sidewalks and other locations and situations.

Oregon law specifically exempts them from title and registration requirements.

**A motor-assisted scooter:**

- is designed to be operated on the ground with not more than three wheels;
- has handlebars and a foot support or seat;
- can be propelled by human or motor;
- has a motor capable of propelling it no faster than 24 miles per hour on a level road; and
- has a motor no bigger than 35 cubic centimeters or, if electric, has a power output of no more than 1,000 watts.

(ORS 801.348)

**A moped or electric bicycle:**

- is a vehicle, including a bicycle, equipped with a power source;
- is designed to be used with not more than three wheels in contact with the ground;
- has a seat or saddle for the rider;
- has a motor capable of propelling it no faster than 30 miles per hour on a level road if it is an internal-combustion engine, or 20 miles per hour if electric;
- has a motor no bigger than 35.01 – 50 cubic centimeters or, if electric, has a power output of no more than 1,000 watts;
- does not require shifting gears or use of a clutch; and
- if electric, also has pedals for human-powered propulsion.

(ORS 801.258 and 801.345)

**An electric personal mobility device:**

- is self-balancing on two tandem wheels;
- is designed to transport one standing person;
- has an electric motor; and
- has a maximum speed of 15 miles per hour.

(ORS 801.259)

For more information on mini-motorcycles, pocket bikes, or scooters please check out the “What’s New Section” at [www.oregondmv.com](http://www.oregondmv.com).



**INTENTIONAL CRASHES BY POLICE LIKELY TO LEAD TO LAW CHANGE** ● The Attorney General issued an opinion Nov. 4, 2004, regarding intentional accidents caused by law enforcement officers.

In brief, the opinion states that a police officer must file an accident report if the officer intentionally drives into another vehicle while performing his or her duties and the collision results in conditions that are reportable by law. Furthermore, it states that the accident must be posted to the officer’s non-employment driving record and that failure to file an accident report will result in the suspension of the officer’s driving privileges. The suspension also must be posted to the officer’s non-employment driving record.

DMV has not yet implemented any changes to its policies or procedures as a result of the AG’s opinion. DMV is not requiring officers to file accident reports for intentional crashes while in the performance of their duties, and DMV is not posting these intentional crashes to officers’ driving records.

DMV recognizes the importance of the use of intentional crashes as a law enforcement tool. Consequently, DMV is working with law enforcement officials and the Department of Justice to address the concerns that have resulted from the legal opinion. Legislative leadership has been alerted to the urgency of this matter and has authorized the drafting of remedial legislation.

Questions or concerns should be addressed to David House, DMV’s Public Information Officer, at 503-945-5270.

