

TRAFFIC NEWSLETTER

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

Vol. 16 No. 2 March 2005

DRIVING WHILE SUSPENDED APPLIES TO MOTORIZED SCOOTERS • Although a driver license is not required to ride a motorized scooter on a public roadway, the rider still runs afoul of Oregon law if the rider's driving privileges are suspended or revoked. It might even be a crime.

Oregon law does not require a driver license to operate a motor-assisted scooter, electric bicycle or personal mobility device, but riders must be at least 16 years old (ORS 802.020 and 814.512), and they must be eligible for driving privileges (ORS 811.175).

Under ORS 811.175, a driver commits the offense of driving while suspended or revoked if the person operates any motor vehicle, including a motorized scooter, on a highway when the person's driving privileges or right to apply for driving privileges are suspended or revoked.

In fact, a person who never has been granted driving privileges, but whose right to apply for privileges has been suspended, may not legally operate any motorized vehicle, including a motorized scooter, on public roads.

Driving while suspended is a Class A traffic violation with a maximum fine of \$720. However, depending on the reason for the suspension, this offense can be a crime (ORS 811.182).

The violation is a Class A misdemeanor if the suspension or revocation was the result of:

1. Suspension under ORS 809.411 resulting from recklessly endangering another person, menacing or criminal mischief, resulting from the operation of a motor vehicle.
2. Revocation under ORS 809.409 resulting from perjury or the making of false affidavit to the Department of Transportation.
3. A suspension under ORS 813.410 resulting from refusal to take a chemical sobriety test prescribed in ORS 813.100 or for taking a chemical sobriety test that indicates a blood alcohol content of a) 0.08 percent or more if the person was not driving a commercial motor vehicle; b) 0.04 percent or more if the person was driving a commercial motor vehicle; or c) any amount if the person is under 21 years of age.
4. Suspension of commercial driver license under ORS 809.413 for failure to perform the duties of a driver under 811.700 while driving a commercial vehicle.
5. Suspension of a commercial driver license under ORS 809.400 where the person's commercial driving privileges have been suspended or revoked by another jurisdiction for refusal to take a drug or alcohol test.

Driving while suspended becomes a Class B felony if the suspension or revocation resulted from murder, manslaughter, criminally negligent homicide or assault resulting from the operation of a motor vehicle, or if the revocation resulted from a conviction for felony driving while under the influence of intoxicants.

For more information, contact Steve Vitolo, ODOT Safety Division Law Enforcement and Judicial Programs manager, at 503-986-4446 or steve.d.vitolo@odot.state.or.us.



SPEED LAW FOR TRUCKS, BUSES CLARIFIED • Recent speed law changes have created some confusion over the limits that apply to trucks and buses.

As of Jan. 1, 2004, the following statutes were repealed, and the law was consolidated into ORS 811.111:

1. 811.112 (Rural Interstate Speed Limit)
2. 811.115 (Truck Bus Speed Maximum 55 mph)
3. 811.120 (Max Speed on Ocean Shores)
4. 811.123 (Urban Max Speed)

The following vehicles still fall under the maximum speed limit statute (811.111) regardless of whether or not the primary speed law is the basic rule for all other vehicles on that particular roadway. Under ORS 811.111:

Violating a speed limit; penalty. (1) A person commits the offense of violating a speed limit if the person:

- (a) Drives a vehicle on an interstate highway at a speed greater than 65 miles per hour or, if a different speed is posted under ORS 810.180 (3), at a speed greater than the posted speed.
- (b) Notwithstanding paragraph (a) of this subsection, drives any of the following vehicles at a speed greater than 55 miles per hour on any highway or, if a different speed is posted under ORS 810.180 (3), at a speed greater than the posted speed:
 - (A) A motor truck or truck tractor with a gross vehicle weight rating of more than 8,000 pounds.
 - (B) A school bus.
 - (C) A school activity vehicle.
 - (D) A worker transport bus.
 - (E) A bus operated for transporting children to and from church or an activity or function authorized by a church.
 - (F) Any vehicle used in the transportation of persons for hire by a nonprofit entity as provided in ORS 825.017 (9).

For more information, contact Steve Vitolo, ODOT Safety Division Law Enforcement and Judicial Programs manager, at 503-986-4446 or steve.d.vitolo@odot.state.or.us.



TRANSFER OF MANUFACTURED STRUCTURES FROM DMV TO DCBS • Effective May 1, 2005, SB468 (2003) transfers the functions and powers related to titling and registration of manufactured structures from DMV to the Department of Consumer and Business Services (DCBS). It also transfers licensing and regulation of manufactured structure dealers from Business Licensing to DCBS.

As of May 1, 2005, DMV will no longer:

1. issue titles and registration for manufactured structures
2. provide duplicate or transferred titles for manufactured structures
3. issue or replace manufactured structure "X-plates"
4. process title exemptions for manufactured structures
5. license manufactured structure dealers
6. regulate manufactured structure dealers
7. issue trip permits for manufactured structures

Manufactured structure titling and manufactured structure dealer licensing and regulation will be administered by DCBS.

As a result, DCBS will begin issuing their own ownership documents and manufactured structure trip permits. DMV's certificate of titles that were issued prior to May 1, 2005 will remain valid until the owner transfers title with DCBS.

DMV will also maintain the record history for manufactured structures from the date of first title issuance through April 30, 2005. If you need record history for a manufactured structure transaction that occurred between those dates, you will continue to obtain it from DMV.

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



BILL WOULD REQUIRE ENDORSEMENTS FOR SCHOOL BUS DRIVERS • A bill requiring commercial drivers to obtain an endorsement to transport students is making its way through the Oregon Legislature. It could take effect by the end of September this year.

House Bill 2107 would bring Oregon in compliance with Federal Motor Carrier Safety Administration (FMCSA) rules related to commercial driver licenses.

One piece of this legislation requires persons who operate vehicles that "transport pre-primary, primary, or secondary school students from home to school, from school to home, or to and from school-sponsored events" to qualify for and obtain a school bus endorsement on their commercial driver license. These drivers will be required to pass a school bus endorsement knowledge and skills test prior to obtaining the new endorsement.

The commercial driver license will show an "S" in the "Endorsements" field on the license. The driving record also will show an "S" in the endorsement field.

This portion of the bill has an emergency clause and will permit issuance of the endorsement upon passage. School bus drivers must obtain the endorsement by Sept. 30, 2005.

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>.

