

TRAFFIC NEWSLETTER

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

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HARDSHIP PERMITS FOR FAILURE TO APPEAR OR FAILURE TO COMPLY SUSPENSIONS ● As a result of new legislation (HB 2263), effective January 1, 2004, Oregon DMV will no longer issue a hardship permit to a person when a court orders suspension for failure to appear or failure to comply.

Hardship permits issued prior to January 1, 2004, for failure to appear or failure to comply suspensions are not affected by this legislation. If there is a change to the restrictions of the hardship permit on or after January 1, 2004 (new job, new address, etc.) a revised hardship permit may be issued, only if the person had their hardship permit prior to January 1, 2004.

If a person has a hardship permit for a suspension *other than* a failure to appear or failure to comply suspension, and they get a failure to appear or failure to comply suspension on or after January 1, 2004, their hardship permit will be invalid until they provide a clearance for the failure to appear or failure to comply suspension and pay a reinstatement fee.

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



ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE ● Senate Bill 787 defines an electric personal assistive mobility device. This device is designed to transport one person in a standing position; has an electric motor; is self-balancing on two non-tandem wheels and has a maximum speed of 15 mph. Currently, there is only one manufacturer of a device that meets this specific criteria and the product is sold as the Segway™ Human Transporter or simply Segway™. The law classifies the Segway™ as a vehicle with some of the same provisions as a bicycle, such as requiring the operator to yield to pedestrians; give an audible warning when overtaking pedestrians; and limiting the speed the device may be operated at under certain situations. This device is exempt from title and registration. No licensing privileges are required to operate the Segway™, however a person must be 16 years of age or older.

SB 787 creates new provisions for violation of equipment requirements and an offense for unsafe operation. The law prohibits use of this device on highways with a speed limit greater than 35 miles per hour unless being operated in a bicycle lane or used to cross a highway. The law also amends ORS 811.050, the offense of failure of a motor vehicle operator to yield to rider on a bicycle lane to include a rider on an electric personal assistive mobility device. These devices may also be regulated or banned by local ordinance.

The law defines the device as a vehicle and not a motor vehicle for purposes of the Oregon Vehicle Code. Therefore, the new convictions will not be posted by DMV on driving records. DMV will post any DUII offense just as is the case for DUII on a motorized scooter. If you have questions, contact DMV Driver Records at (503) 945-5033.



REFUSAL TO TAKE A BREATH TEST ● House Bill 2900 creates a new traffic offense of refusal to take a breath test. The new offense is applicable if a person refuses to take a breath test when requested to do so under the provisions of Oregon’s implied consent law, and is separate from (and in addition to) any driving privilege suspension imposed for refusing the breath test. The offense of refusing a breath test is an unclassified non-criminal traffic violation, punishable by a fine of not less than \$500, nor more than \$1,000. The new conviction will appear on the record as REFUSE B/T.

The bill becomes effective on January 1, 2004, and applies to anyone who is arrested for driving under the influence of intoxicants and refuses to take a breath test on or after that date. DMV will be revising form 735-75 (Implied Consent Combined Report) to include a statement in Section 1 of the “rights and consequences” portion of the form informing the person of these additional consequences of refusing to take a breath test.

If you have questions, contact DMV Driver Programs at (503) 945-5276.



REPEAL OF ORS 809.410 ● Senate Bill 245 repeals ORS 809.410, the statute where many of DMV’s driver license suspension and revocation authorities are currently found, and reorganizes these authorities into smaller logical groupings. There are no substantive changes to the suspension and revocation authorities currently found in ORS 809.410 as a result of this bill.

Two forms used by courts will be revised as a result of this bill. They are 735-6115a – Court Denial/Suspension of Driving Privileges, and 735-6116 – Notice of Court Imposed Suspension/Revocation. Revised forms will be provided to courts prior to the bill’s January 1, 2004, effective date.

If you have questions, call (503) 945-5000 or (503) 299-9999 (Portland Metro Area).



2003 LEGISLATION ● Here is a short recap of some other bills that passed the 2003 Legislature that you may find interesting. The bills listed here have been signed by the Governor and become effective January 1, 2004 unless otherwise noted. Bill information is available at www.leg.state.or.us/billsset.htm. Under “Measure text,” click on “Full text of 2003 measures in HTML” to read bills. Under “Measure history” you can select an option to view the status of bills.

Accidents

HB 2933 requires drivers to report an accident if there were damages over \$1,500 to their vehicle or if any person was injured, no matter how minor or if any vehicle is towed due to damages resulting from the accident. Fatal accidents must be reported even if they happened on public premises like store parking lots. Accidents that cause damage over \$1,500 to property, other than the vehicles involved in the accident, must be reported."

Alcohol and Drug-related

HB 2885 makes person convicted of a third misdemeanor DUII subject to revocation.

Driving Privileges

HB 3296 creates crimes of "unlawful possession of a personal identification device" and "unlawful possession of fictitious identification." Class C felony.

SB 187 no longer allows a hardship or probationary permit to be issued for operation of a commercial motor vehicle.

Traffic-Related

HB 2176 creates the offense of failure to maintain a safe distance from an emergency vehicle or ambulance. Class B traffic violation.

HB 2338 amends ORS 811.205 to prohibit carrying a minor (person under 18) in the open bed of a motor vehicle or other external part of a motor vehicle. Effective November 26, 2003.

HB 2422 creates the offense of failure to yield to a traffic patrol officer (at school crossing). Class A traffic violation.

HB 2661 allows ODOT to establish designated speeds on certain highways, with limitations. Allows ODOT to provide for removal of vehicles from certain highways. Some provisions operative July 1, 2004. Delays the provisions of SB 179, relating to school zones and speeds, until July 1, 2004.

HB 2736 creates the crime of interfering with a firefighter or emergency medical technician.

HB 3001 extends sunset date to January 1, 2008 for imposition of double fines for certain offenses in certain safety corridors. Effective May 24, 2003; operative January 1, 2004.

SB 179 defines school zone, speeding in a school zone and when children are present.

SB 189 creates the offense of organizing a speed racing event. Class C felony.

SB 315 revises laws regarding driver duties relating to certain pedestrians.

SB 387 provides that person traveling on through road has right of way at uncontrolled T-intersection. Class B traffic violation.

Vehicle Equipment

SB 795 requires skateboarder, scooter rider and in-line skater under 16 years of age to wear protective headgear. Maximum fine \$25.

Records

SB 213 Expands use of employer address, adding district attorneys, deputy district attorneys and certain employees of Oregon Youth Authority.



ELECTRONIC VEHICLE REGISTRATION ● Beginning December 9, 2002 Oregon franchised auto dealers began participating in the Electronic Vehicle Registration (EVR) pilot.

The pilot has been evaluated and EVR is now being expanded statewide to include additional qualified dealer locations which are interested in participating in EVR. EVR will allow auto dealers to issue plates and stickers to customers at the time of sale. Dealers will be the point of entry for vehicle registration and title data. DMV is working with a third-party vendor (known as an integrator) that will supply the dealers with the title and registration software program for EVR. Computerized Vehicle Registration (CVR) is the integrator for the project.

The dealers participating in EVR will print and provide to the customer the *Notice of Transaction Submitted* form that you are used to seeing when plates and stickers are issued from DMV Field Offices. You will recognize this as an EVR transaction by the phrase “EVR Issue Date” along with the date the dealer issued the plates and stickers to the customer. You will see the EVR Issue Date printed at the top of the form in the Remarks section instead of a counter date stamp from the DMV Field Office.

If you have questions or need additional information, contact Keith Nardi at (503) 945-0880.