



PERMANENT ADMINISTRATIVE ORDER

DMV 39-2020

CHAPTER 735
DEPARTMENT OF TRANSPORTATION
DRIVER AND MOTOR VEHICLE SERVICES DIVISION

FILED

12/11/2020 8:58 AM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Amendment of Serious Traffic Offense Rule

EFFECTIVE DATE: 01/01/2021

AGENCY APPROVED DATE: 12/01/2020

CONTACT: Ty Yoder
503-945-5256
ty.m.yoder@odot.state.or.us

DMV Program Services
1905 Lana Avenue NE
Salem, OR 97314

Filed By:
Lauri Kunze
Rules Coordinator

AMEND: 735-063-0360

REPEAL: Temporary 735-063-0360 from DMV 15-2020

NOTICE FILED DATE: 09/28/2020

RULE SUMMARY: DMV amended this rule to designate additional offenses that customers may commit in non-commercial motor vehicles when the offense directly results in the suspension, cancellation, or revocation of a customer's license. These offenses in non-commercial motor vehicles include failure to drive within a lane, unsafe passing on the left, unsafe passing on the right, following too closely, and violations of motor vehicle traffic control laws in conjunction with a fatal accident. These amendments conform DMV's rule to provisions of the Federal Motor Carrier Safety Regulations.

CHANGES TO RULE:

735-063-0360

Serious Traffic Offenses ¶¶

~~ORS 809.525 sets forth the suspension of commercial driving privileges based on the accumulation of convictions of~~
~~This rule lists the traffic offenses DMV has determined to be serious traffic offenses. Offenses from other and~~
~~provides the Oregon statutes are posted to an Oregon driver record using annd corresponding AAMVA net Code~~
~~Dictionary (ACD) code. Therefore, offenses are shown below with the applicable Oregon statute and the~~
~~corresponding ACD code(s). DMV designates the following as serious traffic offenses: ¶¶~~

~~(1) An offense, w/codes for those offenses. ¶¶~~

~~(1) An offense under this section is a serious traffic offense if the conviction directly results in the revocation, cancellation, or suspension of the CLP or CDL-holder's license or non-CMV driving privileges by this state, another state or territory of the United States, or by another country. While operating a motor vehielenon-CMV and a holder ofing commercial driving privileges, of: ¶¶~~

~~(a) Reckless driving - ORS 811.140, ACD code M84; ¶¶~~

~~(b) Any law establishing a speed limit, if the person is operating the motor vehicle 30 miles per hour or more above the posted limit and a court ora serious traffic offense means an offense of: ¶¶~~

- ~~(a) Speeding excessively, involving any speed of 15 miles per hour or more above a regulated, posted, or basic rule speed limit; ACD coders a suspension under ORS 811.109; or ¶~~
- ~~(c) Any law establish S15, S16, S21, S26, S31, S36, S41, S71, S81, S91, and S92. ¶~~
- ~~(b) Reckless driving - ORS 811.140; ACD code M84. ¶~~
- ~~(c) Failure to drive within a speed limit, if the person is operat lane - ORS 811.370; ACD code M42. ¶~~
- ~~(d) Unsafe passing on the motor vehicle at a speed of 100 miles per hour or greater, ORS 811.109. left - ORS 811.410; ACD code M42. ¶~~
- ~~(e) Unsafe passing on the right - ORS 811.415; ACD code M42. ¶~~
- ~~(2f) An offense, while operating a CMV, of: Following too closely - ORS 811.485; ACD code M34. ¶~~
- ~~(ag) Any law establishing a speed limit, violation of a motor vehicle traffic control law if the person is operating the CMV 15 miles per hour more above the posted limit - ORS 811.111, ACD codes S15, S16, S21, S26, S31, S36, S41, S71, S81, S91, S92. ¶~~
- ~~(b) The basic speed rule estab violation has the same offense date as a fatal accident, and the accident and violation occurred in the same incident - ACD code U31. Violations under this subsection are those listed in ORS 811.100 if the person is operating the CMV 15 miles per hour or more above AR 735-064-0220 and include city traffic offenses, offenses under federal law, the laws of another state or territory of the speed established in ORS 811.105 as prima facie evidence of United States, or by another country. This subsection does not apply to violati ngons of the basic speed rule. ¶~~
- ~~(c) Operating a CMV without driving privileges - ORS 807.010(1), ACD code B56. ¶~~
- ~~(d) Failure to carry or present to a pol parking laws or laws regulating vehicle weight or equipment. ¶~~
- ~~(2) An offense under this section is a serious traffic officer proof of commercial driving privileges - ORS 807.570, ACD code B57. -ense if a conviction resulted from an offense that occurred while operating a CMV. ¶~~
- ~~(ea) Reckless driving - ORS 811.140, ACD code M84. ¶~~
- ~~(f) Driving on the left on a curve or grade Speeding excessively, involving any speed of 15 miles per hour or more at an intersection or rail crossbove a regulated, posted, or basic rule speed limit; ACD codes S15, S16, S21, S26, S31, S36, S41, S71, S81, S91, and S92. ¶~~
- ~~(b) Reckless driving - ORS 811.305 140, ACD code M42-84. ¶~~
- ~~(gc) Failure to drive within a lane - ORS 811.370, ACD code M42. ¶~~
- ~~(hd) Unsafe passing on the left - ORS 811.410, ACD code M42. ¶~~
- ~~(ie) Unsafe passing on the right - ORS 811.415, ACD code M42. ¶~~
- ~~(jf) Following too closely - ORS 811.485, ACD code M34. ¶~~
- ~~(kg) Driving a motor vehicle while using a mobile electronic device - ORS 811.507, ACD codes M85, M86. ¶~~
- ~~(L) Any law relating to Any violation of a motor vehicle traffic control law if the offense is connected to a fatal accident - ACD code U31. Motor vehicle traffic control offenses as used in violation has the same offense date as a fatal accident, and the accident and violation occurred in the same incident - ACD code U31. Violations under this subsection are those listed in ORS 809.600(1) and OAR 735-064-0220; and include city traffic offenses and, offenses under federal law or, the laws of another state as set forth in ORS 809.600(4) or territory of the United States, or by another country. This subsection does not apply to violations of parking laws or laws regulating vehicle weight or equipment. ¶~~
- ~~(h) Driving a motor vehicle while using a mobile electronic device - ORS 811.507, ACD codes M85, M86. ¶~~
- ~~(mi) Operating a CMV without proper classification or endorsement - ORS 807.010, ACD code B91. ¶~~
- ~~(j) Operating a CMV without driving privileges - ORS 807.010(1); ACD code B56. ¶~~
- ~~(k) Failure to carry or present to a police officer proof of commercial driving privileges - ORS 807.570; ACD code B57.~~

Statutory/Other Authority: ~~ORS 184.616, 184.619, 802.010, 809.525, 49 CFR sec. 383.51~~

Statutes/Other Implemented: ORS 809.525