



PERMANENT ADMINISTRATIVE ORDER

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CHAPTER 735
DEPARTMENT OF TRANSPORTATION
DRIVER AND MOTOR VEHICLE SERVICES DIVISION

FILING CAPTION: HB 3055 (2021) Commercial Motor Vehicle Used In Human Trafficking and Requests for Administrative Review

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RULES:

735-001-0050, 735-063-0380, 735-063-0390

AMEND: 735-001-0050

NOTICE FILED DATE: 07/27/2022

RULE SUMMARY: DMV amended this rule to provide information on how a person may request an administrative review and the information that is needed to complete the review.

CHANGES TO RULE:

735-001-0050
Administrative Review ¶¶

(1) A person who is entitled to an administrative review by DMV under ORS chapter 809 or section (3) of this rule may request an administrative review. An administrative review may be requested by:¶¶

(a) Completing a request on-line at <https://DMV2U.oregon.gov>; ¶¶

(b) Faxing a request to (503) 945-5497; or ¶¶

(c) Mailing a request to DMV, Administrative Review, 1905 Lana Ave. NE, Salem, Oregon 97314. ¶¶

(2) A request for an administrative review must include sufficient information for DMV to identify the person. ¶¶

(3) A request for an administrative review may include the following information:¶¶

(a) The person's full name, date of birth, mailing address, and customer number; and ¶¶

(b) Any evidence that shows the person is not subject to the suspension, cancellation, or revocation that is the subject of the administrative review. ¶¶

(4) In addition to those circumstances specified in ORS 809.140 and 809.440, Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) will provide an administrative review of a suspension, revocation, or cancellation action for:¶¶

(4a) Failure to install or maintain installation of an ignition interlock device under ORS 813.602;¶¶

(2b) Failure to complete and pass a security threat assessment required for a hazardous materials endorsement from the federal Transportation Security Administration (TSA) or being assessed as a security threat by TSA under ORS 807.173;¶¶

(3c) Failure to submit proof of medical qualification to operate a commercial motor vehicle under ORS

807.100(2);¶

(4d) Failure to pay a judgment under ORS 809.415(1);¶

(5e) A lapse in making future financial responsibility filings under ORS 809.415(3)(c) or 807.240(3)(e);¶

(6f) Notification from the superintendent of a hospital under ORS 807.700;¶

(7g) A request by a school superintendent or a school district board under ORS 339.254;¶

(8h) Notice received by DMV that a vehicle is totaled, wrecked, dismantled, disassembled or substantially altered under ORS 819.030.¶

(9i) Cancellation of commercial driving privileges due to failure to complete entry-level driver training as required by rules adopted pursuant to ~~Oregon Laws 2021, Chapter 630, section 103~~ RS 807.085.

Statutory/Other Authority: ORS 184.619, 802.010, 809.440

Statutes/Other Implemented: ORS 809.440

AMEND: 735-063-0380

NOTICE FILED DATE: 07/27/2022

RULE SUMMARY: DMV amended this rule to update statutory references.

CHANGES TO RULE:

735-063-0380

Reinstatement of CDL Disqualification ¶¶

(1) To be eligible to apply under ORS 809.520(34) for reinstatement of a lifetime suspension of commercial driving privileges imposed by DMV under ORS 809.520(23), the person must:¶¶

- (a) Meet all requirements for issuance of a CDL or CLP;¶¶
- (b) Provide any information requested sufficient for DMV to find there is good cause for reinstatement; and¶¶
- (c) Successfully complete rehabilitation as approved by DMV and provide proof of such completion.¶¶

(32) In determining whether good cause for reinstatement has been shown, DMV will consider the person's driving record for the 10 years preceding the date of application for reinstatement. DMV will not reinstate commercial driving privileges if any of the following appear on the person's driving record in this state or in any other jurisdiction:¶¶

- (a) A conviction for an offense involving the operation of a CMV.¶¶
- (b) A conviction for any offense listed in ORS 809.510.¶¶
- (c) A conviction for the offense described in ORS 809.520(1).¶¶
- (d) A conviction for any offenses listed in OAR 735-063-02360.¶¶
- (e) A conviction for reckless endangering a highway worker in any vehicle.¶¶
- (f) A suspension of driving privileges under the Driver Improvement Program or a similar program in another jurisdiction appears on the person's driving record within the three years preceding the date of application for reinstatement.¶¶

(43) The following courses are approved by DMV as meeting the rehabilitation requirement:¶¶

- (a) National Safety Council, DDC Attitudinal Dynamics of Driving; and¶¶
- (b) National Safety Council, DDC Professional Truck Drivers.¶¶

(54) If a required course listed in section (43) of this rule is not available in Oregon, DMV will accept proof the person has successfully completed the on-line version of the course. If a required course is not available in Oregon and there is no on-line version available, DMV may accept proof of successful completion of an equivalent rehabilitation course or program.

Statutory/Other Authority: ORS ~~184.616~~, 184.619, 802.010, 809.520

Statutes/Other Implemented: ORS 809.520

ADOPT: 735-063-0390

NOTICE FILED DATE: 07/27/2022

RULE SUMMARY: DMV adopted this rule to define the term "severe forms of trafficking in persons" and other terms. The rule also lays out when DMV will permanently suspend a person's commercial driving privileges for the lifetime of the person under ORS 809.520(2) and confirms that a person who receives a lifetime suspension under ORS 809.520(2) has the opportunity to request an administrative review.

CHANGES TO RULE:

735-063-0390

CMV Used In Human Trafficking

(1) For the purposes of ORS 809.520(2) and this rule: ¶

(a) DMV adopts the following defined terms in effect as of January 1, 2021:¶

(A) 22 USC 7102(1) - Abuse or threatened abuse of law or legal process; ¶

(B) 22 USC 7102(3) - Coercion; ¶

(C) 22 USC 7102 (4) - Commercial sex act; ¶

(D) 22 USC 7102(7) - Debt bondage; ¶

(E) 22 USC 7102(8) - Involuntary servitude; and ¶

(F) 22 USC 7102(12) - Sex trafficking.¶

(b) "Severe forms of trafficking in persons" has the meaning provided in 22 USC 7102(11) in effect as of January 1, 2021, and includes, but is not limited to, the following convictions:¶

(A) ORS 163.266 (Trafficking in persons);¶

(B) ORS 163.413 (Purchasing sex from a minor);¶

(C) ORS 167.008 (Commercial sexual solicitation);¶

(D) ORS 167.017 (Compelling prostitution);¶

(E) ORS 163.263 (Subjecting another person to involuntary servitude in the second degree);¶

(F) ORS 163.264 (Subjecting another person to involuntary servitude in the first degree);¶

(G) 18 U.S.C. §1584(a) (Involuntary servitude);¶

(H) 18 U.S.C. §1589(a) (Forced labor);¶

(I) 18 U.S.C. §1591 (Sex trafficking of children or by force, fraud, or coercion);¶

(J) 18 U.S.C. §2423(a) (Transportation of minor - Transportation With Intent To Engage in Criminal Sexual Activity); and¶

(K) 18 U.S.C. §2423(b) (Transportation of minor - Travel With Intent To Engage in Illicit Sexual Conduct).¶

(2) DMV will permanently suspend a person's commercial driving privileges for the lifetime of the person if the department receives a record of conviction for a crime in which a commercial motor vehicle was used and that involved an act or practice of severe forms of trafficking in persons. ¶

(3) DMV will permanently suspend a person's commercial driving privileges for the lifetime of the person if the department receives a conviction with a U11 ACD code, using a CMV in the commission of severe forms of trafficking in persons.¶

(4) A request for an administrative review of a permanent suspension of a commercial driving privileges under this rule must comply with the requirements established under ORS 809.440 and OAR 735-001-0050.

Statutory/Other Authority: ORS 184.619, 802.010, 809.520

Statutes/Other Implemented: 809.440, 809.520, 809.545, 49 CFR 383.51