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## PERMANENT ADMINISTRATIVE ORDER

### DMV 16-2022

CHAPTER 735  
DEPARTMENT OF TRANSPORTATION  
DRIVER AND MOTOR VEHICLE SERVICES DIVISION

**FILED**

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FILING CAPTION: Operators of Commercial Motor Vehicles; Civil Penalties for Out-of-Service Order Violations

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AMEND: 735-070-0170

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RULE SUMMARY: DMV amended this rule to establish a schedule of civil penalties that may be imposed as a result of an operator of a commercial motor vehicle (CMV) violating an out-of-service order or notice.

CHANGES TO RULE:

735-070-0170

Hearing Regarding Civil Penalty for Violation of an Out-of-Service Order or Notification of Violation ¶

(1) When a civil penalty is imposed under ~~Sec. 14, Ch. 395, Oregon Laws 2009~~, the person ~~OR~~ ORS 813.055, the operator of a commercial motor vehicle has a right to a contested case hearing in accordance with ORS 183.745. However, ~~t~~ The amount of the civil penalty is not an issue at the hearing, and the administrative law judge presiding at the contested case hearing may not ~~adjust~~ reduce the amount of the civil penalty.¶

(2) The schedule of civil penalties is assessed as follows:¶

(a) \$3,471 for the first violation of an out-of-service order or notice.¶

(b) \$6,943 for a second or subsequent violation of an out-of-service order or notice.

Statutory/Other Authority: ~~ORS 184.616~~, 184.619, 802.010, 813.055

Statutes/Other Implemented: ~~Sec. 14 Ch. 395 OL 2009~~ ORS 813.055, 49 CFR ¶383.53, Appendix B to 49 CFR Part 386, paragraph (b)(1)