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PERMANENT ADMINISTRATIVE ORDER

DMV 16-2023

CHAPTER 735
DEPARTMENT OF TRANSPORTATION
DRIVER AND MOTOR VEHICLE SERVICES DIVISION

FILED

07/18/2023 11:18 AM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: CDL Out-of-Service Violation Civil Penalties

EFFECTIVE DATE: 07/18/2023

AGENCY APPROVED DATE: 07/13/2023

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AMEND: 735-070-0170

NOTICE FILED DATE: 05/26/2023

RULE SUMMARY: DMV amended this rule to align the civil penalties with the federally required minimum amounts.

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 ORS 813.055, the operator of a commercial motor vehicle has a right to a contested case hearing in accordance with ORS 183.745. 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 reduce the amount of the civil penalty.¶¶

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

(a) ~~\$3,471,740~~ for the first violation of an out-of-service order or notice.¶¶

(b) ~~\$6,943,7481~~ for a second or subsequent violation of an out-of-service order or notice.

Statutory/Other Authority: ORS 184.619, 802.010, 813.055

Statutes/Other Implemented: ORS 813.055, 49 CFR 383.53, Appendix B to 49 CFR Part 386, paragraph (b)(1)