



TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

DMV 22-2020

CHAPTER 735
DEPARTMENT OF TRANSPORTATION
DRIVER AND MOTOR VEHICLE SERVICES DIVISION

FILED
06/25/2020 12:10 PM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Revise the Driver Improvement Program by amending conviction tables and increasing required number of offenses

EFFECTIVE DATE: 07/06/2020 THROUGH 01/01/2021

AGENCY APPROVED DATE: 05/27/2020

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NEED FOR THE RULE(S):

DMV's Service Transformation Project (STP) has created opportunities to review DMV programs and optimize them based on new technological capabilities. This rule change updates the Driver Improvement Program (DIP) to reflect these new capabilities and were developed from a study conducted by the Center for Urban Studies, Portland State University. While DMV anticipates the overall number of DIP suspensions to decrease, the goal of this rule change is to ensure the program is more effectively addressing the population for whom DIP was created: drivers developing a chronic behavior of unsafe driving, rather than drivers who demonstrate only a brief pattern of such behavior.

Changes include:

- Combining the two tables listing driver improvement offenses found in OAR 735-072-0035 and 735-064-0220 to create a single list of offenses, which will be located in OAR 735-064-0220.
- Revising the driver improvement offense table to remove offenses that DMV will no longer be recording as a result of Oregon laws 2019, Chapter 312, Section 19. All offenses relating to driver improvement offenses will be found in OAR 735-064-0220 where they have been combined with other offenses that count towards separate habitual offender and CMV serious violation programs.
- Eliminating the requirement for five convictions to equal one driver improvement offense. Under this rule change, every conviction found on OAR 735-064-0220 will now count as one driver improvement offense.
- Increasing the number of adult driver improvement violations required to impose a driver improvement suspension from four to five.
- Eliminating the pending restriction for the adult driver improvement program.

JUSTIFICATION OF TEMPORARY FILING:

In alignment with the operative date for Oregon to become compliant with the Federal Real ID Act of 2005, phase II of DMV's system modernization project is scheduled to be implemented on July 6, 2020. Due to COVID-19, the federal enforcement date for Real ID has been delayed but Oregon law still requires a compliance date by July 2020.

DMV has programmed its system to implement new processes and procedures described in this rulemaking starting on July 6, 2020. Failure to adopt these rules will result in serious prejudice if DMV programs and processes are implemented without first filing the proposed administrative rule adoption, amendments and repeals necessary to implement these Driver Improvement programs that have already been programmed into DMV's computer system. As a result of this programming, the Driver Improvement program would be out of compliance with DMV's current administrative rules that set out requirements for improving driver behavior. The impacted persons subject to serious prejudice are all persons operating a vehicle on Oregon roads.

ORS 809.480 authorizes DMV to establish, by administrative rule, a program designed to improve driving behavior. Violations and offenses that count as a DIP violation are set forth by these administrative rules. If DMV is unable to file these rules prior to the operative date of the scheduled computer system upgrade, DMV may be imposing hundreds of driving privilege suspensions for offenses that do not yet qualify as a driver improvement violation. Suspension notices would cite administrative rules that have not yet been adopted, repealed or amended. Drivers would be eligible for administrative review and, after review of the driver record, a final order could correct the error by disaffirming and rescinding the suspension. But administrative review would not help a person avoid the process of being subject to suspension. Operating a program not in compliance with administrative rules is a severe prejudice to all drivers on Oregon roads. Legal challenges and risk management cases could be difficult and time consuming for DMV.

DMV planned to present the permanent rules for approval at the June OTC meeting. However, that meeting has been cancelled, and June was the last month available for approving the permanent rules before the rules must go into effect. Due to programming lead times, the system configuration for this new rule goes into production on July 6, 2020. Reprogramming or establishing a manual work around would be costly and impact DMV's new system rollout.

Due to the cancellation of the OTC June meeting, temporary rules are necessary to ensure clarity and reduce risk for legal challenges. Without the temporary rules the Driver Improvement Program will be operating out of compliance and lack public transparency, resulting in serious prejudice to the public interest.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

Oregon laws 2019, Chapter 312, Section 19 is available at
<https://olis.oregonlegislature.gov/liz/2019R1/Downloads/MeasureDocument/SB57/Enrolled>

RULES:

735-064-0220, 735-072-0020, 735-072-0023, 735-072-0027, 735-072-0035, 735-072-0041

AMEND: 735-064-0220

RULE SUMMARY: The amendments to OAR 735-064-0220 updates the offense table by removing offenses that will no longer be recorded on driver records as a result of Oregon laws 2019, Chapter 312, Section 19. This table also combines offenses found in OAR 735-072-0035 to create a single list of offenses found in this administrative rule.

CHANGES TO RULE:

735-064-0220

Traffic Offenses Used in Habitual Offender, Driver Improvement, CMV Serious Violations and Hardship Driver Permit Programs ¶¶

(1) A conviction for an offense listed in this rule counts toward:¶¶

(a) The Habitual Offender Program pursuant to ORS 809.600(2);¶¶

(b) The Provisional and Adult Driver Improvement Programs outlined in Oregon Administrative Rule chapter 735, division 72;¶¶

(c) Motor vehicle traffic control violations connected to a fatal accident as described in OAR 735-063-0360 that can lead to a suspension of commercial driving privileges; and¶¶

(d) Revocation of a hardship permit pursuant to OAR 735-064-0100 and 735-064-0110.¶¶

(2) Table 1 (effective date July 6, 2020) lists the offenses and the citation to Oregon statute, or administrative rule and federal regulation for Oregon offenses used in the programs identified in section (1) of this rule. [Table 1 attached]¶¶

(3) Offenses from other states are posted to driver records using an AAMVAnet Code Dictionary (ACD) code. Table 2 (effective date July 6, 2020) identifies the code that appears on the driver record, a description of the offense and the ORS reference covering an equivalent offense for Oregon. [Table 2 attached]

Statutory/Other Authority: ORS 184.619, 802.010, 809.480; & 809.605

Statutes/Other Implemented: ~~809.600(2), 809.605, ORS 807.240, ORS 807.240, 809.480, 809.600(2) & 809.480~~
605

RULE ATTACHMENTS DO NOT SHOW CHANGES. PLEASE CONTACT AGENCY REGARDING CHANGES.

735-064-0220

Traffic Offenses Used in Habitual Offender, Driver Improvement, CMV Serious Violations and Hardship Driver Permit Programs

Table 1 (Effective July 6, 2020):	
Lists the offenses and the citation to Oregon statute, administrative rule or federal regulation, for Oregon offenses used in the programs identified in OAR 735-064-0220.	
OFFENSE	OREGON STATUTE
ABANDONING A VEHICLE	819.100
ACTING AS A VEHICLE TRANSPORTER WITHOUT A CERTIFICATE	822.300
ATTEMPTED CRIMINAL DRIVING WHILE SUSPENDED	811.182, 161.405
CARELESS DRIVING	811.135
CARRYING DOG ON EXTERNAL PART OF VEHICLE	811.200
CARRYING MINOR ON EXTERNAL PART OF VEHICLE	811.205
COMMITTING UNLAWFUL DAMAGE WITH CLASS III ATV	821.285
CROSSING CENTER LINE ON TWO-WAY, FOUR-LANE ROAD	811.310
DANGEROUS LEFT TURN	811.350
DANGEROUS OPERATION AROUND LIVESTOCK	811.510
DANGEROUS OPERATION OF A SNOWMOBILE OR AN ALL-TERRAIN VEHICLE (ATV)	821.290
DANGEROUS MOVEMENT OF STOPPED, STANDING OR PARKED VEHICLE	811.565
DEPRIVING MOTORCYCLE OR MOPED OF FULL LANE	811.385
DISPLAY OF PLATES THAT DO NOT ENTITLE HOLDER TO OPERATE VEHICLE	803.540(1)(d)
DISRUPTING A FUNERAL PROCESSION	811.810
DRIVING A MOTOR VEHICLE WHILE USING A MOBILE ELECTRONIC DEVICE	811.507
DRIVING ON HIGHWAY DIVIDER	811.430
DRIVING ON LEFT ON CURVE OR GRADE OR AT INTERSECTION OR RAIL CROSSING	811.305
DRIVING OR ALLOWING OPERATION OF A VEHICLE WITHOUT BRAKES THAT MEET REQUIREMENT	815.130
DRIVING THROUGH SAFETY ZONE	811.030
DRIVING WRONGWAY AROUND TRAFFIC ISLAND	811.330

DWS/DWR DRIVING WHILE SUSPENDED OR REVOKED - VIOLATION	811.175
EMPLOYING OR PROVIDING A VEHICLE TO AN UNQUALIFIED DRIVER	807.610
ENDANGERING A MOTORCYCLE PASSENGER	814.280
EXCEEDING MAXIMUM HOURS OF SERVICE	OAR740-100-0010, 49 CFR 395.3, 5, 13
EXCEEDING THE MAXIMUM SPEED FOR A FUNERAL PROCESSION	811.806
FAILING TO OBEY POLICE OFFICER	811.535
FAILURE OF A MOTORCYCLE OPERATOR TO WEAR MOTORCYCLE HELMET	814.269
FAILURE OF A MOTOR ASSISTED SCOOTER OPERATOR TO WEAR PROTECTIVE HEADGEAR	814.534
FAILURE OF DRIVER ENTERING ROADWAY TO YIELD RIGHT OFWAY	811.280
FAILURE OF DRIVER TO OBTAIN MEDICAL CERTIFICATION	OAR 740-100-0010, 49 CFR 391.41
FAILURE OF DRIVER TO RECORD DUTY STATUS	OAR740-100-0010, 49 CFR 395.8
FAILURE OF OPERATOR OF CMV TO SLOW/CHECK THAT TRACKS CLEAR OF APPROACHING TRAIN	811.462
FAILURE OF OPERATOR TO PROPERLY USE SAFETY BELTS	811.210(1) (a)
FAILURE OF SLOW DRIVER TO DRIVE ON RIGHT	811.315
FAILURE OF SLOWER DRIVER TO YIELD TO OVERTAKING VEHICLE	811.425
FAILURE OF MERGING DRIVER TO YIELD RIGHT OFWAY	811.285
FAILURE TO ATTEND VEHICLE TRANSPORTING HAZARDOUS MATERIALS	OAR740-110-0010, 49 CFR 397.5
FAILURE TO CARRY EMERGENCY EQUIPMENT	OAR740-100-0010, 49 CFR 395
FAILURE TO CARRY/PRESENT CDL TO POLICE OFFICER	807.570
FAILURE TO CARRY/PRESENT LICENSE TO POLICE OFFICER	807.570
FAILURE TO DISPLAY LIGHTED HEADLIGHTS ON MOTORCYCLE/MOPED	814.320
FAILURE TO DRIVE ON RIGHT	811.295
FAILURE TO DRIVE ON RIGHT OF APPROACHING VEHICLE	811.300
FAILURE TO DRIVE TO RIGHT ON DIVIDED HIGHWAY	811.320
FAILURE TO DRIVE WITHIN LANE	811.370
FAILURE TO FOLLOW RAIL CROSSING PROCEDURES FOR HIGH-RISK VEHICLES	811.460
FAILURE TO HAVE WINDSHIELD WIPERS; FAILURE TO MEET WINDSHIELD WIPER REQUIREMENTS	815.215

FAILURE TO KEEP CAMPER, TRAILER OR TRUCK IN RIGHT LANE	811.325
FAILURE TO MAINTAIN A SAFE DISTANCE FROM A MOTOR VEHICLE	811.147
FAILURE TO OBEY ONE-WAY DESIGNATION	811.270
FAILURE TO OBEY TRAFFIC CONTROL DEVICE	811.265
FAILURE TO OBEY TRAFFIC CONTROL DEVICE; USE HIGH OCCUPANCY VEHICLE LANE	810.140, 811.265
FAILURE TO OBEY TRAFFIC PATROL MEMBER	811.015
FAILURE TO PERFORM DUTIES OF DRIVER WHEN ANIMAL IS INJURED	811.710
FAILURE TO PERFORM DUTIES OF PERSON IN CHARGE OF LIVESTOCK ON HIGHWAY	814.150
FAILURE TO POST WARNINGS FOR A DISABLED VEHICLE	811.530
FAILURE TO PROPERLY USE CHILD PASSENGER SAFETY SYSTEM, SAFETY BELTS, OR SAFETY HARNESS	811.210
FAILURE TO REMOVE A MOTOR VEHICLE FROM A ROADWAY	811.717
FAILURE TO SIGNAL WITH LIGHTS WHEN REQUIRED	811.405
FAILURE TO STOP AND REMAIN STOPPED FOR A PEDESTRIAN IN A CROSSWALK	811.028
FAILURE TO STOP AND REMAIN STOPPED FOR BLIND PEDESTRIAN	811.035
FAILURE TO STOP FOR A PEDESTRIAN PROCEEDING UNDER A TRAFFIC CONTROL DEVICE	811.028
FAILURE TO STOP FOR A PEDESTRIAN WHEN MAKING A TURN AT A STOP LIGHT	811.028
FAILURE TO STOP FOR BUS SAFETY LIGHTS	811.155
FAILURE TO STOP FOR PASSENGER LOADING OF PUBLIC TRANSIT VEHICLE	811.165
FAILURE TO STOP FOR RAILROAD SIGNAL	811.455
FAILURE TO STOP WHEN EMERGING FROM ALLEY, DRIVEWAY OR BUILDING	811.505
FAILURE TO USE APPROPRIATE SIGNAL FOR AN EXIT FROM A ROUNDABOUT	811.400
FAILURE TO USE APPROPRIATE SIGNAL FOR TURN, LANE CHANGE OR STOP	811.400
FAILURE TO USE SPECIAL LEFT TURN LANE	811.345
FAILURE TO USE VEHICLE TRACTION TIRES OR TRACTION DEVICES	815.140
FAILURE TO YIELD RIGHT OFWAY AT AN UNCONTROLLED T INTERSECTION	811.277
FAILURE TO YIELD RIGHT OFWAY AT UNCONTROLLED INTERSECTION	811.275

FAILURE TO YIELD RIGHT OFWAY TO BICYCLIST ON A SIDEWALK	811.055
FAILURE TO YIELD RIGHT OF WAY WITHIN A ROUNDABOUT	811.292
FAILURE TO YIELD THE RIGHT OF WAY TO A FUNERAL PROCESSION	811.802
FAILURE TO YIELD THE RIGHT OFWAY TO A HIGHWAY WORKER WHO IS A PEDESTRIAN	811.233
FAILURE TO YIELD THE RIGHT OF WAY TO A TRANSIT BUS	811.167
FAILURE TO YIELD TO A TRAFFIC PATROL MEMBER	811.017
FAILURE TO YIELD TO EMERGENCY VEHICLE OR AMBULANCE	811.145
FAILURE TO YIELD TO PEDESTRIAN ON SIDEWALK	811.025
FAILURE TO YIELD TO RIDER ON BICYCLE LANE	811.050
FAILURE TO MAINTAIN SEAT BELTS IN WORKING ORDER	811.225
FAILURE TO MARK END OF LOAD WITH LIGHT OR FLAGWHEN REQUIRED	815.275
FOLLOWING TOO CLOSELY	811.485
HAVING PASSENGER IN TRAILER	811.195
ILLEGAL ALTERATION OR ILLEGAL DISPLAY OF A REGISTRATION PLATE	803.550
ILLEGAL OPERATION OF EMERGENCY VEHICLE OR AMBULANCE	820.320
ILLEGAL USE OF DEALER VEHICLE FOR HIRE	822.045(1)(f)
ILLEGAL BACKING	811.480
ILLEGAL U-TURN	811.365
IMPEDING TRAFFIC	811.130
IMPROPER OPENING OR LEAVING OPEN A VEHICLE DOOR	811.490
IMPROPER TURN AT STOP LIGHT	811.360
IMPROPER USE OF CENTER LANE ON THREE-LANE ROAD	811.380
IMPROPER USE OF DEALER PLATES	822.045(1)(g)
IMPROPERLY EXECUTED LEFT TURN	811.340
IMPROPERLY EXECUTED RIGHT TURN	811.355
IMPROPERLY SECURING A LOAD	818.300, OAR 740-100-0010, 49 CFR 393.100-136
IMPROPER MOVEMENT OF HEAVY EQUIPMENT ACROSS RAIL CROSSING	811.470
INTERFERENCE WITH EMERGENCY VEHICLE OR AMBULANCE	811.150
INTERFERENCE WITH LIGHT RAIL, STREETCAR, TROLLEY OPERATION	811.160
MINOR OPERATING A PUBLIC PASSENGER VEHICLE	820.200
MINOR OPERATING A SCHOOL VEHICLE	820.190

MISUSE OF A SPECIAL LEFT TURN LANE	811.346
MOPED OR MOTORCYCLE OPERATION MORE THAN TWO ABREAST	814.250
MOTORCYCLIST CLINGING TO ANOTHER VEHICLE	814.220
MOTORCYCLE OR MOPED UNLAWFUL PASSING IN A LANE WITH A VEHICLE	814.240
NO REARVIEW MIRROR, DEFECTIVE REARVIEW MIRROR	815.235
OBSTRUCTING CROSS TRAFFIC	811.290
OBSTRUCTING RAIL CROSSING – DRIVING ONTO CROSSING WHEN SPACE ON OTHER SIDE NOT SUFFICIENT TO ACCOMMODATE VEHICLE	811.475(1)(a)
OBSTRUCTING RAIL CROSSING – FAILURE OF CMV TO NEGOTIATE BECAUSE OF INSUFFICIENT UNDERCARRIAGE CLEARANCE	811.475(1)(b)
OBSTRUCTION OF VEHICLE WINDOWS	815.220
OPERATING A MOTORCYCLE WITHOUT THE PROPER ENDORSEMENT	807.010(1)
OPERATING A VEHICLE IN VIOLATION OF LICENSE RESTRICTIONS	807.010(2)
OPERATING A VEHICLE WITHOUT DRIVING PRIVILEGES	807.010(1)
OPERATING A VEHICLE WITH OBSTRUCTING PASSENGER	811.190
OPERATING AS A CARRIER WITHOUT CERTIFICATE OR PERMIT FROM DEPT. OF TRANSPORTATION	825.100
OPERATING CMV WITH NO CDL LICENSE	807.010(1)
OPERATING UNSAFE VEHICLE	815.020
OPERATING VEHICLE THAT IS LOADED OR EQUIPPED TO OBSTRUCT DRIVER	815.270
OPERATING VEHICLE WITH ILLEGAL WINDOW TINTING	815.222(2)
OPERATION OF A VEHICLE THAT VIOLATES STATE EQUIPMENT ADMINISTRATIVE RULES	815.100
OPERATION OF A VEHICLE WITHOUT APPROVED MATERIALS IN WINDOWS	815.210
OPERATION OF AMOPED ON A SIDEWALK OR BICYCLE TRAIL	814.210
OPERATION OF A MOTOR VEHICLE ON A BICYCLE TRAIL	811.435
OPERATION OF A MOTOR VEHICLE WITH DEFECTIVE EQUIPMENT	OAR 740-100-0060
OPERATION OF LOW SPEED VEHICLE IN PROHIBITED AREA	820.220
OPERATION OF VEHICLE WITH NONSTANDARD LIGHTING EQUIPMENT	816.300
OPERATION OF VEHICLE WITHOUT PROPER FENDERS OR MUDGUARDS	815.185
OPERATION OF VEHICLE WITHOUT REQUIRED LIGHTING EQUIPMENT	816.330

PASSING IN NO PASSING ZONE	811.420
PASSING STOPPED VEHICLE AT CROSSWALK	811.020
PERMITTING UNLAWFUL OPERATION OF A VEHICLE	811.255
RECKLESS ENDANGERMENT OF HIGHWAY WORKERS BY DRIVING IN WORK ZONE IN A MANNER THAT ENDANGERS PERSON OR PROPERTY	811.231
RECKLESS ENDANGERMENT OF HIGHWAY WORKERS BY REMOVING, EVADING, OR STRIKING CONSTRUCTION OR MAINTENANCE ZONE MARKERS	811.231
REFUSING TO OBEY FLAGGER IN A HIGHWAY WORK ZONE	811.232
SMOKING, AEROSOLIZING OR VAPORIZING IN A MOTOR VEHICLE	811.193
SOLICITING ANOTHER TO BLOW INTO IGNITION INTERLOCK DEVICE	813.610
SPEED RACING ON HIGHWAY	811.125
THREE OR MORE VIOLATIONS OF ORS 815.232, UNREASONABLE SOUND AMPLIFICATION FROM A VEHICLE	815.233
TOW VEHICLE OPERATOR FAILURE TO REMOVE INJURIOUS SUBSTANCE	822.225
TRANSFER OF DOCUMENTS FOR THE MISREPRESENTATION OF AGE OR IDENTITY	807.510
UNLAWFUL COASTING ON DOWNGRADE	811.495
UNLAWFUL INTERFERENCE WITH A TRAFFIC CONTROL DEVICE OR RAILROAD SIGN	810.240
UNLAWFUL OPERATION OF A SNOWMOBILE OR ATV ON HIGHWAY OR RAILROAD RIGHT OF WAY	821.190
UNLAWFUL OPERATION OF MOTORCYCLE OR MOPED	814.200
UNLAWFUL OR UNSIGNALLED CHANGE OF LANE	811.375
UNLAWFUL OR UNSIGNALLED TURN	811.335
UNLAWFUL STOP OR DECELERATION	811.500
UNLAWFUL USE OF IMAGE DISPLAY DEVICE	815.240
UNLAWFUL USE OF LIGHTS TO SIGNAL FOR PASSING	811.390
UNLAWFUL USE OF OR FAILURE TO USE LIGHTS	811.520
UNLAWFUL USE OF VEHICLE TELEVISION EQUIPMENT	815.240
UNLAWFULLY CARRYING A PASSENGER ON A MOPED	814.330
UNLAWFULLY CARRYING A PASSENGER ON A MOTORCYCLE	814.325
UNLAWFULLY OPERATING A RACING ACTIVITY VEHICLE ON A HIGHWAY	811.514
UNSAFE PASSING OF A PERSON OPERATING A BICYCLE	811.065
UNSAFE PASSING ON LEFT	811.410
UNSAFE PASSING ON RIGHT	811.415

UNSAFE SCHOOL VEHICLE OPERATION	820.180
USE OF MARIJUANA WHILE DRIVING	811.481
USE OF PROHIBITED LIGHTING EQUIPMENT	816.360
USE OF THROUGHWAY WHEN PROHIBITED	811.445
VIOLATING A SPEED LIMIT – DESIGNATED OR POSTED	811.111
VIOLATION OF BASIC SPEED RULE	811.100
VIOLATION OF LICENSE RESTRICTIONS – DRIVING GOLF CART ON ROAD/STREET WITH A SPEED DESIGNATION GREATER THAN 25 MPH	807.010(2), 807.210(6)
VIOLATION OF MINIMUM CLEARANCE REQUIREMENTS FOR PASSENGER VEHICLES	815.245
VIOLATION OF OPEN CONTAINER LAW	811.170
VIOLATION OF POSTED PARKING RESTRICTIONS ON STATE HIGHWAYS	811.575
VIOLATION OF POSTED TRUCK ROUTES	811.450
VIOLATION OF PROVISIONAL LICENSE CURFEW RESTRICTIONS	807.010(2)
VIOLATION OF PROVISIONAL LICENSE PASSENGER RESTRICTION IN THE SECOND SIX MONTHS	807.010(2)
VIOLATION OF PROVISIONAL LICENSE PASSENGER RESTRICTIONS IN FIRST SIX MONTHS	807.010(2)
VIOLATION OF SLOW-MOVING VEHICLE EMBLEM REQUIREMENTS	815.115
VIOLATION OF SPEED FOR TRUCKS AND PASSENGER TRANSPORT VEHICLES	811.111(1)(b)
VIOLATION OF SPEED LIMIT IN SCHOOL ZONE	811.111(1)(e)
VIOLATION OF SPEED LIMIT IN URBAN AREA	811.111(1)(d)
VIOLATION OF SPEED LIMIT ON OCEAN SHORE	811.111(1)(c)
VIOLATION OF USE LIMITS ON HORNS AND SOUND EQUIPMENT	815.225
VIOLATION OF VEHICLE SOUND EQUIPMENT REQUIREMENTS	815.230(1)
ABANDONING A VEHICLE	819.100
ACTING AS A VEHICLE TRANSPORTER WITHOUT A CERTIFICATE	822.300
ATTEMPTED CRIMINAL DRIVING WHILE SUSPENDED	811.182, 161.405
CARELESS DRIVING	811.135
CARRYING DOG ON EXTERNAL PART OF VEHICLE	811.200
CARRYING MINOR ON EXTERNAL PART OF VEHICLE	811.205
COMMITTING UNLAWFUL DAMAGE WITH CLASS III ATV	821.285
CROSSING CENTER LINE ON TWO-WAY, FOUR-LANE ROAD	811.310
DANGEROUS LEFT TURN	811.350

DANGEROUS OPERATION AROUND LIVESTOCK	811.510
DANGEROUS OPERATION OF A SNOWMOBILE OR AN ALL-TERRAIN VEHICLE (ATV)	821.290
DANGEROUS MOVEMENT OF STOPPED, STANDING OR PARKED VEHICLE	811.565

Table 2 (Effective July 6, 2020):

Identifies the AAMVAnet Code Dictionary (ACD) code that appears on the driver record, a description of the offense and the ORS reference covering an equivalent offense for Oregon:

ACD CODE	DESCRIPTION	OREGON EQUIVALENT STATUTES
A26	DRINKING ALCOHOL WHILE OPERATING A VEHICLE	811.170
A31	ILLEGAL POSSESSION OF ALCOHOL	811.170
A35	POSSESSION OF OPEN ALCOHOL CONTAINER	811.170
B20	DRIVING WHILE LICENSE WITHDRAWN	807.010(1)
B21	DRIVING WHILE LICENSE BARRED	807.010(1)
B22	DRIVING WHILE LICENSE CANCELLED	807.010(1)
B23	DRIVING WHILE LICENSE DENIED	807.010(1)
B24	DRIVING WHILE LICENSE DISQUALIFIED	807.010(1)
B25	DRIVING WHILE LICENSE REVOKED – VIOLATION	811.175
B26	DRIVING WHILE SUSPENDED - VIOLATION	811.175
B51	EXPIRED OR NO DRIVER LICENSE (DL, CDL, IP)	807.010(1)
B56	DRIVING A CMV WITHOUT OBTAINING A CDL	807.010(1)
B57	DRIVING A CMV WITHOUT A CDL IN THE DRIVER'S POSSESSION	807.570
B65	FAILED TO HAVE MEDICAL CERTIFICATION/DISABILITY INFORMATION	OAR 740-100-0010, 49 CFR 391.41
B91	IMPROPER CLASSIFICATION OR ENDORSEMENT ON DRIVER LICENSE (DL, CDL, IP)	807.010(1)
D27	VIOLATE LIMITED LICENSE CONDITIONS	807.010(2)
D29	VIOLATE RESTRICTIONS OF DRIVER LICENSE (DL, CDL, IP)	807.010(2)

D70	DRIVER'S VIEW OBSTRUCTED	811.190, 814.130, 815.270
D72	INABILITY TO CONTROL VEHICLE	811.135
D74	OPERATING A MOTOR VEHICLE IMPROPERLY BECAUSE OF DROWSINESS	811.135
D75	OPERATING A MOTOR VEHICLE IMPROPERLY DUE TO PHYSICAL OR MENTAL DISABILITY	811.135
E01	OPERATING WITHOUT EQUIPMENT AS REQUIRED BY LAW	815.285, 815.295, 821.220, 821.210, 815.185, 815.235, 815.215, 821.040, 815.255, OAR 740-100-0010, 49 CFR 393.95, 49 CFR 392.22
E02	OPERATING WITHOUT BRAKES AS REQUIRED BY LAW	815.130
E05	OPERATING WITHOUT LIGHTS AS REQUIRED BY LAW	816.330, 815.283
E31	DEFECTIVE BRAKES	815.130
E34	DEFECTIVE LIGHTS	816.300, 816.330
E50	FAILURE TO USE EQUIPMENT AS REQUIRED	815.115
E54	FAILURE TO USE HEADLIGHT DIMMER AS REQUIRED	811.515(6), 811.520
E55	FAILURE TO USE LIGHTS AS REQUIRED	811.515(1), 814.320, 811.520
E57	FAILURE TO USE SNOW TIRES OR CHAINS AS REQUIRED	815.140
E70	EQUIPMENT USED IMPROPERLY OR OBSTRUCTED	811.800, 820.160, 815.210, 815.232, 815.245, 815.225, 815.230
F02	CHILD OR YOUTH RESTRAINT NOT USED PROPERLY AS REQUIRED	811.210
F04	SEAT BELT NOT USED PROPERLY AS REQUIRED	811.210(1)
F05	CARRYING UNSECURED PASSENGERS IN OPEN AREA OF VEHICLE	811.195, 811.205
F06	IMPROPER OPERATION OF OR RIDING ON A MOTORCYCLE	814.200
F03	MOTORCYCLE SAFETY EQUIPMENT NOT USED PROPERLY AS REQUIRED	814.269, 814.260, 814.280
F34	STOPPING, STANDING OR PARKING: OBSTRUCTING OR IMPEDING TRAFFIC	811.130, 811.290
F66	OPERATING UNSAFE VEHICLE – NO SPECIFIED COMPONENT	815.02
M02	FAILURE TO OBEY BARRIER	811.320, 811.430
M03	FAILURE TO OBEY CONSTRUCTION OR MAINTENANCE ZONE MARKERS	811.231

M04	FAILURE TO OBEY FLAGGER	811.232
M05	FAILURE TO OBEY LANE MARKINGS OR SIGNAL	811.030, 811.265, 811.310, 811.345, 811.346, 811.370, 811.380, 811.420
M08	FAILURE TO OBEY POLICE OR PEACE OFFICER	811.535
M09	FAILURE TO OBEY RAILROAD CROSSING RESTRICTIONS	811.455, 811.460, 811.470, 811.475
M10	FAILURE TO OBEY RAILROAD GATES, SIGNS OR SIGNALS OR ENFORCEMENT OFFICIAL AT RAILROAD CROSSING	811.455
M11	FAILURE TO OBEY RESTRICTED LANE	811.345, 811.346, 811.380
M12	FAILURE TO OBEY SAFETY ZONE	811.030
M13	FAILURE TO OBEY SCHOOL CROSSING GUARD	811.015
M14	FAILURE TO OBEY SIGN OR TRAFFIC CONTROL DEVICE	811.265, 811.270
M15	FAILURE TO OBEY STOP SIGN	811.265
M16	FAILURE TO OBEY TRAFFIC SIGNAL OR LIGHT	811.265
M17	FAILURE TO OBEY TRAFFIC SIGN	811.265, 811.270
M18	FAILURE TO OBEY WARNING LIGHT OR FLASHER	811.265
M19	FAILURE TO OBEY YIELD SIGN	811.265
M20	FAILURE TO SLOW DOWN AND CHECK FOR APPROACHING TRAIN	811.462
M21	FOR DRIVERS NOT ALWAYS REQUIRED TO STOP - FAILURE TO STOP BEFORE REACHING TRACKS AT A RAILROAD CROSSING WHEN THE TRACKS ARE NOT CLEAR	811.455
M22	FOR DRIVERS ALWAYS REQUIRED TO STOP -FAILURE TO STOP AS REQUIRED BEFORE DRIVING ONTO RAILROAD CROSSING	811.460
M23	FAILING TO HAVE SUFFICIENT SPACE TO DRIVE COMPLETELY THROUGH THE RAILROAD CROSSING WITHOUT STOPPING	811.455, 811.475
M24	FAILING TO NEGOTIATE A RAILROAD CROSSING BECAUSE OF INSUFFICIENT UNDERCARRIAGE CLEARANCE	811.475(1)(b)
M25	FAILURE TO STOP – BASIC RULE AT UNSIGNED INTERSECTION OR WHEN ENTERING ROADWAY FROM PRIVATE DRIVEWAY, ALLEY, ETC.	811.275-811.285, 811.505
M30	FOLLOWING IMPROPERLY	811.485

M31	FAILURE TO LEAVE SUFFICIENT DISTANCE FOR OVERTAKING BY OTHER VEHICLES	811.147, 811.485
M32	FOLLOWING EMERGENCY VEHICLE UNLAWFULLY	811.150
M33	FOLLOWING FIRE EQUIPMENT UNLAWFULLY	811.150
M34	FOLLOWING TOO CLOSELY	811.485
M40	IMPROPER LANE OR LOCATION	811.295, 811.300, 811.305, 811.310, 811.315, 811.320, 811.325, 811.330, 811.370, 811.375, 811.380
M41	FAILURE TO KEEP IN PROPER LANE	811.370
M42	IMPROPER OR ERRATIC (UNSAFE) LANE CHANGES	811.375
M43	RAN OFF ROAD	811.135, 811.370
M44	IMPROPER LANE OR LOCATION - CROSSOVER	811.305, 811.310
M45	IMPROPER LANE OR LOCATION - CROSSWALK	811.290
M46	IMPROPER LANE OR LOCATION – ENTRANCE/EXIT RAMP OR WAY	811.285
M47	IMPROPER LANE OR LOCATION – IN BICYCLE LANE	811.435
M48	IMPROPER LANE OR LOCATION – IN OCCUPIED LANE	811.385, 814.240
M49	IMPROPER LANE OR LOCATION – IN HOV OR RESTRICTED LANE	811.265
M51	IMPROPER LANE OR LOCATION -MEDIAN	811.430
M55	IMPROPER LANE OR LOCATION – ON RAIL OR STREETCAR TRACKS	811.160, 811.475
M56	IMPROPER LANE OR LOCATION – ON FIRE HOSE	811.150
M57	IMPROPER LANE OR LOCATION – ONCOMING TRAFFIC LANE	811.295, 811.300, 811.310
M58	IMPROPER LANE OR LOCATION – ROAD SHOULDER, DITCH OR SIDEWALK	811.370, 811.415
M60	IMPROPER LANE OR LOCATION – SLOWER VEHICLE LANE	811.315, 811.325
M61	IMPROPER LANE OR LOCATION – STRADDLING CENTER LINE(S)	811.310, 811.370
M62	IMPROPER LANE OR LOCATION – TRAVELING IN TURN (OR CENTER) LANE	811.380
M70	IMPROPER PASSING	811.410-811.420
M71	PASSING IN VIOLATION OF POSTED SIGN OR PAVEMENT MARKING	811.420

M72	PASSING IN VIOLATION OF OPPOSITE DIRECTIONS RESTRICTION	811.410, 811.420
M73	PASSING ON WRONG SIDE	811.410-811.415
M74	PASSING ON HILL OR CURVE	811.305, 811.410, 811.420
M75	PASSING SCHOOL BUS DISPLAYING WARNING NOT TO PASS	811.155
M76	PASSING WHERE PROHIBITED	811.420
M77	PASSING WITH INSUFFICIENT DISTANCE OR VISIBILITY	811.305, 811.410, 811.415
M80	INATTENTIVE/DISTRACTED CARELESS OR NEGLIGENT DRIVING	811.135
M81	CARELESS DRIVING	811.135
M82	INATTENTIVE/DISTRACTED DRIVING	811.135
M83	NEGLIGENT DRIVING	811.135
M85	TEXTING WHILE DRIVING	811.507
M86	USING A HAND-HELDMOBILE TELEPHONE WHILE DRIVING	811.507
N01	FAILURE TO YIELD RIGHT OFWAY	811.028 811.025, 811.035, 811.050 811.145, 811.167, 811.275-.285, 811.292, 811.425
N02	FAILURE TO YIELD RIGHT OF WAY TO ANIMAL RIDER OR ANIMAL DRAWN VEHICLE	811.510
N03	FAILURE TO YIELD RIGHT OF WAY TO CYCLIST	811.050
N04	FAILURE TO YIELD RIGHT OF WAY TO EMERGENCY VEHICLE (i.e., AMBULANCE, FIRE EQUIPMENT, POLICE, ETC.)	811.145
N05	FAILURE TO YIELD RIGHT OF WAY TO FUNERAL PROCESSION, PROCESSION, OR PARADE	811.802
N06	FAILURE TO YIELD RIGHT OF WAY TO OTHER VEHICLE	811.167, 811.275-811.285, 811.425
N07	FAILURE TO YIELD RIGHT OF WAY TO OVERTAKING VEHICLE	811.425
N08	FAILURE TO YIELD RIGHT OF WAY TO PEDESTRIAN (INCLUDES HANDICAPPED OR BLIND)	811.025, 811.028, 811.035
N09	FAILURE TO YIELD RIGHT OF WAY TO SCHOOL BUS	811.155
N20	FAILURE TO YIELD RIGHT OF WAY AT CROSSWALK	811.028, 811.035

N21	FAILURE TO YIELD RIGHT OF WAY AT ROTARY/ ROUNDABOUT/ CIRCULAR INTERSECTION	811.285, 811.292
N22	FAILURE TO YIELD RIGHT OF WAY AT STOP SIGN	811.035, 811.265
N23	FAILURE TO YIELD RIGHT OF WAY AT TRAFFIC SIGN	811.035, 811.265
N24	FAILURE TO YIELD RIGHT OF WAY AT TRAFFIC SIGNAL	811.028, 811.035, 811.265
N25	FAILURE TO YIELD RIGHT OF WAY AT UNSIGNED INTERSECTION	811.275
N26	FAILURE TO YIELD RIGHT OF WAY AT YIELD SIGN	811.265, 811.285
N30	FAILURE TO YIELD RIGHT OF WAY WHEN WARNING DISPLAYED ON OTHER VEHICLE	811.145, 811.155, 811.167
N31	FAILURE TO YIELD RIGHT OF WAY WHEN TURNING	811.028, 811.350
N40	FAILURE TO USE OR IMPROPER SIGNAL	811.390, 811.400, 811.405, 811.500
N42	FAILURE TO SIGNAL INTENTION TO PASS	811.400
N43	FAILURE TO SIGNAL LANE CHANGE OR TURN	811.335, 811.400
N44	GIVING WRONG SIGNAL	811.335, 811.400
N50	IMPROPER TURN	811.335-.365
N51	IMPROPER METHOD OF TURNING	811.340, 811.355
N52	IMPROPER POSITION FOR TURNING	811.340, 811.345, 811.355
N53	MAKING IMPROPER LEFT TURN	811.340, 811.350, 811.360
N54	MAKING IMPROPER RIGHT TURN	811.355, 811.360
N55	MAKING IMPROPER TURN AROUND (NOT U-TURN)	811.335
N56	MAKING IMPROPER U-TURN	811.365
N60	DRIVING WRONG WAY	811.270, 811.330
N61	DRIVING WRONG WAY AT ROTARY/ ROUNDABOUT/ CIRCULAR INTERSECTION	811.330
N62	DRIVING WRONG WAY ON DIVIDED HIGHWAY	811.270, 811.295, 811.310, 811.320
N63	DRIVING WRONG WAY ON ONEWAY STREET OR ROAD	811.270
N70	DRIVING ON WRONG SIDE	811.295, 811.310
N71	DRIVING ON WRONG SIDE OF DIVIDED HIGHWAY	811.295, 811.310, 811.320

N72	DRIVING ON WRONG SIDE OF UNDIVIDED STREET OR ROAD	811.295, 811.300
N80	COASTING (OPERATING WITH GEARS DISENGAGED)	811.495
N82	IMPROPER BACKING	811.480
N83	IMPROPER START FROM A PARKED POSITION	811.280, 811.565
N84	UNSAFE OPERATION	811.135
S01	01-05 > SPEED LIMIT	811.100, 811.111
S06	06-10 > SPEED LIMIT	811.100, 811.111
S14	11-14 > SPEED LIMIT	811.100, 811.111
S15	SPEEDING 15 MPH OR MORE ABOVE SPEED LIMIT	811.100, 811.111
S16	16-20 > SPEED LIMIT	811.100, 811.111
S21	21-25 > SPEED LIMIT	811.100, 811.111
S26	26-30 > SPEED LIMIT	811.100, 811.111
S31	31-35 > SPEED LIMIT	811.100, 811.111
S36	36-40 > SPEED LIMIT	811.100, 811.111
S41	41+ > SPEED LIMIT	811.100, 811.111
S51	01-10 > SPEED LIMIT	811.100, 811.111
S71	21-30 > SPEED LIMIT	811.100, 811.111
S81	31-40 > SPEED LIMIT	811.100, 811.111
S91	41+ > SPEED LIMIT	811.100, 811.111
S92	SPEEDING – SPEED LIMIT AND ACTUAL SPEED	811.100, 811.111
S93	SPEEDING	811.100, 811.111
S94	PRIMA FACIE SPEED VIOLATION OR DRIVING TOO FAST FOR CONDITIONS	811.100
S95	SPEED CONTEST (RACING) ON ROAD OPEN TO TRAFFIC	811.125
S96	SPEED LESS THAN MINIMUM	811.130
S 97	OPERATING AT ERRATIC OR SUDDENLY CHANGING SPEEDS	811.135
U04	USING A MOTOR VEHICLE IN CONNECTION WITH A MISDEMEANOR (NOT TRAFFIC OFFENSE)	821.260
U21	ILLEGAL OPERATION OF EMERGENCY VEHICLE	820.320

AMEND: 735-072-0020

RULE SUMMARY: Proposed rule amendment OAR 735-072-0020 aligns with DMV's new computer system upgrade and amends the definition of "Conviction" and "Driver Improvement Violation" and removes the definition of "Combination" to align with new system requirements.

CHANGES TO RULE:

735-072-0020

Driver Improvement Program Definitions ¶¶

The following definitions apply to rules for ~~both~~ the Provisional and Adult Driver Improvement Programs:¶¶

- (1) "Adult Driver" ~~means~~ means a driver 18 years of age or older.¶¶
- (2) "~~Combination~~" ~~means one or more driver improvement violations and one or more preventable accidents. For purposes of these rules, a driver improvement violation and a preventable accident arising from a single incident is not a combination.~~¶¶
- (3) "~~Conviction~~" ~~means a determination of guilt by a court of law upon a plea, verdict, finding, or unvacated bail forfeiture. For purposes of section (6) of this rule if a person is convicted of more than one offense arising from a single traffic stop or preventable accident, the convictions for separate offenses constitute one conviction and are a driver improvement violation if at least one of the convictions is for an offense listed in OAR 735-064-0220.~~ nviction" means a determination of guilt by a court of law upon a plea, verdict, finding, or unvacated bail forfeiture.¶¶
- (43) "DMV" means the Driver and Motor Vehicle Services Division of the Department of Transportation.¶¶
- (54) "Driver Improvement Violation" means:¶¶
 - (a) ~~One conviction for an offense listed in OAR 735-064-0220~~ A preventable accident; or¶¶
 - (b) ~~Five~~ One convictions for an offense listed in OAR 735-072-003564-0220.¶¶
- (65) "Driver License" has the meaning specified in ORS 801.245.¶¶
- (76) "Preventable Accident" ~~means~~ means a traffic accident reported by a police officer that indicates a driver failed to do everything a driver reasonably could have done to prevent the accident. ~~Factors used to determine preventability include but are not limited to:~~¶¶
 - (a) ~~Violations of the law even if a citation is not issued;~~¶¶
 - (b) ~~Failure to use defensive driving techniques;~~¶¶
 - (c) ~~Road conditions existing at the time of the accident; or~~¶¶
 - (d) ~~Speed of the driver's vehicle.~~¶¶
- (81)¶¶
- (7) "Provisional Driver" means a driver who has reached 14 years of age but has not yet reached 18 years of age.¶¶
- (98) "Record Review Date" means:¶¶
 - (a) ~~The date DMV reviews a driver record to;~~¶¶
 - (a) Records a driver improvement violation or preventable accident to a person's driving record; or¶¶
 - (b) ~~The date DMV g~~ Grants driving privileges or fully reinstates the driving privileges following a suspension or revocation.

Statutory/Other Authority: ORS 184.6169, 184.619802.010, 802.2040, 809.480 & Oregon laws 2019, Chapter 312, Section 19

Statutes/Other Implemented: ORS 809.480 & Oregon laws 2019, Chapter 312, Section 19

AMEND: 735-072-0023

RULE SUMMARY: Proposed rule amendment OAR 735-072-0023 amends restriction imposed on a provisional driving record following two driver improvement violations to align with amended definitions also being proposed in OAR 735-072-0020. Amendments further specify requirements and allowances for provisional restrictions.

CHANGES TO RULE:

735-072-0023

Provisional Driver Improvement Program ¶

(1) Drivers who have reached 14 years of age but who have not yet reached 18 years of age are subject to the Provisional Driver Improvement Program. The Provisional Driver Improvement Program is designed to have a quick and immediate impact on young drivers who are convicted of traffic offenses or involved in preventable accidents. ~~This rule~~ Provisional Driver Improvement Program applies to driver improvement violations and preventable accidents that occur when the driver is 14, 15, 16 or 17 years of age, and whose record review date occurs before the person has reached 18 years of age. ¶

(2) On the record review date, DMV will review the person's driving record and restrict the driving privileges of any provisional driver who has: ¶

~~(a) Two driver improvement violations; or ¶~~

~~(b) Two preventable accidents; or ¶~~

~~(c) A combination of one driver improvement violation and one preventable accident. ¶~~

~~(3) All of the following apply to provisional restrictions: ¶~~

~~(a) DMV will restrict the license or instruction permit of a provisional driver to drive only to and from or for employment, with no passengers except their parent, stepparent or guardian; or school. ¶~~

~~(b) Only the driver's parent, stepparent or guardian may be passengers in the vehicle. ¶~~

~~(c) DMV will impose the restriction for a period of 90 days or until the driver becomes 18 years of age. DMV will notify the provisional driver by letter that the restriction will begin five days from the date of the letter. During the 90-day restriction period, the provisional driver must carry the restriction letter at all times while the person is driving a motor vehicle; ¶~~

~~(d) A person who violates the Provisional Driver Improvement Program restriction, can may be cited under ORS 807.010, operating in violation of license restrictions, which is a Class B traffic violation; and ¶~~

~~(e) DMV will delay imposition of a restriction to driving privileges and place a pending restriction code on the person's driving record of any provisional driver: ¶~~

~~(A) Whose driving privileges are cancelled, suspended or revoked until DMV grants driving privileges or fully reinstates driving privileges; or ¶~~

~~(B) Who has not been granted driving privileges until DMV grants driving privileges in the form of a provisional driver license or instruction permit; or ¶~~

~~(C) Unless that provisional driver gets another driver improvement violation or preventable accident while under the age of 18. In that case, DMV will suspend the driving privileges or right to apply for driving privileges as set forth in subsection (65) of this rule. This suspension will supersede the pending restriction and the pending restriction code will be removed from the person's driving record. ¶~~

~~(4) Upon submission of a designated application form from the provisional driver, DMV may re-evaluate the restriction imposed under section (3) of this rule and may amend the restriction. On the form, the provisional driver must set forth the reason why an amended restriction is needed. The provisional driver must also provide proof he or she has completed an action approved by DMV that is designed to reduce the likelihood of future traffic violations and accidents. ¶~~

~~(5) DMV will suspend for six months the driving privileges or right to apply for driving privileges of any provisional driver who has: ¶~~

~~(a) Three driver improvement violations; ¶~~

~~(b) Three preventable accidents; or ¶~~

~~(c) A combination of driver improvement violations and preventable accidents that total three DMV will suspend for six months the driving privileges or right to apply for driving privileges of any provisional driver who has three driver improvement violations.~~

(65) For each subsequent driver improvement violation or preventable accident, DMV will suspend for six months the driving privileges or right to apply for driving privileges of a provisional driver, regardless of a previous or current Driver Improvement Program suspension(s), who has:

~~(a) Four or more driver improvement violations;~~

~~(b) Four or more preventable accidents; or~~

~~(c) A combination of driver improvement violations and preventable accidents that total four or more.~~

(76) DMV will suspend for one year the driving privileges or the right to apply for driving privileges of a provisional driver convicted of any offense listed in ORS 809.600(1). This suspension is for Provisional Driver Improvement Program purposes and is in addition to any suspension or revocation imposed because of the specific conviction.

(87) The suspension period for those suspensions imposed under sections (54), (65) and (76) of this rule will be imposed for the full suspension period, regardless of whether the provisional driver becomes 18 years of age during the suspension period. A suspension of driving privileges or the right to apply for driving privileges under this rule shall run concurrently with any other suspension, revocation, or cancellation in effect at the time the suspension begins. ~~This section is applicable to suspensions imposed on or after June 30, 2002.~~

Statutory/Other Authority: ~~ORS 184.6169, 184.619, 809.480~~ ORS 802.010, 802.200, 809.480 & Oregon laws 2019, Chapter 312, Section 19

Statutes/Other Implemented: ORS 809.480 & Oregon laws 2019, Chapter 312, Section 19

AMEND: 735-072-0027

RULE SUMMARY: Proposed rule amendment OAR 735-072-0027 amends language around driver improvement violations to align with amended definitions in OAR 735-072-0020. Amends the number of driver improvement violations that will trigger a driver improvement suspension from four to five within a 24 month period.

CHANGES TO RULE:

735-072-0027

Adult Driver Improvement Program ¶

(1) A driver whose record review date is on or after the person has reached 18 years of age is subject to the Adult Driver Improvement Program. DMV will look back from the record review date to the incident date that resulted in a conviction or the date of a preventable accident to determine if a person is subject to the Adult Driver Improvement Program. ¶

(2) DMV will restrict the license or instruction permit of an adult driver who within the ~~18~~24-month period immediately prior to the record review date has: ¶

~~(a) Three driver improvement violations; ¶~~

~~(b) Three preventable accidents; or ¶~~

~~(c) A combination of driver improvement violations and preventable accidents that total three~~ three driver improvement violations. ¶

(3) The following apply to adult restrictions: ¶

(a) DMV will restrict the license or instruction permit of an adult driver to no driving between the hours of 12 midnight and 5 a.m., unless driving between home and work or driving for purposes of employment; ¶

(b) DMV will impose the restriction for a period of 30 days. DMV will notify the adult driver by letter that the restriction will begin 30 days from the date of the letter. During the restriction period, the adult driver must carry the restriction letter at all times the person is driving a motor vehicle; ~~and.~~ ¶

(c) DMV will delay imposition of a restriction to driving privileges and place a pending restriction code on the person's driving record of any adult driver: ¶

~~(A) Whose driving privileges are cancelled, suspended or revoked until DMV grants driving privileges or fully reinstates driving privileges; or ¶~~

~~(B) Who has not been granted driving privileges until DMV grants driving privileges in the form of a driver license or instruction permit; ¶~~

~~(C) Unless that adult driver gets another driver improvement violation or preventable accident that would total four driver improvement violations or preventable accidents in a 24-month period prior to the record review date. In that case, DMV will suspend the driving privileges or right to apply for driving privileges. This suspension will supercede the pending restriction and the pending restriction code will be removed from the person's driving record. ¶~~

~~(d) DMV will not impose a pending restriction to the driving privileges of an adult driver if: ¶~~

~~(A) Five years have elapsed from the date the pending restriction was imposed; and ¶~~

~~(B) The adult driver has no record of a driver improvement violation or preventable accident occurring in the last 18 months prior to the granting of driving privileges or full reinstatement of driving privileges~~ not impose a restriction for an adult driver who does not have valid driving privileges at the time of the record review date. ¶

(4) DMV will suspend the driving privileges or right to apply for driving privileges of an adult driver who within the 24-month period immediately prior to the record review date has: ¶

~~(a) Four driver improvement violations; ¶~~

~~(b) Four preventable accidents; or ¶~~

~~(c) A combination of driver improvement violations and preventable accidents that total four~~ five driver improvement violations. ¶

(5) For each subsequent driver improvement violation or preventable accident, DMV will suspend the driving privileges or right to apply for driving privileges of an adult driver, regardless of a previous or current Driver

Improvement Program suspension(s), who within the 24-month period immediately prior to the record review date has:

~~(a) Four or more driver improvement violations;~~

~~(b) Four or more preventable accidents;~~

~~(c) A combination of driver improvement violations and preventable accidents that total four or more five or more driver improvement violations.~~

(6) The suspension period under sections (3), (4) and (5) of this rule will be for 30 days. The suspension will run concurrently with any other suspension, revocations, or cancellations in effect at the time the suspension begins.

Statutory/Other Authority: ~~ORS 184.6169, 184.619, 809.480~~802.010, 802.200, 809.480 & Oregon laws 2019, Chapter 312, Section 19

Statutes/Other Implemented: ORS 809.480 & Oregon laws 2019, Chapter 312, Section 19

SUSPEND: 735-072-0035

RULE SUMMARY: Proposed repeal of OAR 735-072-0035 eliminates the offense table for provisional and driver improvement programs. DMV is proposing to combine the driver improvement offenses with the table of offenses found under proposed rule amendment OAR 735-064-0220. Several offenses are removed from the offense table with the passage of Oregon laws 2019, Chapter 312, Section 19.

CHANGES TO RULE:

~~735-072-0035~~

~~Driver Improvement Offenses ¶¶~~

~~(1) A conviction for an offense listed in Table 1 counts toward both the Provisional and Adult Driver Improvement Programs. Five convictions from Table 1 or Table 2 equal one driver improvement violation. All other convictions counting in the Driver Improvement Programs are described in OAR 735-064-0220. [Table 1 not included. See Ed. Note]¶¶~~

~~(2) Offenses from other states are posted to driver records using an AAMVA net Code Dictionary (ACD) code. Table 2 identifies the code that appears on the driver record, a description of the offense and the citation to Oregon statute, administrative rule or federal regulation, for the equivalent offense in Oregon. The offenses in Table 2 also count towards both the Provisional and Adult Driver Improvement Programs as described in section (1) of this rule. [Table 2 not included. See Ed. Note]¶¶~~

~~[ED. NOTE: Tables referenced are not included in rule text. Click here for PDF copy of tables.]~~

~~Statutory/Other Authority: ORS 184.616, 184.619, 802.010, 809.480~~

~~Statutes/Other Implemented: ORS 809.480~~

ADOPT: 735-072-0041

RULE SUMMARY: Proposed adoption of OAR 735-072-0041 establishes factors DMV uses to determine single or separate driver improvement violations and factors for determining if an accident was preventable or not.

CHANGES TO RULE:

735-072-0041

DMV Determination of Driver Improvement Violations

(1) A conviction of an offense listed in OAR 735-064-0220 and a preventable accident arising from a single incident each count as a separate driver improvement violation. No more than two driver improvement violations will be added to the record for a single incident. ¶

(2) If a person is convicted of more than one offense arising from a single traffic stop, the convictions for separate offenses constitute one conviction and are a driver improvement violation if at least one of the convictions is for an offense listed in OAR 735-064-0220.¶

(3) DMV may for the purpose of the driver improvement program, determine if an accident is preventable.¶

(4) Factors used to determine preventability include but are not limited to:¶

(a) Violations of the law even if a citation is not issued;¶

(b) Failure to use defensive driving techniques;¶

(c) Road conditions existing at the time of the accident; and¶

(d) Speed of the driver's vehicle.

Statutory/Other Authority: ORS 184.619, 802.010, 802.200, 809.480 & Oregon laws 2019, Chapter 312, Section 19

Statutes/Other Implemented: ORS 809.480 & Oregon laws 2019, Chapter 312, Section 19