

TRAFFIC NEWSLETTER

DMV Administrator's Office □ 1905 Lana Avenue NE □ Salem, Oregon 97314

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House Bill 2137 – Suspension Changes **Effective January 1, 2012**

● HB 2137, effective January 1, 2012, revised [ORS 809.280](#) to achieve consistent language throughout the subsections and clarified when the court provides the Department notice to suspend versus when the court orders the suspensions. It also amended [ORS 809.275](#) to add the suspension types where the court will confiscate the license. The suspension types affected involve speeding offenses, controlled substance offenses and offenses committed by an underage person (see below for a complete list of offenses and related forms).

As a result, DMV created three new forms. These forms are to be completed by the court, must be *signed by the convicted person* and are to serve as notice of suspension to the person. Forms completed correctly and signed by the convicted person are legally adequate notices. DMV will update the person's driver record to reflect the suspension as ordered by the court.

However, not every individual appears in person, and others fail to appear on their scheduled court date. In these situations, it is DMV's understanding that some courts mail the person their copy of the notice of suspension. If your court currently mails the person any copy of the notice, please discontinue this practice because the notice is not considered legally adequate.

Effective immediately: If a Notice of Suspension form received from the court *does not contain the convicted person's signature* to indicate the person acknowledges receipt of the notice, DMV will impose the suspension and mail the person a suspension notice.

Note: This **does not include** Notice of Suspension, Form 735-6116, used to revoke or suspend upon conviction of a **traffic crime**. See below for list of affected offenses.

If a person fails to appear in court and is found guilty by default or is not present upon conviction:

1. Complete all sections of the suspension form. Rather than note a beginning and ending date, note the suspension length (six months, 30 days, etc.); and
2. Mail the form to DMV to the address noted on the Notice of Suspension form.

DO NOT MAIL a copy of the notice to the person.

3. DMV will impose a suspension (to begin on a future date) and mail the person adequate notice.
4. To help with the overall process:

- If the person is present, you must obtain the person's signature. A form *without* the person's signature is the indicator for DMV to process and mail the person a suspension notice.
- If the person is not present, do not note suspension start/end dates; only note suspension length (six months, 30 days, etc.). This is another indicator to DMV that the person was not present in court and, therefore, DMV must process and mail the person the suspension notice.



- If you have not done so already, please discontinue using DMV forms dated prior to 01/12 (January 2012). Any electronic versions loaded on your system must be updated to reflect the most current DMV version of the form (dated on or after 01/12).
- DMV will pursue updating the form to include a box for the courts to mark when the person is not present. This update will better reflect the form's dual use: Notice of Suspension to the person and DMV or as notice to DMV to impose a suspension.

The offenses, forms and suspension types affected are:

➤ **Offenses (Alcohol, Controlled Substance, Weapon) by a Minor:**

- Use green-colored form 735-6115A, Notice of Suspension (Underage Alcohol, Controlled Substance, and Weapon Offenses). Obtain the person's signature on the form.
- This form is the person's notice of suspension and is to be served by the court upon conviction or adjudication for an alcohol, drug or weapon offense by a minor (previously known as Court Denials). Offense does not need to involve motor vehicle.
- Confiscate the Oregon license or permit, if any, and forward it with the copy of the order to DMV.
- DMV will record the suspension on the driver record.
- If the person does not sign the form, DMV will provide the person notice of the suspension.

➤ **Speeding or Controlled Substance Offenses (any age):**

- Use blue-colored form 735-6115C, Notice of Suspension (Speeding/Controlled Substance Offense). Obtain the person's signature on the form.
- This form is the person's notice of suspension and is to be served by the court upon conviction for speeding or controlled substance offense (any age).
- Confiscate the Oregon license or permit, if any, and forward it with the copy of the order to DMV.
- DMV will record the suspension on the driver record.
- If the person does not sign the form, DMV will provide the person notice of the suspension.

➤ **Careless Driving or Minor in Possession Through Misrepresentation of Age:**

- Use purple-colored form 735-6115D, Notice of Suspension (Careless Driving or Minor in Possession Through Misrepresentation of Age). Obtain the person's signature on the form.
- This form is the person's notice of suspension and is to be served by the court upon conviction or adjudication for careless driving or minor in possession.
- Confiscate the Oregon license or permit, if any, and forward it with the copy of the order to DMV.
- DMV will record the suspension on the driver record.
- If the person does not sign the form, DMV will provide the person notice of the suspension.

Thank you for assisting our efforts to ensure accurate implementation of suspension notices. For questions regarding the changes, please call the Driver Suspensions Unit at (503) 945-5037.

Wine Country License Plates



The Oregon Legislature passed [Senate Bill 442](#) (2011) directing DMV to issue new Wine Country license plates. The new Wine Country license plate will be available to the public beginning May 14, 2012.

Wine Country plates will be available only for passenger vehicles and will have their own unique background. The plate configuration will have two alpha characters on the left of the plate, one above the other, followed by five numeric characters. The Wine Country plate configuration will start with **WC 00001**. Wine Country license plates will also be available as [Custom](#) (Personalized) and [Amateur Radio Operator](#) (HAM) plates.

DMV to Consolidate Offices in Portland, Eugene Areas

- DMV is going to close its last two express field offices and switch its Sherwood office from Tuesday-Saturday business hours to a standard Monday-Friday schedule in mid-May.

The changes will better match the ways and times people do business with DMV and will save nearly half a million dollars each two-year state budget cycle.

“This will provide better customer service at lower cost at our full-service offices,” DMV Administrator Tom McClellan said. “People need to visit DMV offices in person less often than in the past, and when they do, they usually need full services that we cannot provide at our express offices or on Saturdays.”

The two remaining express DMV offices are located at the Tanasbourne mall in Hillsboro and the Valley River Center mall in Eugene. The leases for both offices are expiring this year, and their last day of business will be May 12. Staff from these offices will be reassigned to nearby full-service DMV offices, which will increase customer service capacity at those locations.

- Three full-service DMV offices are located within a few miles of the Tanasbourne office: Beaverton (6 miles); Hillsboro (8 miles); and Sherwood (14 miles).
- And three full-service DMVs are within a few miles of the Valley River Center office: West Eugene (4 miles); Springfield (8 miles); and Junction City (14 miles).

The full-service DMV office in Sherwood has been open Tuesday through Friday and half a day Saturday. It will switch to 8 a.m. to 5 p.m. Monday-Friday (except opening at 9 a.m. Wednesdays) starting Monday, May 14. Its final Saturday business hours will be May 12.

DMV launched more than a dozen express offices during the 1980s, primarily in shopping malls, and began offering Saturday business hours at a few offices throughout Oregon. Since then, the ways people do business with DMV have changed substantially:



People now renew their vehicle registrations by mail, online or at DEQ stations in areas that require emissions testing.

Customers use DMV online services to renew vehicle registrations, file a change of address, or file a sold vehicle notice.

People also download forms to do many other transactions by mail.

Oregon driver licenses and identification cards are now valid for eight years rather than four, cutting in half the frequency that customers must come to a DMV office for a new photo and new card.

Tougher identification requirements that Oregon implemented in the past few years have made some driver license and ID card renewals more complex and, therefore, more easily done at full-service offices. Limited-

service offices and offices open Saturdays often need to ask customers to return to a full-service office another day.

“By reassigning staff to full-service offices and to regular Monday-Friday business hours, DMV will reduce the number of repeat visits,” McClellan said. “We also expect to reduce wait times by increasing the number of staff available at full-service offices and by having support at DMV Headquarters available for complex customer situations.”

In these economic times, both businesses and government agencies are looking for ways to streamline services and become more efficient. With the closure of the last two limited-service offices, DMV will start saving nearly \$250,000 per year in rent, utilities, and building and equipment maintenance.

“Customer use of DMV offices has been shifting away from express offices and Saturday hours for the past several years,” McClellan said. “With leases for the last two of these offices expiring this year, the decreasing need for in-person visits, and leaner state budgets in the foreseeable future, this is a logical time to make these changes.”

**A Reminder:
Under Oregon Law, a CDL Holder is Not Eligible for DUI Diversion**

[ORS 153.090\(7\)](#) says:

“If a person holds a commercial driver license, a court may not defer entry of a judgment or allow an individual to enter into a diversion program”

[ORS 153.090\(7\)](#) also says”

... “a person holds a commercial driver license if on the date of the commission of the offense the person holds a commercial driver license issued by the Department of Transportation or the licensing agency of another jurisdiction that is:

- (a) Not expired or if expired, expired less than one year; or
- (b) Suspended, but not canceled or revoked.”

The prohibition of diversion for CDL holders is based on federal CDL program regulations, [49 CFR §384.226](#), and it was upheld by the Oregon Supreme Court in *State v. Orueta*, 343 Or 118, 164 P3d 267 (2007).

- Please note that whether the person has current medical certification, which is required to lawfully operate a commercial motor vehicle, has no bearing on whether the person is considered a CDL holder.

One source for determining whether a defendant was a CDL holder at the time of the offense is the paperwork completed by law enforcement – the CDL box on the Uniform Traffic Citation should be checked if he or she presented a CDL to the officer. Another source is a “court print” of the person’s driving record, but be aware that the “CDL” line on a court print tells you the person’s CDL-holder status as of the date of the print, not as of the date of the offense. For help in understanding and interpreting driving records, refer to the Guide to Oregon Driving Records – you can find it on the Internet at <http://www.odot.state.or.us/forms/dmv/6665.pdf>.

Because this provision is in the federal CDL regulations, Oregon could lose several million dollars in federal highway funds if found to be out of compliance.

If you have questions about the prohibition of diversion for CDL holders, contact Lydia Beebe at DMV at (503) 945-8927 or at lydia.k.beebe@odot.state.or.us.



Changes to the Oregon DMV Customer Number Will Affect Your Organization

Does your organization enter or store DMV customer numbers on a database or scan the barcodes located on the back of Oregon Driver Licenses and Identification Cards? If so, your computer systems or software could be affected when DMV begins issuing alphanumeric customer numbers. Please test all of your systems, software, and/or databases that use the DMV customer number to ensure that an alphanumeric number will be accepted.

We Need To Hear From You

Let us know how the change to DMV customer numbers will or will not affect your organization. Complete the online feedback form or call (503) 945-7659.

Online Feedback Form: <https://www.oregondmv.com/SSL/CustomerNumber/request.htm>

More Information: http://www.oregon.gov/ODOT/DMV/driverid/customer_number.shtml

Please forward this information to members of your organization or association.

Oregon DMV Will Be Issuing Customer Numbers That Include Letters

The Oregon DMV customer number displays on all Oregon Driver Licenses, Identification Cards, and Permits. This seven-character number uniquely identifies each customer for all Oregon DMV transactions.

The date that the first alphanumeric customer number will be issued is not known yet. However, estimates place the earliest issue date at the beginning of 2014. DMV will start using alphanumeric customer numbers starting with the letter "A" followed by six numbers. The "B" series will follow, then "C," then down through the alphabet.

Numeric Customer Number

Seven-digit number



Alphanumeric Customer Number

Letter followed by a six-digit number



Both numeric and alphanumeric customer numbers are valid.

Already Issued Customer Numbers Will Not Be Replaced

March, 2012 Information Release

**House Bill 4011 – Proof of Completion of Alcohol/Drug Treatment Ordered by the Court Effective Upon Passage on March 5, 2012
Operative per Oregon Administrative Rule 735-070-0085, Effective March 26, 2012**

● HB 4011, effective upon passage, created a provision requiring a person convicted of driving while under the influence of intoxicants (DUII) to provide proof to DMV of completing the treatment program to which the person was referred under [ORS 813.012](#). DMV may not reinstate a person's driving privileges unless the person has provided the proof.

[OAR 735-070-0085](#), effective March 26, 2012, outlines what DMV will accept as proof that the person completed the required treatment. DMV will accept any one of the following as proof:

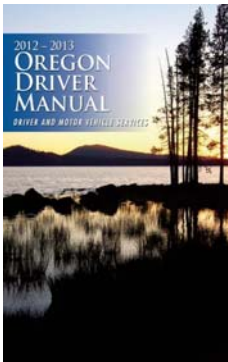
- **A DUII Treatment Completion Certificate**, DMV form 735-6821, completed by an authorized representative from a treatment program approved by the Oregon Health Authority (OHA).
- **A copy of the report to the referring court**, as described under [ORS 813.021\(4\)](#), from the authorized representative that conducted the person's screening interview verifying the person's successful completion of the treatment program under [ORS 813.021](#).
- **A letter from a referring court** stating the person has successfully completed the treatment program to which the person was referred under [ORS 813.021](#).

Because HB 4011 is repealed on January 2, 2014, DMV is not creating a standardized form for the courts to complete. Any letter or report from the court submitted on the person's behalf as proof of successful completion of treatment must contain the date the treatment was completed.

HB 4011 also allows a provision for DMV to waive the requirement to provide proof upon a showing of good cause. [OAR 735-070-0085\(3\)](#) requires seven years to have elapsed since the person's last DUII conviction before DMV will consider this option.

For questions regarding these changes,
please call the Driver Suspensions Unit at (503) 945-5037.

2012-2013 Oregon Driver Manual Available



The 2012-2013 Driver Manual is available in DMV offices. You can find an electronic copy posted on the DMV website under Driver Manuals and Guides on the homepage at www.oregon.gov/ODOT/DMV/forms/manuals.shtml.

An audio recording of the manual can also be accessed from the Web for those who may benefit from hearing the text as well as reading it. We will have CD copies of the audio files distributed to public libraries within the next few weeks. As for the Spanish version, it is in process and should be available soon.

As always, if you have thoughts or comments regarding the content of the Driver Manual, please address those to: DMV Driver Programs, 1905 Lana Avenue, NE, Salem, OR 97314.

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<http://egov.oregon.gov/ODOT/DMV/news/trafficnews.shtml>.