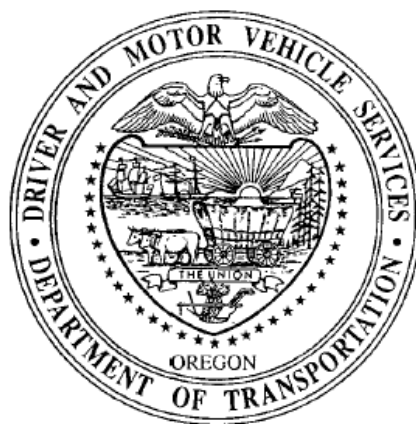


Department of Transportation Sanctions on Convictions Reference Guide



DRIVER AND MOTOR VEHICLE SERVICES

For a list of ALL suspension, revocation and cancellation types (related and not related to convictions or court orders), see the Tables section of the Guide to Oregon Driving Records at www.odot.state.or.us/forms/dmv/6665.pdf

Address your questions or comments regarding the contents of this guide to:

DMV
Driver Programs
1905 Lana Avenue NE
Salem OR 97314
Voice: (503) 945-5276
Fax: (503) 945-5497
E-mail: Mary.L.Garcia@odot.state.or.us

This document is also available on-line at <http://www.odot.state.or.us/forms/dmv/7325.pdf>

**DEPARTMENT OF TRANSPORTATION SANCTIONS ON CONVICTIONS
REFERENCE GUIDE**

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INFORMATION LISTED BY OREGON REVISED STATUTE (ORS)

ORS	Offense description	Section
161.525	Felony involving a motor vehicle*	4.6
163.115	Murder with motor vehicle as dangerous weapon*	4.3
163.118, 163.125	Manslaughter*	4.3
163.145	Criminally negligent homicide involving motor vehicle*	4.3
163.149	Aggravated vehicular homicide*	4.3
163.160 163.165 163.175	Assault in the 4 th degree, involving motor vehicle* Assault in the 3 rd degree, involving motor vehicle* Assault in the 2 nd degree, involving motor vehicle*	5.14
163.185	Assault in the 1 st degree, involving motor vehicle*	4.3
	Aggravated Driving While Suspended or Revoked* (Section 5, Chapter 783, Oregon Laws 2009)	4.3
163.195	Reckless endangering another involving a motor vehicle*	5.5
164.043, 164.045, 164.055	Theft of gasoline	5.16
164.245	Criminal trespass in the 2 nd degree*	5.12
166.370	Possession of a firearm or dangerous weapon in a public building or court facility	7.1
471.430	Purchase or possession of liquor by a person under 21; entry on licensed premises by a person under 21	7.2
806.040	Judgments for which financial responsibility requirements are established	5.15
809.310	Cancellation or suspension of driving privileges*	5.13
811.109	Speeding	5.8
811.135	Careless Driving	5.7
811.140	Reckless Driving*	5.6
811.175	Violation driving while suspended or revoked	2.1, 6.2, 15.1
811.182	Criminal driving while suspended	2.1, 6.2, 15.1
811.231(1)	Reckless endangerment of highway workers	5.11
811.455	Failure to stop for railroad sign	6.1

811.460	Failure to follow rail crossing procedures for high risk vehicles	6.1
811.462	Failure of operator of commercial motor vehicle to slow and check railroad tracks	6.1
811.475	Obstructing railroad crossing	6.1
811.540	Fleeing or attempt to elude police officer*	5.10
811.700	Failure to perform duties of driver when property is damaged*	5.9
811.705	Failure to perform duties of driver to injured persons*	4.4, 6.2
813.010	Driving under the influence of intoxicants*	2.1, 4.2, 5.1, 15.1
813.050	Out of service orders for operators of commercial motor vehicles	6.6 to 6.9
818.040	Violation of posted weight limits	3.1
	Controlled substances - offenses involving	5.2
	Menacing involving a motor vehicle	5.5
	Criminal mischief involving motor vehicle	5.5
	Felony conviction with controlled substances and a commercial motor vehicle	6.3
	2 nd serious traffic violation	6.4
	3 rd serious traffic violation	6.5
	Traffic fine, failure to pay	5.3
	Traffic citation hearing, failure to appear at	5.4
	Traffic citation, guilty but insane	5.17
	Out-of-service restriction, failure to obey	6.6, 6.8
	Out-of-service restriction with hazardous waste, failure to obey	6.7, 6.9
	Juveniles	7
	Perjury or false affidavit to the Department of Transportation*	5.13

* If the court should fail to forward sanction notice to DMV or if DMV can not process the sanction notice received from the court, DMV can and will impose a suspension or revocation upon receipt of the conviction abstract or judgment of conviction. *All other suspension or revocations require notice from the court.*

ii. LIST OF STATUTES UNDER WHICH AUTHORITY A LICENSE IS SURRENDERED
(SEE Section 10 and Appendix C)

ORS 809.120	ORS 809.409	ORS 813.400
ORS 809.240	ORS 809.411	ORS 813.403
ORS 809.270	ORS 809.413	ORS 818.040

1 DEFINITIONS & GENERAL GUIDELINES

Department = Department of Transportation

Court = Trial Department

NOTE: The court may sanction a nonresident for any cause for which the driving privileges of a resident of this state may be suspended or revoked (809.230).

NOTE: If the convicted person is not currently licensed (including commercially) or does not hold a permit, or if the person's privileges would expire within the suspension period, and the court would order the license or permit suspended or revoked, the court shall suspend or revoke the right to apply for the license or permit (809.360(4), (5)).

NOTE: The juvenile court has the same authority to order suspension or revocation of the driving privileges of juveniles in its jurisdiction, and to take other actions in relation to the juvenile's driving privileges, as other courts have over adult offenders who commit the same act that is grounds for suspension or revocation (809.412).

NOTE: If a person is convicted of an offense committed under the vehicle code or any other statute of this state, or a municipal ordinance, the **record of conviction** (containing the date of the offense, any arrest and conviction) **must be forwarded** to the Department **within twenty-four hours of the time the defendant was sentenced** by the court (810.370(2)).

Exceptions, listed in ORS 810.370(3), are set out in Appendix B.

2 OFFENSE CONVICTIONS - SUSPENSION OF VEHICLE REGISTRATION

2.1 Driving while license suspended or revoked in violation of ORS 811.175 or 811.182 or 2nd or subsequent charge of driving under the influence of intoxicants in violation of ORS 813.010 (809.010)

- the court shall suspend vehicle registration of convicted person
- or*
- the court shall suspend vehicle registration of vehicle convicted person operated at the time of the person's arrest
 - * may only suspend registration of vehicle convicted person does not own *if* satisfied by *clear and convincing evidence* that the owner knew or had good reason to know the convicted person did not have a valid driver's license and knowingly consented *or* was operating the vehicle under the influence of intoxicants
- the court shall suspend registration for **120 days or less** effective from the conviction date
- the court shall issue copy of court order to Department per ORS 809.020

Forms: 735-6128 Court Order to Suspend Vehicle Registration

3 OFFENSE CONVICTIONS - SUSPENSION OF VEHICLE REGISTRATION OR DRIVING PRIVILEGES

3.1 Weight violation ORS 818.040 (809.120)

- the court may recommend the Department suspend for **90 days or less**, effective from the date of conviction, the convicted person's:
 - * license
 - * registration *if* vehicle required to be registered by the Department
- on the 2nd or subsequent violation within one year after the first conviction
 - * court may recommend to Department to suspend for **30-90 days** effective from the date of conviction
- the court *shall* secure the license, permit or plates recommended suspended
- the court shall immediately forward the license, permit or plates to the Department with suspension order per ORS 809.275

Form: 735-6116 Notice of Suspension or Revocation

and

a copy of the citation conviction abstract *or* judgment of conviction

735-6128 Court Order to Suspend Vehicle Registration

Seize the license, permit and/or registration plates

4 OFFENSE CONVICTIONS - REVOCATION OF DRIVING PRIVILEGES

4.1 Any degree of Murder *and* person intentionally used a motor vehicle as a dangerous weapon resulting in death, Aggravated Vehicular Homicide, Manslaughter in the first or second degree, Criminally Negligent Homicide, or Assault in the first degree resulting from the operation of a motor vehicle (809.235(1)(a))

- the court shall **permanently revoke** driving privileges effective from the date of conviction
- convicted person may apply to circuit court for an order restoring driving privileges 10 years or more after the person is released on parole or post-prison supervision for the crime and any other crimes arising out of the same criminal episode
 - * District Attorney shall be named and served as Respondent
 - * court shall hold a hearing, considerations enumerated in ORS 809.235(3)(a)-(e)

NOTE: The Department can not permanently revoke driving privileges for the above convictions. If the court fails to impose the permanent revocation, the Department will impose sanctions per 809.409(2) upon receipt of the conviction (see section 4.3 below)

Form: 735-6116 Notice of Suspension or Revocation
and

a copy of the citation conviction abstract *or* judgment of conviction

4.2 Felony driving while under the influence of intoxicants (DUII) in violation of ORS 813.010 *or* 3rd or subsequent conviction for misdemeanor driving while under the influence of intoxicants (provided the third or subsequent offense occurred on or after January 1, 2004) (809.235(1)(b))

- the court shall **permanently revoke** driving privileges effective from the date of conviction
- the convicted person may apply to circuit court for an order restoring driving privileges 10 years or more after person is released on parole or post-prison supervision for the crime and any other crimes arising out of the same criminal episode
 - * District Attorney shall be named and served as Respondent
 - * court shall hold a hearing, considerations enumerated in ORS 809.235(3)(a)-(e)

NOTE: The Department *can not* permanently revoke driving privileges for DUII convictions. If the court fails to impose the permanent revocation, the Department will impose sanctions per ORS 813.010 upon receipt of the conviction (see section 5.1 below)

Form: 735-6116 Notice of Suspension or Revocation
and

a copy of the citation conviction abstract *or* judgment of conviction

4.3 Murder, Manslaughter, Aggravated Vehicular Homicide, Aggravated Driving While Suspended or Revoked, Criminally Negligent Homicide or Assault 1 resulting from the operation of motor vehicle (809.409(2))

- the court shall revoke driving privileges for **10 years** effective from the date of conviction *only* if the court did not impose a permanent revocation per ORS 809.235 (see section 4.1) *and* the conviction **sentence does NOT include incarceration**
- if the court did not impose a permanent revocation per ORS 809.235 *and* the conviction sentence includes incarceration (any amount), the court shall provide notice of the conviction to the Department
 - * the Department mails the revocation notice to the defendant 5-days prior to taking effect
 - * the convicted person may re-apply for privileges **10 years** from the date released from incarceration (does not need to petition the court)

Forms: 735-6116 Notice of Suspension or Revocation (if sentencing does not include incarceration)

and

a copy of the citation conviction abstract *or* judgment of conviction

735-318 Temporary Driver's Permit, if applicable

Seize the license or permit

4.4 Fail to perform duties driver under ORS 811.705 if a person was injured or killed as a result (809.409(3))

- the court shall revoke driving privileges for **5 years** effective from the date of conviction *only* if the conviction **sentence does NOT include incarceration**
- if the conviction sentence includes incarceration (any amount), the court shall provide notice of the conviction to the Department
 - * the Department mails the revocation notice to the defendant 5-days prior to taking effect
 - * the convicted person may re-apply for privileges **5 years** from the date released from incarceration

Form: 735-6116 Notice of Suspension or Revocation (if sentencing does not include incarceration)

and

a copy of the citation conviction abstract *or* judgment of conviction

- 735-318 Temporary Driver's Permit, if applicable

Seize the license or permit

4.5 Perjury or false affidavit to the Department re: required registration of vehicle (809.409(4))

- the court shall revoke driving privileges for **1 year** effective from the date of conviction

Forms: 735-6116 Notice of Suspension or Revocation

and

a copy of the citation conviction abstract *or* judgment of conviction

735-318 Temporary Driver's Permit, if applicable

Seize the license or permit

4.6 Felony with a material element involving a motor vehicle (809.409(5))

- the court shall revoke driving privileges for **1 year** effective from the date of conviction

Forms: 735-6116 Notice of Suspension or Revocation

and

a copy of the citation conviction abstract *or* judgment of conviction

735-318 Temporary Driver's Permit, if applicable

Seize the license or permit

5 OFFENSE CONVICTIONS - SUSPENSION OR RESTRICTION OF DRIVING PRIVILEGES

5.1 Driving under the influence of intoxicants (813.010)

- the court shall suspend driving privileges for **1 or 3 years** according to Schedule II (see Appendix A) effective from the date of conviction
- a court recommendation is required if the driver applies for a hardship permit

NOTE: Does not apply to (permanent revocation) sanctions imposed under 809.235, see section 4.2.

**Forms: 735-6116 Notice of Suspension or Revocation
and**

a copy of the citation conviction abstract *or* judgment of conviction

735-318 Temporary Driver's Permit, if applicable

Seize the license or permit

5.2 Controlled Substances or Inhalant (809.265)

- if person is convicted of:
 - * An offense involving manufacturing, possession or delivery of a controlled substance *or*
 - * Driving while under the influence of intoxicants in violation of ORS 813.010 or a municipal ordinance and the person was under the influence of an inhalant or a controlled substance
- then the court shall suspend driving privileges for **6 months**

NOTE: The court may find compelling circumstances not to order the suspension. Does not apply to DUII sanctions imposed under ORS 813.010, see section 5.1 or ORS 809.235, see section 4.2.

**Forms: 735-6115C Notice of Suspension
(Speeding • Controlled Substance Offense (Any Age))**

735-318 Temporary Driver's Permit, if applicable

Seize the license or permit

5.3 Failure to pay fine or obey court order re: any traffic offense (809.210)

- does *not apply* to a:
 - * a parking offense, *or*
 - * a pedestrian offense, *or*
 - * a bicycling offense
- court may issue notice to Department to suspend driving privileges until defendant complies with court requirements
 - * the Department mails the suspension notice to the defendant 60-days prior to taking effect
- court may also order defendant's privileges restricted
 - * if the court so orders, the court shall immediately notify Dept of restriction *or* removal of restriction
 - * restriction remains until court orders removed
 - * restrictions may include any restriction, condition or requirement
- Department requires court clearance in order to reinstate within 10 years
- the Department *can not* suspend driving privileges without a court order (Form 735-6115)

Form: 735-6115 Notice of Court Action Against Driver License

5.4 Failure to appear on cite for traffic offense or violation of ORS 471.430 (809.220)

- does *not apply* to a:
 - * a parking offense, *or*
 - * a pedestrian offense, *or*
 - * a bicycling offense
- court shall issue notice to the Department to suspend driving privileges if a person fails to appear at hearing for a **traffic violation**, a **traffic crime** or violation of ORS 471.430
 - * the Department mails the suspension notice to the defendant 60-days prior to taking effect
- Department requires court clearance in order to reinstate within 10 years
 - * court shall provide a 2nd notice (court clearance) to the Department to terminate suspension if:
 - the base fine amount is paid, *or*
 - the court finds defendant not guilty or dismisses case, *or*
 - the court determines suspension should be terminated for good cause

Form: 735-6115 Notice of Court Action Against Driver License

5.5 Any degree of recklessly endangering another person, menacing or criminal mischief resulting from the operation of a motor vehicle (809.411)

- the court shall suspend driving privileges for **90 days, 1 year or 3 years** according to Schedule 1 (see Appendix A) effective from the date of conviction

Forms: 735-6116 Notice of Suspension or Revocation

and

a copy of the citation conviction abstract *or* judgment of conviction

735-318 Temporary Driver's Permit, if applicable

Seize the license or permit

5.6 Reckless driving ORS 811.140 (809.411)

- the court shall suspend driving privileges for **90 days, 1 year or 3 years** according to Schedule 1 (see Appendix A) effective from the date of conviction
- a court recommendation is required if the driver applies for a hardship permit

Forms: 735-6116 Notice of Suspension or Revocation

and

a copy of the citation conviction abstract *or* judgment of conviction

735-318 Temporary Driver's Permit, if applicable

Seize the license or permit

5.7 Careless driving ORS 811.135 (809.280)

- the court shall suspend driving privileges for **1 year** if the commission of the offense contributed to the serious physical injury or death of a vulnerable user of a public way *and* the person did not successfully complete the requirements described in ORS 811.135(3)(a)

Forms: 735-6115D Notice of Suspension

(Careless Driving • Minor in Possession through Misrepresentation of Age)

735-318 Temporary Driver's Permit, if applicable

Seize the license or permit

5.8 Speeding conviction ORS 811.109 (809.280)

- the court may suspend driving privileges for **30 days or less** if the person exceeded the speed limit or designated speed by more than 30 miles per hour *and* the person has received at least one prior conviction under ORS 811.100 or 811.111 within 12 months of the offense date
- the court shall suspend driving privileges for **30-90 days** if the person exceeded the speed limit or designated speed *and* the person was driving 100 miles per hour or more.

**Forms: 735-6115C Notice of Suspension
(Speeding • Controlled Substance Offense (Any Age))**

735-318 Temporary Driver's Permit, if applicable

Seize the license or permit

5.9 Failure to perform duties of a driver when property is damaged ORS 811.700 (809.411)

- the court shall suspend driving privileges for **90 days, 1 year or 3 years** according to Schedule 1 (see Appendix A) effective from the date of conviction

**Forms: 735-6116 Notice of Suspension or Revocation
and
a copy of the citation conviction abstract *or* judgment of conviction**

735-318 Temporary Driver's Permit, if applicable

Seize the license or permit

5.10 Fleeing or attempting to elude police officer ORS 811.540 (809.411)

- the court shall suspend driving privileges for **90 days, 1 year or 3 years** according to Schedule 1 (see Appendix A) effective from the date of conviction
- a court recommendation is required if the driver applies for a hardship permit

**Forms: 735-6116 Notice of Suspension or Revocation
and
a copy of the citation conviction abstract *or* judgment of conviction**

735-318 Temporary Driver's Permit, if applicable

Seize the license or permit

5.11 Reckless endangerment of highway workers ORS 811.231(1) (809.411)

- the court shall suspend driving privileges for **90 days, 1 year or 3 years** according to Schedule 1 (see Appendix A) effective from the date of conviction

Forms: 735-6116 Notice of Suspension or Revocation

and

a copy of the citation conviction abstract *or* judgment of conviction

735-318 Temporary Driver's Permit, if applicable

Seize the license or permit

5.12 Criminal trespass that involved operation of a motor vehicle ORS 164.245 (809.411)

- the court shall suspend driving privileges for **6 months** effective from the date of conviction

Forms: 735-6116 Notice of Suspension or Revocation

and

a copy of the citation conviction abstract *or* judgment of conviction

735-318 Temporary Driver's Permit, if applicable

Seize the license or permit

5.13 Offenses described in ORS 809.310 (see 809.411, 809.415)

- the court shall suspend driving privileges for **1 year** effective from the date of conviction for any of the following acts in violation of the cited statute:

- * 807.430 or 807.530 - failed to give the required or correct information in the application for driving privileges or for an identification card

- * 807.520 - committed false swearing in making application for the driving privileges

- * 807.580 - used an invalid license or identification card

- * 807.430 or 807.590 - permitted misuse of license, permit or identification card

- * 807.430 or 807.600 - used the license, permit or identification of another

- * 807.500 - produced identification cards, licenses, permits, forms or camera cards

- * 807.510 - transferred documents for the purpose of misrepresentation

- * 807.620 given false information to a police officer

Forms: 735-6116 Notice of Suspension or Revocation

and

a copy of the citation conviction abstract *or* judgment of conviction

735-318 Temporary Driver's Permit, if applicable

Seize the license or permit

5.14 Assault in the 2nd, 3rd, or 4th degree resulting from operation of motor vehicle (809.411)

5.14.1 - 2nd Degree

- the court shall revoke driving privileges for **8 years** from the date of conviction

only if the conviction **sentence does not include incarceration**

- if the conviction sentence includes incarceration (any amount), the court shall provide notice of the conviction to the Department

* the Department mails the suspension notice to the defendant 5-days prior to taking effect

* the convicted person may re-apply for privileges **8 years** from the date released from incarceration

5.14.2 - 3rd Degree:

- the court shall revoke driving privileges for **5 years** from the date of conviction

only if the conviction **sentence does NOT include incarceration**

- if the conviction sentence includes incarceration (any amount), the court shall provide notice of the conviction to the Department

* the Department mails the suspension notice to the defendant 5-days prior to taking effect

* the convicted person may re-apply for privileges **5 years** from the date released from incarceration

5.14.3 - 4th Degree:

- the court shall revoke driving privileges for **1 year** from the date of conviction

only if the conviction **sentence does NOT include incarceration**

- if the conviction sentence includes incarceration (any amount), the court shall provide notice of the conviction to the Department

* the Department mails the suspension notice to the defendant 5-days prior to taking effect

* the convicted person may re-apply for privileges **1 year** from the date released from incarceration

Forms: 735-6116 Notice of Suspension or Revocation (if sentencing includes incarceration)

and

a copy of the citation conviction abstract *or* judgment of conviction

735-318 Temporary Driver's Permit, if applicable

Seize the license or permit

5.15 Judgment under ORS 806.040 unsettled 60 days or more after entry of judgment (809.415)

- the court may notify the department of an unsettled judgment under ORS 806.040
 - * the Department mails the suspension notice to the defendant 30-days prior to taking effect
- the court shall provide a 2nd notice (court clearance) to the Department to terminate suspension if, within 7 years from rendered date, the defendant satisfies the judgment in accordance with ORS 809.130 and 809.470:
 - * in full, *or*
 - * by an order allowing payments, *or*
 - * by bankruptcy proceedings, *or*
 - * information has been provided that the insurer is obligated to pay the judgment and no court has issued a judgment that says the insurer does not have to pay

Form: 735-6702 Notice of Judgment Status

5.16 Theft under ORS 164.043, 164.045, or 164.055 and the theft was of gasoline (809.411(7))

- the court shall suspend driving privileges for **6 months** effective from the date of a conviction for theft under ORS 164.043, 164.045, or 164.055 if the theft was of gasoline

Forms: 735-6116 Notice of Suspension or Revocation

and

a copy of the citation conviction abstract *or* judgment of conviction

735-318 Temporary Driver's Permit, if applicable

Seize the license or permit

5.17 Person charged with traffic offense found guilty but insane *and* committed to Psychiatric Security Review Board (809.419)

- the court shall notify the Department of guilty finding and commitment
- Department shall immediately suspend the person' license
- suspension until person establishes eligibility under ORS 807.090

Forms: A copy of any final judgment of conviction. This is a duty imposed on judges and court clerks in ORS 810.375(1)(d)

6 SUSPENSION OF COMMERCIAL DRIVING PRIVILEGES

Suspension of Commercial Driving Privileges under **ORS 809.413** is **separate and in addition to any other suspension or revocation** required under the vehicle code for the same offense. DMV will impose all required suspensions or revocations of commercial driving privileges under ORS 809.413 upon receipt of the conviction abstract or judgment of conviction. It is imperative for the court to note, on *any* conviction, if the offense occurred in a Commercial Motor Vehicle (CMV), if the driver held a Commercial Driver License (CDL) at the time of the offense, if the vehicle was transporting hazardous materials, and if the vehicle is designed to transport 16 or more passengers, including the driver.

ORS 801.307 defines a CDL holder as a person who holds a CDL that is valid; expired less than one year; **or** suspended, but not canceled or revoked.

6.1 Railroad Crossing offenses listed in 811.455, 811.460, 811.475, 811.462 (809.407)

- the court shall send notice of a conviction to the Department
- the Department shall suspend privileges for:
 - * **60 days** for a first conviction
 - the Department mails the suspension notice to the defendant 30 days prior to taking effect
 - * **120 days** for a second offense *and* the conviction is within 3 yrs of the separate offense
 - the Department mails the suspension notice to the defendant 30 days prior to taking effect
 - * **1 year** for a third offense *and* 2 or more occur w/in 3 year period
 - the Department mails the suspension notice to the defendant 30 days prior to taking effect

Forms: A copy of the citation conviction abstract *or* judgment of conviction.

6.2 Failure to perform the duties of driver while operating commercial motor vehicle or while possessing a commercial driver license and operating a non-commercial motor vehicle (811.700 or 811.705)

or

Conviction of a crime punishable as a felony involving the operation of a commercial motor vehicle or a non-commercial motor vehicle when holding a commercial driver license (other than the felony described in Section 6.3)

or

Conviction for operation of a commercial motor vehicle while, as a result of prior violations committed while operating a commercial motor vehicle, the commercial driver license had been suspended or revoked (811.175 or 811.182)

or

Conviction of any degree of murder, manslaughter or criminally negligent homicide involving the operation of a commercial motor vehicle or assault in the first degree involving the operation of a commercial motor vehicle (809.413(5))

- the court shall send notice of a conviction to the Department

- the Department shall suspend privileges for:

* **1 year** if commercial license has not been previously suspended under subsection ORS 809.413 *or* ORS 809.411(2) or 813.403 *and* the person *was not driving* a commercial motor vehicle containing hazardous waste

- the Department mails the suspension notice to the defendant 5 days prior to taking effect

* **3 years** if commercial license has not been previously suspended under subsection ORS 809.413 *or* ORS 809.411(2) or 813.403 *and* the person *was driving* a commercial motor vehicle containing hazardous waste

- the Department mails the suspension notice to the defendant 5 days prior to taking effect

* **lifetime** if commercial license has previously been suspended under subsection ORS 809.413 *or* ORS 809.411(2) or 813.403

- the Department mails the suspension notice to the defendant 5 days prior to taking effect

Forms: A copy of the citation conviction abstract *or* judgment of conviction.

6.3 Conviction of a crime punishable as a felony that involves manufacturing, distributing or dispensing controlled substance (using the meaning given that term in ORS 475.005(6)) and in which a commercial motor vehicle or non-commercial motor vehicle operated by a CDL holder was used (809.413(3))

- the court shall send notice of a conviction to the Department

- the Department shall suspend privileges for **lifetime** of the person

* the Department mails the suspension notice to the defendant 5 days prior to taking effect

Forms: A copy of the citation conviction abstract *or* judgment of conviction.

6.4 2nd conviction of a serious traffic violation as defined in ORS 801.477 w/in three years *if* the convictions arose out of separate incidents (809.413(6))

- the court shall send notice of a conviction to the Department

- the Department shall suspend privileges for **60 days**

* the Department mails the suspension notice to the defendant 30 days prior to taking effect

Forms: A copy of the citation conviction abstract *or* judgment of conviction.

6.5 3rd or subsequent conviction of a serious traffic violation as defined in ORS 801.477 w/in three years *if* the convictions arose out of separate incidents (809.413(6))

- the court shall send notice of a conviction to the Department

- the Department shall suspend privileges for **120 days**

* the Department mails the suspension notice to the defendant 30 days prior to taking effect

Forms: A copy of the citation conviction abstract *or* judgment of conviction.

6.6 First notice the person violated an out-of-service order issued under ORS 813.050 *or* knowingly violated any out-of-service order or notice (809.413(7))

- the court shall send notice of a conviction to the Department

* the notice shall include the record of conviction and the record of determination by a State or Federal agency with jurisdiction to make such determinations that the person violated an out-of-service order issued under ORS 813.050

- the Department shall suspend privileges for **180 days**

* the Department mails the suspension notice to the defendant 5 days prior to taking effect

Forms: A copy of the citation conviction abstract *or* judgment of conviction.

6.7 First notice the person violated an out-of-service order while transporting hazardous material required to be placarded *or* operating a vehicle designed to transport 16 or more persons, including the driver (809.413(7))

- the court shall send notice of a conviction to the Department

* the notice shall include the record of conviction and the record of determination by a State or Federal agency with jurisdiction to make such determination that the person violated an out-of-service order issued under ORS 813.050

- the Department shall suspend privileges for **1 year**

* the Department mails the suspension notice to the defendant 5 days prior to taking effect

Forms: A copy of the citation conviction abstract *or* judgment of conviction.

6.8 2nd or subsequent notice within 10 years indicating that the person violated an out-of-service order issued under ORS 813.050 *or* knowingly violated any out-of-service order or notice (809.413(7))

- the court shall send notice of a conviction to the Department

* the notice shall include the record of conviction and record of determination by a State or Federal agency with jurisdiction to make such determinations that the person violated an out-of-service order issued under ORS 813.050

- the Department shall suspend privileges for **3 years**

* the Department mails the suspension notice to the defendant 5 days prior to taking effect

Forms: A copy of the citation conviction abstract *or* judgment of conviction.

6.9 2nd or subsequent notice within 10 years indicating that the person violated an out-of-service order while transporting hazardous material required to be placarded *or* operating a vehicle designed to transport 16 or more persons, including the driver, regardless of the load or type of vehicle involved in the 1st notice (809.413(7))

- the court shall send notice of a conviction to the Department

* the notice shall include the record of conviction and record of determination by a State or Federal agency with jurisdiction to make such determination that the person violated an out-of-service order issued under ORS 813.050

- the Department shall suspend privileges for **5 years**

* the Department mails the suspension notice to the defendant 5 days prior to taking effect

Forms: A copy of the citation conviction abstract *or* judgment of conviction.

7 CONVICTED JUVENILES

7.1 Person between 13-17 years of age convicted of, or determined by the Juvenile Court to have committed (809.260(1)):

- an offense involving the delivery, manufacture or possession of controlled substance *or*
- a violation of ORS 166.370, possession of a firearm or dangerous weapon in public building or court facility

* the court shall suspend driving privileges

* the Department determines the ending date of the suspension per 809.280(7)

- 1 year or until the juvenile turns 17 years old, whichever is longer, if it is the juvenile's 1st order
- 1 year or until the juvenile turns 18 years old, whichever is longer, if it is the juvenile's 2nd or subsequent order

* court may review and withdraw order at any time, except

- if it's the 1st order issued to the juvenile, court cannot withdraw the order within 90 days
- if it's the 2nd or subsequent order issued to the juvenile, court cannot withdraw the order within 1 year
- if the conviction involves controlled substances, court cannot withdraw the order within 6 months, regardless of the number of orders issued to the juvenile

**Form: 735-6115A Notice of Suspension
(Underage Alcohol, Controlled Substance, Weapon Offenses)**

735-318 Temporary Driver's Permit, if applicable

Seize the license or permit

7.2 Person between 13-20 years of age convicted of, or determined by a Court to have committed (809.260(2)):

- an offense involving the possession, use or abuse of alcohol *or*

* the court shall suspend driving privileges

* the Department determines the ending date of the suspension per 809.280(7)

- 1 year or until the juvenile turns 17 years old, whichever is longer, if it is the juvenile's 1st order

- 1 year or until the juvenile turns 18 years old, whichever is longer, if it is the juvenile's 2nd or subsequent order

* court may review and withdraw order at any time, except

- if it's the 1st order issued to the defendant, court cannot withdraw the order within 90 days

- if it's the 2nd or subsequent order issued to the defendant, court cannot withdraw the order within 1 year

Note: If the defendant is 18-20 years of age, DMV will suspend for 1 year because the "until 17" or "until 18" options do not apply

**Form: 735-6115A Notice of Suspension
(Underage Alcohol, Controlled Substance, Weapon Offenses)**

735-318 Temporary Driver's Permit, if applicable

Seize the license or permit

7.3 Misrepresentation of Age by Minor (165.805):

- the court shall suspend privileges not to exceed one year

- the court, upon petition of the driver, may withdraw the order at any time the court deems appropriate

**Form: 735-6115D Notice of Suspension
(Careless Driving • Minor in Possession through Misrepresentation of Age)**

735-318 Temporary Driver's Permit, if applicable

Seize the license or permit

8 SUSPENSION OR RESTRICTION OF DRIVING PRIVILEGES AS ENFORCEMENT OF COURT ORDERED PARTICIPATION IN A REHABILITATIVE PROGRAM

8.1 Persons convicted of traffic offenses may be required to successfully complete a driver improvement course or program (809.270)

- court may enforce by ordering license suspension or driving privilege restriction until program is completed *or* if defendant fails to complete the program
- Authority is *in addition to* any fine or imprisonment authorized by law
- court shall advise the Department in writing if
 - * restrictions are or suspension is imposed
 - * restrictions are removed or license is reinstated
- restrictions and suspensions remain in effect until ordered removed by the court
 - * unless the court ordered privileges restored upon successful program completion
- court shall take possession of license or permit of the convicted person

Form: 735-6115B Notice of Suspension of Driving Privileges for Completion of/Failure to Complete a Driver Improvement Course

Seize the license or permit

9 CIVIL JUDGMENT - REVOCATION *OR* SUSPENSION OF VEHICLE REGISTRATION *OR* DRIVING PRIVILEGES

9.1 Unsettled Judgment described by ORS 809.470

This section applies to judgments based upon causes of action arising out of a motor vehicle accident for damages of the following types (ORS 806.040):

- * damages, including damages for care and loss of services, because of bodily injury to or death of any person
- * damages because of injury to or destruction of property, including the loss of use thereof.

Court (through clerk of the court) notifies Department of:

9.1.1 an Unsettled Judgment *if*

- * judgment described in ORS 806.040 is rendered against a person,
- * after 60 days the person has not settled the judgment per ORS 809.470, and
- * judgment creditor (or attorney) makes a written request to forward a certificate to the Department that states the judgment is unsettled

9.1.2 a Settled Judgment only if notice was sent of an unsettled judgment and *if*

- * judgment is settled in the manner required under ORS 809.470,
- * judgment debtor (or attorney) makes a written request to forward a certificate to the Department that states judgment is settled

Form: 735-6702 Notice of Judgment Status

10 COURT POSSESSION OF SUSPENDED OR REVOKED LICENSE

10.1 Person convicted under ORS 809.409, 809.411, 809.413, 813.400 or 813.403 (809.240)

- court shall order mandatory suspension or revocation, *and*
- court shall take possession of license or permit per ORS 809.275
- court shall issue temporary permit under ORS 807.320 when necessary:
 - * permit shall allow the person to drive for specific purposes specifically granted under the permit

10.2 Court orders a suspension or revocation under ORS 165.805, 471.430, 809.120, 809.235, 809.240, 809.260, 809.265, 809.270, 811.109 or 81.135 (809.275)

- court may impose suspension or revocation, and *if suspension or revocation imposed*
- court shall take possession of license or permit, and
- court shall immediately forward the license or permit *and* a copy of the order (or other information satisfactory to the Department and to the State Court Administrator) to the Department

**11 FAILURE TO RETURN SUSPENDED, REVOKED OR CANCELLED
LICENSE OR REGISTRATION**

11.1 Person fails to return suspended license or registration (809.080, 809.500)

- Department may request peace officer to retrieve license
- failure is a Class C misdemeanor

11.2 Person fails to return cancelled registration (809.110)

- failure is a Class A misdemeanor

12 RESCISSION OF SUSPENSION OR REVOCATION UPON APPEAL OF UNDERLYING CONVICTION (809.460)

12.1 The court may direct the Department to rescind the suspension or revocation if:

- the person appealed underlying conviction, *and*
- the person requests in writing that the court direct Department to rescind pending outcome of appeal

12.2 Department shall rescind suspension upon receipt of court order

12.3 Department shall place a notation (APLD) on the conviction entry on the driver record to indicate the conviction is appealed

12.4 Court shall notify Department if:

- the conviction is affirmed on appeal, *or*
- the appeal is dismissed, *or*
- the appeal is not perfected
- upon receipt of notice, Department shall update conviction entry and reimpose sanction

12.5 If license is commercial

- Department shall not rescind suspension pending appeal

13 DIVERSION AGREEMENT (813.230)

13.1 The court may grant a Diversion Agreement to person charged with driving while under the influence of intoxicants if the defendant meets the criteria in ORS 813.215

- the court shall notify the Department within 48 hours of granting a diversion agreement
- the Department shall note the Diversion on the persons driver record

Note: ORS 813.215 prohibits Diversion to a person who holds a commercial driver license *at the time of offense*, whether the offense was in a commercial motor vehicle or in a non-commercial motor vehicle.

13.2 The court shall require as a condition of a DUII Diversion Agreement that an approved ignition interlock device (IID) be installed in any vehicle operated by the person during the period of the agreement when the person has driving privileges (ORS 813.602 as amended by HB 3075, 2011 Legislation)

- the court shall notify the Department of the IID requirement as a condition of a diversion agreement
- the Department shall note the court-ordered IID requirement on the persons driver record

Note: In addition to any action taken under ORS 813.255 (Termination of Diversion Agreement), violation of the condition imposed is a class A traffic violation.

Note: Do **not** notify DMV of an IID requirement resulting from a DUII **conviction**. When the IID is required as a result of a DUII **conviction**, DMV automatically imposes the IID requirement and penalties for noncompliance.

**Form: 735-7350 Notice of Court Order to Install IID
(as a Condition of a Diversion Agreement)**

14 HARDSHIP PERMIT (809.380(2))

13.1 Hardship permits are permitted under ORS 807.240 when privileges are suspended

- a court recommendation is a requirement for the permit if the applicant is suspended for DUII, fleeing or attempting to elude, reckless driving, or misrepresentation of age
- the Department can not issue the permit to a CDL holder
- the Department can not issue the permit to operate a commercial motor vehicle
- if the person is subject to a wait time before a hardship permit may be issued, the Department can not issue a permit until the wait time is served
- list of qualifications is found in ORS 807.240(3)
- if issued, the permit is valid for a period of time equal or less than the period of suspension
- the Department may revoke such permit

Form: 735-6044 Requirements for Hardship/Probationary Permit Application

15 VEHICLE IMPOUNDMENT AND IMMOBILIZATION (809.700)

15.1 Driving while suspended in violation of ORS 811.175 or 811.182 or 2nd or subsequent charge of Driving while under the Influence of Intoxicants in violation of ORS 813.010

- The court may order vehicle impounded or immobilized for 1 year or less
 - * if the vehicle is owned by the convicted person *or*
 - * the vehicle was operated by the convicted person at the time of arrest
 - * the vehicle must be registered in Oregon

- the arresting law enforcement agency shall impound or immobilize the vehicle *if* the convicted person resides in the jurisdiction of the agency. *Otherwise,*
 - * the Sheriff in the county where the convicted person resides shall impound or immobilize the vehicle

- The vehicle shall be immobilized at the convicted person's residence or where the vehicle is legally stored

- the convicted person is liable for the expense related to impounding or immobilizing the vehicle

- a vehicle that does not belong to the convicted person may be impounded or immobilized if the court determines, by a *preponderance of the evidence*, that the owner knew or had good reason to know:
 - * the convicted person had no valid drivers license *or*
 - * the convicted person was operating the vehicle under the influence of intoxicants

Forms: nothing needs to be sent to the Department. Prepare an order for the Sheriff's office.

- APPENDIX A -
SCHEDULE OF SUSPENSION OR REVOCATION PERIODS

Schedule of Suspension or Revocation Periods (809.428)

NOTE: These schedules apply to ORS 809.411, 813.400

Schedule 1

- 90 days first offense or not offense described below
- 1 year: 2nd offense & w/in 5 years conviction separate offense
- 3 years: 3rd or subsequent offense & w/in 5 years 2 or more convictions separate offenses

Schedule 2

- 1 year: 1st offense or not offense described below
- 3 years: 2nd offense & w/in 5 years conviction separate offense
- 3 years: 3rd offense & w/in 5 years conviction separate offense

- APPENDIX B -
EXCEPTIONS TO REQUIREMENT TO FORWARD COPY OF CONVICTION TO
THE DEPARTMENT (ORS 810.370(3))

A court is not required to forward a record of conviction for violation of any offense under any of the following sections:

- 810.090 - bicycle racing
- 811.555 - illegal stopping, standing or parking
- 811.570 - improperly positioning parallel parked vehicle
- 811.580 - parking on state highway for vending purposes
- 814.020 - failure to obey traffic control device
- 814.090 - unlawful solicitation on or near highway
- 814.120 - unlawful use of white cane
- 814.230 - moped operator or rider clinging to other vehicle
- 814.410 to 814.480 - most bicycle offenses
- 815.155 - violation of emblem requirements
- 815.160 - unlawful use of metal object or tires
- 815.170 - operation without pneumatic tires
- 818.020 - violation maximum weight limits
- 818.040 - violation of posted weight limits
- 818.060 - violation of administratively imposed weight or size limits
- 818.090 - violation of maximum size limits
- 818.110 - exceeding maximum size limits
- 818.130 - violation of posted limits on use
- 818.160 - violating towing safety requirements
- 818.300 - operating with sifting or leaking load
- 818.320 - dragging objects on highway
- 818.340 - operating in violation of variance permit
- 818.350 - failure to carry and display variance permit
- 818.400 - failure to comply with commercial vehicle enforcement requirements
- 820.400 - unlawful operation of implement of husbandry
- 822.220 - authorization to obstruct traffic; failure to take precautions

- APPENDIX C -

**LIST OF OFFENSES FOR WHICH THE COURT SHALL TAKE POSSESSION OF A LICENSE
OR PERMIT UPON CONVICTION**

(ORS 165.805, 471.430, 809.120, 809.235, 809.240, 809.260, 809.265, 809.270, 811.109, 811.135)

A court shall take possession of license or permit *and* forward the license or permit to the Department upon imposing a mandatory suspension, revocation, or cancellation for any of the following offenses:

161.525	Felony involving a motor vehicle
163.111	Murder involving a motor vehicle
163.118 163.125	Manslaughter
163.145	Criminally negligent homicide involving a motor vehicle
163.149	Aggravated vehicular homicide
163.160 163.165 163.175 163.185	Assault in the 1 st , 2 nd , 3 rd , or 4 th degree, involving a motor vehicle
	Aggravated driving while suspended or revoked (Section 5, Chapter 783, Oregon Laws 2009)
163.190	Menacing involving a motor vehicle
163.195	Reckless endangering another involving a motor vehicle
164.043 164.045 164.055	Theft of gasoline
164.245	Criminal trespass in the 2 nd degree
164.345 164.354 164.365	Criminal mischief involving motor vehicle
809.310	Cancellation or suspension of driving privileges (perjury or false affidavit to Department, permit misuse of license/permit/ID, unlawful use of license/permit/ID, unlawful production of ID cards/licenses/permit/ forms/camera cards, transfer of documents, false information to police)
811.140	Reckless Driving
811.231(1)	Reckless endangerment of highway worker
811.540	Fleeing or attempt to elude police officer
811.700	Failure to perform duties of driver when property is damaged
811.705	Failure to perform duties of driver to injured persons
813.010	Driving under the influence of intoxicants
818.040	Violation of posted weight limits
Commercial Motor Vehicle/Commercial Driver License Holder Offenses	
Driving while suspended/revoked (involving commercial motor vehicle <i>and</i> underlying suspension involved commercial motor vehicle)	
Felony conviction with controlled substances involving commercial motor vehicle	
2 nd serious traffic violation (involving commercial motor vehicle or commercial license holder)	
3 rd serious traffic violation (involving commercial motor vehicle or commercial license holder)	
Out-of-service restrictions, failure to obey	
Out-of-service restrictions with hazardous waste, failure to obey	

