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DEPARTMENT OF TRANSPORTATION

TRANSPORTATION SAFETY OFFICE

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RULES:

737-015-0020, 737-015-0030, 737-015-0076, 737-015-0095, 737-015-0120

AMEND: 737-015-0020

RULE TITLE: Definitions

NOTICE FILED DATE: 08/29/2024

RULE SUMMARY: DMV amended this rule to define "approved individual," "business day," "completed the course," "DMV2U," "electronic driver education completion notation" and "suspend," and amend the definitions of "approved instructor," "Driver improvement violation," "eligible student," and "public school."

RULE TEXT:

As used in division 15 rules, unless the context otherwise requires:

- (1) "Adaptive Strategy" means a program element that may be altered to help support and promote driver education in underserved areas of the state.
- (2) "Approved Course" also "Approved Program" means a traffic safety education course or program conducted by an approved provider.
- (3) "Approved individual" means an individual that is an employee of an approved provider who has been authorized by the approved provider to enter information into DMV2U.
- (4) "Approved Instructor" also "Instructor" means a teacher who holds a valid approved instructor certification. An approved instructor has successfully completed required training and meets minimum requirements set forth in OAR 737-015-0070.
- (5) "Approved provider" also "provider" is a private school, public school, commercial driver training school or county that has been granted approval by ODOT-TSO to provide instruction using a Division-approved curriculum by instructors who have completed a Division-approved instructor course of study. A provider is responsible for all aspects of the program and is required to maintain required records, whether or not instruction is contracted.
- (6) "Behind-the-wheel" instruction means the portion of the approved course that requires the student to be located behind the steering wheel of a dual control equipped motor vehicle or a simulated vehicle, operating it either in real or

simulated traffic situations, through the direct guidance of a driver education instructor.

(a) Four hours of simulation is equal to one hour of behind the wheel instruction.

(b) One hour of operating a motor vehicle is equal to one hour of behind the wheel instruction.

(7) "Business day" means Monday through Friday, 8 a.m. to 5 p.m., excluding Oregon state and federal holidays.

(8) "Cancellation" means to declare the approved provider or instructor status void and obtainable only as defined in OAR 737-015-0010 to 737-015-0130.

(9) "Classroom instruction" means that portion of an approved course held in the presence of an approved instructor in a classroom situation and does not include time spent in home study, reading outside of class time or break time. Classroom make-up time is subject to the same provisions.

(10) "Commercial Driver Training School" means a privately or publicly owned driver training facility in Oregon that has been issued a School Certificate by DMV to provide student drivers behind-the-wheel instruction, classroom instruction or both, for a fee.

(11) "Completing the course" or "completed the course" means completing an ODOT-TSO approved course, with documentation showing 30 hours classroom instruction, 6 hours behind-the-wheel instruction, and 6 hours practice driving observation.

(12) "Curriculum guide" means a document that describes what the students need to learn and provides a guide for instructors as they prepare for instruction. It is a document that assists traffic safety instructors and district coordinators in meeting the needs of the regulations identified in OAR 737-015-0030.

(13) "Department" or "ODOT" means the Oregon Department of Transportation.

(14) "Division" or "TSO" means the Transportation Safety Office of the Oregon Department of Transportation. A reference to the Division or TSO may include its designee.

(15) "DMV" means the Driver and Motor Vehicle Services Division of the Oregon Department of Transportation.

(16) "DMV2U" means DMV's internet address at https://dmv2u.oregon.gov/eServices/_/.

(17) "Driver Improvement Violation" means:

(a) One conviction for an offense listed in OAR 735-064-0220; or

(b) A Preventable Accident as defined in OAR 735-072-0020(7).

(18) "Driving simulator" means an electromechanical device designed to represent the driver's compartment of the automobile and with the use of films or video programs attempts to develop judgment, decision-making skills, behavior response, and manipulative skills essential in learning the driving task.

(19) "Electronic driver education completion notation" means the notation added to an eligible student's DMV record to document the student has completed and either passed or failed an approved course.

(20) "Eligible student" means a student that is at least 15 years of age, will complete an approved course before reaching 18 years of age, and has a valid Oregon instruction driver permit.

(21) "Hours" means clock hours, not including breaks or other time that does not apply to actual instruction.

(22) "Instructor Brake" or "Dual control" means the vehicle is equipped with a foot brake control for both the student driver and the instructor connected either by mechanical or hydraulic means, installed as specified by the manufacturer.

(23) "Lesson plan" means a written outline of the content and method of instruction. Required elements are specified in OAR 737-015-0030(3).

(24) "Practice driving observation" means that portion of an approved course given in a dual control vehicle as the instructor observes the student driver and engages the back seat passengers in discussion of the student driver operation of the motor vehicle.

(25) "Private Provider" means a Commercial Driver Training School that meets approved provider requirements and is in compliance with OAR 737-015-0010 thru 737-015-0130.

(26) "Public Provider" means a public school or county that meets approved provider status and is in compliance with OAR 737-015-0010 thru 737-015-0130.

(27) "Public school" is as defined in ORS 336.790.

(28) "Repeated Violation" means the provider or instructor was notified in writing within three years of the same or a

substantially similar deficiency.

(29) "Revocation" means the termination of the authority granted an approved provider or an approved instructor for a specified period, with a new certificate obtainable only as defined under OAR 737-015-0120 or 737-015-0130.

(30) "Sanction" means an action taken by ODOT-TSO against a provider or instructor for non-compliance with Oregon law or ODOT-TSO rule related to traffic safety education.

(31) "Simulation" means the portion of the behind-the-wheel traffic safety education course given in a driving simulator.

(32) "Student Completion Certificate" means an ODOT-TSO issued certificate that serves as proof of an eligible student completing an approved course with a passing score.

(33) "Suspend" or "Suspension" means the temporary withdrawal for a specified period of time of the authority to conduct business or perform instructional activities granted under approved provider or approved instructor status.

(34) "Traffic Crime" means a conviction under Oregon statute or city ordinance, or a comparable statute or city ordinance of any other jurisdiction, for any misdemeanor or felony involving the use of a motor vehicle that may result in a jail sentence.

(35) "Traffic safety education" means a course consisting of classroom instruction, practice driving, and practice driving observation, all devoted to educating teen student drivers in safe and proper driving practices.

(36) "Valid instruction driver permit" means an instruction permit issued by the State of Oregon under ORS 807.280 or an interim driver card issued by the State of Oregon under ORS 807.310 that is in the student's name and is not expired, canceled, suspended or revoked.

(37) "Warning" means a written correction notice issued by ODOT-TSO that requires corrective action be taken as specified.

STATUTORY/OTHER AUTHORITY: ORS 184.619, 802.345

STATUTES/OTHER IMPLEMENTED: ORS 336.800, 336.805, 336.810, 802.110, 802.345, 807.065

AMEND: 737-015-0030

RULE TITLE: Curriculum Requirements

NOTICE FILED DATE: 08/29/2024

RULE SUMMARY: DMV amended this rule to update how and when a DEP must report the outcome of a student's driver education course and to clarify how often an approved program may give classroom instruction to a student.

RULE TEXT:

(1) An approved program curriculum must include for each student:

(a) A minimum of 30 hours of classroom instruction, which includes no more than 3 hours in a single day and no more than 6 hours total in any consecutive 7-day period that includes:

(A) Instructing students about driving on all types of Oregon roads in a positive and courteous manner;

(B) Driver responsibility;

(C) Preparing and controlling the vehicle;

(D) Identification and proper use of signs, signals, markings, and roadway types;

(E) How to enter, use, and exit different types of intersections;

(F) Automobile maneuvers and traffic flow;

(G) Management of time and space using accepted and current practices, including targeting, line of sight/path of travel, model driving habits and reference point concepts;

(H) Defensive driving;

(I) Rules of the road;

(J) How the laws of physics and natural laws affect driving;

(K) How physical, emotional, and psychological conditions affect driving;

(L) Impaired driving; and

(M) Emergency situations.

(b) A minimum of 6 hours of behind-the-wheel instruction, which includes no more than 1.5 hours (90 minutes) of driving in a single day and no more than 2 hours total in any consecutive 7-day period. Behind-the-wheel instructional objectives must correspond with topics covered during classroom instruction described under (1)(a) of this rule.

(c) A minimum of 6 hours of practice driving observation, which includes no more than 3 hours of observation in a single day and no more than 4 hours total in any consecutive 7-day period.

(d) A written skill assessment for each student drive that covers all of the following skills, at a minimum:

(A) Positioning a vehicle based on visual referencing skills, space management, fender judgment and road position control;

(B) Procedures and sequencing for vehicle operations from the simple to the complex skill based on vehicle operation control, vehicle maneuvering, vehicle control options, and vehicle balance;

(C) Processing traffic and vehicle information into speed and position changes based on visual skills, space management, vehicle speed control, and control of the road; and

(D) Precision movements for maintaining vehicle control and balance in expected and unexpected situations based on vehicle speed control, vehicle balance, collision avoidance, traction control, response to mechanical failures and traction loss.

(e) During any behind-the-wheel instruction session, the following safety requirements must be met:

(A) Only the student driver operating the vehicle and the instructor shall be seated in the front seats of the vehicle;

(B) All vehicle occupants must use safety belts at all times while operating a vehicle; and

(C) Headlights must be turned on at all times during behind-the-wheel instruction. Because automatic headlights do not illuminate side and tail lights, headlights must be manually turned on even if an automatic switch is present and in use.

(2) An approved program curriculum must include parent, legal guardian, or supervising adult involvement that includes:

(a) A parent meeting; and

(b) A log or other means to demonstrate that a minimum of five hours supervised home practice was conducted during

the course. Documentation must be maintained by the provider. Supervised home practice is not counted as part of the classroom, behind-the-wheel, or practice driving observation.

(3) The traffic safety education curriculum guide must be approved by ODOT-TSO prior to program implementation. The provider must review and update the guide every three years thereafter, maintaining a full current master copy. The guide must be available for review by ODOT-TSO on request. The following elements are required:

(a) A written lesson plan for each classroom and each behind-the-wheel session. A provider who has fully adopted the ORPC Playbook is not required to provide additional documentation of classroom lesson plans. The requirement to develop written behind-the-wheel lesson plans remains in effect whether or not the program has adopted the ORPC Playbook. A lesson plan must include:

(A) The title of the lesson or module to be taught;

(B) Prerequisites;

(C) Overall objectives;

(D) Performance objectives;

(E) Materials and resources;

(F) Instructor and student activities;

(G) Time breakdown;

(H) Methods of assessment; and

(I) Assignments.

(b) A flow chart that shows the program's integration between classroom and behind-the-wheel lessons.

(c) A written drive route that supports each behind-the-wheel lesson plan. The drive route cannot duplicate the DMV drive test route.

(d) The final drive route. Every final drive route in use must be pre-approved by ODOT-TSO, along with the associated formal written score assessment form. Any change to a final route or score assessment form must also be pre-approved.

(4) Classroom and behind-the-wheel instruction and practice driving observation must be provided concurrently.

(a) Concurrently means the integration of classroom instruction and behind-the-wheel instruction. For each student, no fewer than 4 and no more than 10 hours of classroom instruction shall be completed before beginning behind-the-wheel instruction. Classroom and behind-the-wheel instruction must be well organized and coordinated.

(b) Behind-the-wheel instruction and practice driving observation of a particular skill or behavior may not precede the classroom instruction of that same skill or behavior.

(5) A course may not be completed in fewer than 35 days and no more than 180 days. An extension beyond 180 days may be provided if there is compelling reason dealing with school, family or medical circumstances and has been agreed upon between the provider and parent before completion of the course. Documentation of the agreement must be maintained.

(6) Within five business days after a student completed and passed the course and final drive assessment, the provider must enter into DMV2U the driver education completion notation signifying that the student passed and the date the student passed the course and final drive assessment. A student must obtain a minimum score of 80% on the final skills assessment to receive a passing notation.

(7) Within five business days after a student has completed and failed the course, the provider must enter into DMV2U the driver education completion notation signifying that the student failed the course.

(8) Summer Exception — The maximum number of classroom hours permitted during any consecutive 7-day period changes during the summer months. When offered from June to August, the classroom portion of a driver education program required under section (1)(a) of this rule, may contain classroom instruction for up to 3 hours in a single day and 10 hours total in any consecutive 7-day period. Requirements for the behind-the-wheel portion of the course are unaffected by this exception. A course may not be completed in fewer than 35 days.

(9) With agreement between a parent, legal guardian or supervising adult and the provider, behind-the-wheel instruction may be provided hour for hour in place of practice driving observation. In no case shall behind-the-wheel instruction hours be fewer than 6, and in no case shall the behind-the-wheel instruction hours and practice driving

observation hours, combined, be fewer than 12. Time must be accurately documented by date, activity, and the amount of time of each session.

STATUTORY/OTHER AUTHORITY: ORS 184.619, 802.020, 336.802

STATUTES/OTHER IMPLEMENTED: ORS 336.800, 336.802, 336.805, 336.810, 802.110, 807.065

AMEND: 737-015-0076

RULE TITLE: Provider Responsibilities

NOTICE FILED DATE: 08/29/2024

RULE SUMMARY: DMV amended this rule to add required tasks an approved provider must complete.

RULE TEXT:

(1) On initial application for approval, a provider must submit the following:

- (a) Curriculum, including lesson plans, drive routes, and skill assessment forms;
- (b) Certification numbers for all instructors who will be permitted to teach the approved program;
- (c) The course's final drive route and assessment form; and
- (d) Required recording and reporting forms, as provided by ODOT-TSO.

(2) A provider must complete and return, when warranted, all required recording and reporting forms supplied by the Division before or on the required dates.

(3) A provider may not begin a course until the provider has been granted approved provider status by ODOT-TSO.

(4) Any subsequent changes to the final drive route or score assessment form must be pre-approved by ODOT-TSO.

(5) Each approved provider must appoint an individual responsible for ensuring that all driver education requirements are met and to be the contact person with the Division.

(6) Each approved provider must adopt written policies that include:

- (a) Enrollment criteria;
- (b) Student fees and refunds;
- (c) Course failures and repeats; and
- (d) Minimum and maximum course duration.

(7) Each approved provider must submit in writing all reportable motor vehicle accidents that involve a driver education motor vehicle to the Division within three working days of the accident. If a police report has been prepared, it must also be provided.

(8) An approved provider must:

(a) Notify ODOT-TSO by mail or facsimile within 10 days (excluding weekends and state holidays) of any of the following:

(A) The provider no longer meets or maintains the requirements set forth in OAR 737-015-0010 to 737-015-0130.

(B) An instructor employed by the provider who no longer meets or maintains qualifications, responsibilities or requirements set forth in OAR 737-015-0070, including an explanation of why the instructor no longer meets the qualifications, responsibilities or requirements.

(b) Annually obtain a driving record from each out-of-state instructor. The certified driving record must be issued by the jurisdiction or foreign government that issued driving privileges during that period. The provider shall carefully review the record for compliance with Oregon Administrative Rule and maintain a copy with instructor records;

(c) Establish procedures that reasonably ensure no instructor or student is under the influence of any intoxicant during classroom or behind-the-wheel instruction;

(d) Comply with all statutes, administrative rules, and regulations related to an approved driver education program provider;

(e) Adhere to the Code of Ethics and Rules of Conduct set forth in OAR 737-015-0080;

(f) Authorize only an individual who has a valid approved instructor certification to provide classroom or behind-the-wheel instruction to a student;

(g) If requested, respond to ODOT-TSO by mail or facsimile within 10 calendar days (excluding weekends and state holidays) to any complaint received by ODOT-TSO;

(h) Ensure that the student is eligible to take the approved course prior to the start of the course;

(i) Ensure every student's course results and the date those course results were obtained are entered into DMV2U within five business days after the student completed and passed the course and final drive assessment;

- (j) Ensure every student's course results and the date those course results were obtained are entered into DMV2U within five business days after the student failed the course; and
 - (k) Ensure every student's course result notation, whether the student passed or failed the course, is entered into DMV2U prior to requesting reimbursement.
- (9) An approved provider may not permit any individual to do any of the following:
- (a) Conduct classroom or behind-the-wheel instruction with a student not in possession of a valid driver license or instruction permit.
 - (b) Provide behind-the-wheel instruction to any student on a driving route specifically used by DMV to test applicants for Oregon driving privileges.
 - (c) Allow an instructor who does not have current, valid driving privileges to conduct classroom or behind-the-wheel instruction.
 - (d) Allow an instructor who does not have a valid approved instructor certification to teach an approved course.
- (10) An approved provider must ensure only approved individuals have access to DMV2U.

STATUTORY/OTHER AUTHORITY: ORS 184.619, 336.802

STATUTES/OTHER IMPLEMENTED: 802.010, ORS 336.800, 336.802, 336.805, 336.810, 802.110, 807.065

ADOPT: 737-015-0095

RULE TITLE: Electronic Driver Education Entry

NOTICE FILED DATE: 08/29/2024

RULE SUMMARY: DMV adopted this rule to establish how electronic driver education entry is completed.

RULE TEXT:

- (1) DMV shall give an approved provider access to DMV2U to check potential student eligibility, determine subsidy eligibility, and to enter student course results.
- (2) An approved provider shall ensure the student is eligible to take the driver education course by entering the required data into DMV2U prior to the start of the course.
- (3) An approved provider shall enter the student's passing result and the date of the passing result into DMV2U within five business days after a student completed the course and passed the final drive assessment.
- (4) An approved provider shall enter a student's course failure result into DMV2U prior to claiming reimbursement for a student who completed the course with a failing result.
- (5) An approved provider shall enter an electronic driver education completion notation with a passing notation into DMV2U when a student, within two years of completing the course, requests a new Student Completion Certificate because the student's previously issued Student Completion Certificate is no longer available.
- (6) DMV shall enter an electronic driver education completion notation with a passing notation into DMV2U when a student, within two years of completing the course, requests a new Student Completion Certificate and the approved provider no longer has access to DMV2U.

STATUTORY/OTHER AUTHORITY: ORS 184.619, 336.802, 802.010

STATUTES/OTHER IMPLEMENTED: ORS 336.800, 336.802, 336.805, 336.810, 802.110, 807.065

AMEND: 737-015-0120

RULE TITLE: Provider and Instructor Sanctions

NOTICE FILED DATE: 08/29/2024

RULE SUMMARY: DMV amended this rule to update the reasons DMV may sanction a driver education program provider or instructor, and to clarify when DMV shall remove access to DMV2U.

RULE TEXT:

(1) ODOT-TSO may impose sanctions when it determines a provider has violated any provision of ORS 336.790 to 336.815, or administrative rules promulgated by ODOT-TSO.

(2) In determining an appropriate sanction, ODOT-TSO may consider the following criteria:

- (a) The severity of the violation;
- (b) The impact of the violation on pupils or public safety;
- (c) The number of similar or related violations by the provider;
- (d) Whether the violation was willful or intentional; or
- (e) The history of prior sanctions imposed by ODOT-TSO.

(3) ODOT-TSO may impose progressive sanctions, when it determines violations have occurred or are occurring,

(a) Progressive sanctions begin with a written warning. If deficiencies remain uncorrected, or a complete corrective action report has not been submitted, sanction severity will increase.

(b) Sanctions may include one or more of the following:

- (A) Written warning, including a correction notice or report;
- (B) Reduction or denial of reimbursement;
- (C) Suspension, cancellation, restriction or denial up to one year; or
- (D) Revocation of approved status and the right to apply or renew the approved status for up to five years.

(4) ODOT-TSO reserves the right to impose additional sanctions to protect a student, the public or public funds.

Sanctions may include, but are not limited to:

- (a) Reimbursement of fees paid by students
- (b) Delay of a provider's reimbursement

(5) Reasons to sanction a driver education program provider or instructor include, but are not limited to, the following:

- (a) Misrepresenting information to obtain subsidy;
 - (A) Misrepresenting expenses or revenue;
 - (B) Claiming unauthorized expenses;
 - (C) Submitting a false reimbursement request; or
 - (D) Misrepresenting program location or delivery to receive additional benefit.
- (b) Misrepresenting information to obtain approved provider or approved instructor status:
 - (A) Misrepresenting the program or its delivery;
 - (B) Misrepresenting qualifications;
 - (C) Failing to maintain eligibility requirements; or
 - (D) Falsely claiming to correct program deficiencies.
- (c) Knowingly making a false statement or representation for the purpose of obtaining benefit for self or others;
- (d) Failing to abide by terms or conditions of an approved program;
- (e) Failing to correct deficiencies, or to provide a complete corrective action report addressing each deficiency, within stated timelines;
- (f) Failing to abide by applicable OAR or ORS;
- (g) Failing to submit required forms or information by the due date;
- (h) Entering into DMV2U an electronic driver education completion notation indicating passing when a student has not completed the course and passed the final drive assessment;
- (i) Entering into DMV2U an electronic driver education completion notation indicating course failure when a student

has not completed the course;

(j) Failing to enter student results within five business days after a student has completed the course and passed the final drive assessment as required in OAR 735-015-0095;

(k) Failing to enter student results within five business days after a student completes the course and fails as required in OAR 735-015-0095;

(l) The provider fails to remove an approved individual's access to DMV2U when the individual is no longer authorized or employed by the provider and the individual was added to DMV2U by the provider;

(m) The provider enters a passing notation into DMV2U when the student failed the course; or

(n) The provider enters a failing notation into DMV2U when the student passed the course.

(6) Emergency action may be imposed when there is potential for serious harm to the driver education program or any person.

(7) The provider or instructor may provide ODOT-TSO with evidence of any mitigating circumstances related to OAR 737-015-0110, which may include the opportunity or degree of difficulty to comply.

(8) ODOT-TSO may revoke its approval of a provider or instructor upon providing five days advance notice when ODOT-TSO determines, through an audit or investigation, that the safety of any person is endangered because of unsafe practices or unsafe equipment.

(9) When ODOT-TSO takes action to suspend, revoke or cancel an approved provider ODOT-TSO will send notice to the approved provider. The notice will be in writing and state that the suspension, revocation, or cancellation will begin either in five calendar days (an immediate suspension or cancellation) or in 30 calendar days from the date on the notice. The notice will be served by first class mail sent to the current address on record with ODOT-TSO.

(10) If ODOT-TSO revokes a provider, no individual who owned, operated, or knowingly participated in the violations of the provider at the time of the act may, within five years of the revocation, own, operate or participate in an ODOT-TSO approved program.

(11) A suspended or revoked provider may not schedule students, accept money or conduct classroom or behind-the-wheel lessons for an ODOT-approved program for the full term of suspension or revocation.

(12) A suspended or revoked provider must refund enrolled students who are monetarily affected by the suspension or revocation.

(13) When ODOT-TSO takes action to suspend, revoke or cancel an instructor approval ODOT-TSO will send notice to the instructor. The notice will be in writing and state that the suspension, revocation, or cancellation will begin either in five calendar days (for an immediate suspension or cancellation) or in 30 calendar days from the date on the notice. The notice will be served by first class mail to both the instructor and the provider on record with ODOT-TSO.

(14) DMV shall remove a provider's access to DMV2U when DMV suspends, revokes or cancels the provider's approval status.

STATUTORY/OTHER AUTHORITY: ORS 184.619, 336.802, 802.010

STATUTES/OTHER IMPLEMENTED: ORS 336.790, 336.800, 336.802, 336.805, 336.810, 802.110, 807.065