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**PERMANENT ADMINISTRATIVE ORDER**

**DMV 33-2024**

CHAPTER 735  
DEPARTMENT OF TRANSPORTATION  
DRIVER AND MOTOR VEHICLE SERVICES DIVISION

**FILED**

12/04/2024 4:56 PM  
ARCHIVES DIVISION  
SECRETARY OF STATE  
& LEGISLATIVE COUNSEL

FILING CAPTION: Commercial driving privileges issuance, renewal and cancellation; federal Drug and Alcohol Clearinghouse

EFFECTIVE DATE: 12/04/2024

AGENCY APPROVED DATE: 12/04/2024

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**RULES:**

735-001-0050, 735-063-0205, 735-063-0315

AMEND: 735-001-0050

REPEAL: Temporary 735-001-0050 from DMV 31-2024

RULE TITLE: Administrative Review

NOTICE FILED DATE: 09/24/2024

RULE SUMMARY: DMV is adding to the list of circumstances when DMV will provide an administrative review.

**RULE TEXT:**

- (1) A person who is entitled to an administrative review by DMV under ORS chapter 809 or section (4) of this rule may request an administrative review. An administrative review may be requested by:
- (a) Completing a request on-line at <https://DMV2U.oregon.gov>;
  - (b) Faxing a request to (503) 945-5497; or
  - (c) Mailing a request to DMV, Administrative Review, 1905 Lana Ave. NE, Salem, Oregon 97314.
- (2) A request for an administrative review must include sufficient information for DMV to identify the person.
- (3) A request for an administrative review may include the following information:
- (a) The person's full name, date of birth, mailing address, and customer number; and
  - (b) Any evidence that shows the person is not subject to the suspension, cancellation, or revocation that is the subject of the administrative review.
- (4) In addition to those circumstances specified in ORS 809.140 and 809.440, Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) will provide an administrative review of a suspension, revocation, cancellation or denial of issuance action for:
- (a) Failure to install or maintain installation of an ignition interlock device under ORS 813.602;
  - (b) Failure to complete and pass a security threat assessment required for a hazardous materials endorsement from the federal Transportation Security Administration (TSA) or being assessed as a security threat by TSA under ORS 807.173;

- (c) Failure to submit proof of medical qualification to operate a commercial motor vehicle under ORS 807.100(2);
- (d) Failure to pay a judgment under ORS 809.415(1);
- (e) A lapse in making future financial responsibility filings under ORS 809.415(3)(c) or 807.240(3)(e);
- (f) Notification from the superintendent of a hospital under ORS 807.700;
- (g) A request by a school superintendent or a school district board under ORS 339.254;
- (h) Notice received by DMV that a vehicle is totaled, wrecked, dismantled, disassembled or substantially altered under ORS 819.030.
- (i) Cancellation of commercial driving privileges due to failure to complete entry-level driver training as required by rules adopted pursuant to ORS 807.085.
- (j) Instances when the federal Drug and Alcohol Clearinghouse indicates the driver is prohibited from operating a commercial motor vehicle under ORS 807.166 and OAR 735-063-0315.

STATUTORY/OTHER AUTHORITY: ORS 184.619, 802.010, 809.440

STATUTES/OTHER IMPLEMENTED: ORS 809.440

AMEND: 735-063-0205

REPEAL: Temporary 735-063-0205 from DMV 31-2024

RULE TITLE: Definitions

NOTICE FILED DATE: 09/24/2024

RULE SUMMARY: DMV proposes to add the definition of "commercial driving privileges" or "CDP" and "DACH," and clarify the definition of "Disqualifying condition."

RULE TEXT:

Except as otherwise provided in these OAR 735, division 63, rules, the following definitions apply to OAR 735, division 63:

- (1) "AAMVA" means the American Association of Motor Vehicle Administrators.
- (2) "Accident records" include, but are not limited to DMV records, police reports, crash reports or other reports from motor carriers.
- (3) "CDL" means commercial driver license.
- (4) "CDLIS" means the Commercial Driver's License Information System operated by AAMVA for FMCSA.
- (5) "CDL Third Party Examiner" means an individual certified by DMV to administer CDL skills tests through a CDL Third Party Tester.
- (6) "CDL skills test" means a three-part test to determine a CDL applicant's driver competency, consisting of: a pre-trip vehicle inspection, a basic control skills test and an on-road drive test.
- (7) "CDL Third Party Tester" means a person authorized by DMV to operate a CDL skills testing program and provide CDL Third Party Examiner(s) to administer CDL skills test.
- (8) "CLP" means a commercial learner driver permit issued under ORS 807.285.
- (9) "CMV" means commercial motor vehicle, as defined in ORS 801.208.
- (10) "Commercial driving privileges" or "CDP" has the meaning set forth in ORS 801.207.
- (11) "Conviction record" means an official record showing a determination of guilt by a court of law upon a plea, verdict, finding, or unvacated bail forfeiture.
- (12) "CSTIMS", means the Commercial Skills Test Information Management System, a web-based system for scheduling and reporting CDL skills tests information and results.
- (13) "DACH" means the FMCSA Drug and Alcohol Clearinghouse.
- (14) "Disqualifying condition" means one or more medical conditions not meeting FMCSA physical qualification standards as set forth in 49 CFR 391.41(b).
- (15) "DMV" means the Oregon Department of Transportation, Driver and Motor Vehicle Services Division.
- (16) "Driving type" means a certification by an applicant or holder of a CDL or CLP for one of the following:
  - (a) Non-excepted interstate: the person operates or expects to operate in interstate commerce;
  - (b) Excepted interstate: the person operates or expects to operate in interstate commerce but engages exclusively in transportation or operations excepted under 49 CFR 390.3(f), 391.2, 391.68 or 398.3; or
  - (c) Non-excepted intrastate: the person operates only in intrastate commerce.
- (17) "ELDT" means Entry-Level Driver Training required under 49 CFR Part 380, Subpart F.
- (18) "Fifth wheel hitch" has the meaning set forth in ORS 801.275.
- (19) "FMCSA" means the Federal Motor Carrier Safety Administration of the United States Department of Transportation.
- (20) "First-time Real ID" means the first time DMV issues an Oregon Real ID to an applicant and may be issued as an original, renewal or replacement driver license, driver permit or identification card, depending on the privilege that the applicant possesses.
- (21) "Intrastate commerce" has the meaning set forth in 49 CFR § 390.5 and includes any trade, traffic or transportation taking place exclusively within Oregon.
- (22) "Lawful status" means, for the purpose of applying for a Real ID driver license, driver permit or identification card,

has the meaning set forth in 6 CFR §37.3.

(23) "Medical Determination Officer" means a physician, nurse practitioner or physician associate, licensed to provide health care services by the State of Oregon, and is employed or designated by DMV to make medical determinations of a driver's medical eligibility for driving privileges.

(24) "Medical Specialist" means a person who is licensed as a doctor of medicine, a doctor of osteopathic medicine, an optometrist or an audiologist.

(25) "Physician" has the meaning set forth in ORS 807.710.

(26) "Real ID" has the meaning set forth in ORS 807.450, and is marked with the distinguishing feature of a star in the upper right corner.

(27) "SPE certificate" means a Skill Performance Evaluation certificate issued by FMCSA pursuant to 49 CFR 391.49 to a person who demonstrates the ability to safely operate a CMV in spite of limb impairment or loss.

(28) "TPR" means the Training Provider Registry, an electronic system operated by FMCSA to list certified training providers and provide access to training providers to report ELDT completion information.

(29) "Waiver of Physical Disqualification" or "waiver" means a waiver issued by DMV to a driver who does not meet certain physical qualifications required for drivers of CMVs as set forth in 49 CFR 391.41(b).

STATUTORY/OTHER AUTHORITY: ORS 184.619, 802.010, 807.450, 807.460, 6 CFR §37.3

STATUTES/OTHER IMPLEMENTED: ORS 807.040, 807.100, 807.450

ADOPT: 735-063-0315

REPEAL: Temporary 735-063-0315 from DMV 31-2024

RULE TITLE: Commercial Driving Privileges; Federal Drug and Alcohol Clearinghouse; Cancellations

NOTICE FILED DATE: 09/24/2024

RULE SUMMARY: DMV proposes to adopt this rule to administer the federal Drug and Alcohol Clearinghouse.

RULE TEXT:

- (1) In accordance with ORS 807.166, DMV shall query DACH prior to issuance, renewal or replacement of commercial driving privileges, including upgrading, adding restrictions and transferring a person's CDL privileges.
- (2) DMV may not issue CDP to an applicant or renew an applicant's CDL when the query described in section (1) of this rule indicates the driver is prohibited from operating a CMV due to a violation of 49 CFR part 382, subpart B.
- (3) DMV may initiate a query with DACH, or receive information from DACH without initiating a query, regarding an Oregon CDP holder.
- (4) DMV shall cancel a person's CDP if DMV determines information from DACH indicates the CDP holder is prohibited from operating a CMV.
- (5) After DMV cancels a person's CDP under section (4) of this rule, the person may apply to regain an Oregon CDP. When the person applies for CDP, DMV will query DACH as described in section (1) of this rule. DMV will issue CDP to the person only if DACH indicates the person is not prohibited from operating a CMV and all other requirements for issuance of CDP are met.
- (6) A person whose CDP has been cancelled under section (4) of this rule may be issued a Class C noncommercial driver license described in ORS 807.031(5) or an identification card described in ORS 807.400, if all other requirements for issuance are met.
- (7) If FMCSA notifies DMV that a CDP driver was erroneously placed in a prohibited status in DACH, DMV shall remove any reference to the driver's prohibited status from the CDLIS driver history and terminate the cancellation imposed under this rule. DMV will remove the cancellation from the driver record and restore the record to the status as it existed before the erroneous notification.
- (8) Notwithstanding section (9) of this rule, DMV shall record a new sanction added to a CDLIS driver record during the period when DMV records show the driver had a prohibited status.
- (9) DMV may not include any details of a DACH cancellation in the CDLIS driver history record for the CDP driver, including: a State-to-State Status request, State-to-State History request, and a Change State of Record request.

STATUTORY/OTHER AUTHORITY: ORS 184.619, 802.010, 807.166, 809.310

STATUTES/OTHER IMPLEMENTED: ORS 807.166, 49 CFR Part 382