

Secretary of State  
Certificate and Order for Filing  
**PERMANENT ADMINISTRATIVE RULES**

I certify that the attached copies\* are true, full and correct copies of the PERMANENT Rules(s) adopted on December 21, 2011 by the  
Date prior to or same as filing date.

Oregon Department of Transportation, Driver and Motor Vehicle Services Division 735  
Agency and Division Administrative Rules Chapter Number

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to become effective January 1, 2012 Rulemaking Notice was published in the October 2011 Oregon Bulletin.\*\*  
Date upon filing or later Month and Year

**RULE CAPTION**

Traffic Offenses used in Driver Improvement, Habitual Offender and other DMV Programs  
Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

**RULEMAKING ACTION**

List each rule number separately, 000-000-0000.

**ADOPT:**

**AMEND:** 735-064-0220 and 735-072-0035

**REPEAL:**

**RENUMBER:** Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

**AMEND & RENUMBER:** Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

ORS 184.616, 184.619, 802.010, 809.480 and 809.605 None  
Stats. Auth. Other Authority

ORS 807.240, 807.270, 809.480, 809.600(2) and 809.605  
Stats. Implemented

**RULE SUMMARY**

ORS 809.605 requires DMV to adopt rules specifying which traffic offenses count for the purpose of determining that a person is a habitual offender under ORS 809.600(2). By administrative rule, those offenses are used to determine who qualifies for DMV's Driver Improvement programs, and whether a person has violated the terms of a hardship or probationary permit or has committed a serious traffic violation while operating a commercial motor vehicle. OAR 735-064-0220 specifies those traffic offense convictions DMV will use for the above described purposes. OAR 735-072-0035 is used only in the Driver Improvement Programs and contains a list of traffic offenses where it takes five offenses listed to equal one driver improvement violation. During the 2011 legislative session, two bills were enacted creating new traffic offenses or amending current traffic offense statutes where changes are required in OAR 735-064-0220 and 735-072-0035. DMV amended OAR 735-064-0220 and 735-072-0035 to implement these laws.

Offenses that an Oregon driver receives in another jurisdiction are posted to the record using an AAMVAnet Code Dictionary (ACD) code. AAMVA (Association of American Motor Vehicle Administrators) is instituting a few new ACD codes effective August 2011. DMV amended OAR 735-064-0220 to include new ACD codes and update the description of other ACD codes. DMV also moved from OAR 735-072-0035 to OAR 735-064-0220 the offense of failure to carry/present license to police officer. Moving this offense makes the program consistent for the offenses that Oregon links to ACD code B51.

\_\_\_\_\_  
Authorized Signer Thomas L. McClellan \_\_\_\_\_  
Printed Name Date

\* With this original, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules.

\*\* The *Oregon Bulletin* is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation. Notice forms must be submitted to the Administrative Rules Unit, Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310 by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday when Notice forms are accepted until 5:00 pm on the preceding workday.