

Secretary of State
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PERMANENT ADMINISTRATIVE RULES

I certify that the attached copies* are true, full and correct copies of the PERMANENT Rules(s) adopted on January 25, 2012 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

Lauri Kunze

3930 Fairview Ind. Dr SE, Salem OR 97302

(503) 986-3171

Rules Coordinator

Address

Telephone

to become effective

January 30, 2012

Date upon filing or later

Rulemaking Notice was published in the

December 2011

Month and Year

*Oregon Bulletin.***

RULE CAPTION

Licensing Processes and Proof of Medical Qualifications for a Commercial Driver License or Instruction Permit

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: 735-063-0067

AMEND: 735-001-0050, 735-010-0030, 735-062-0002, 735-062-0007, 735-062-0080, 735-062-0085, 735-062-0090, 735-062-0110, 735-062-0200, 735-063-0000, 735-063-0050, 735-063-0060, 735-063-0065

ORS 184.616, 184.619, 802.010, 802.179, 802.183, 802.200, 802.230, 807.021, 807.040, 807.050, 807.060,
807.066, 807.070, 807.080, 807.100, 807.160, 807.170, 807.340, 809.415, 809.419 & 809.440

Stats. Auth.

None

Other Authority

ORS 801.163, 802.200, 802.012, 802.220, 802.230, 802.540, 807.021, 807.024, 807.040, 807.045, 807.050, 807.060, 807.066,
807.070, 807.080, 807.100, 807.150, 807.160, 807.170, 807.220, 807.230, 807.280, 807.340, 807.400, 809.419, 809.440, 825.412
and 746.265

Stats. Implemented

RULE SUMMARY

Beginning on January 30, 2012, changes to the federal regulations related to proof of medical qualification requirements for commercial driver license (CDL) holders and CDL instruction permit holders go into effect. The Oregon Legislature enacted Chapter 470, Oregon Laws 2011 (HB 2138). These rule changes result from Section 2 of HB 2138 which authorizes DMV to implement these changes to the federal regulations.

735-001-0050 – This rule lists the circumstances under which DMV will provide administrative review of a suspension or cancellation of driving privileges. DMV amended this rule to include an administrative review if a person's CDL or CDL instruction permit is canceled because the person fails to submit proof of medical qualification to operate a commercial motor vehicle.

735-010-0030 – DMV amended this rule to specify that a CDL holder's employment and non-employment driving record may contain information concerning the person's medical qualification to operate a commercial vehicle. DMV also amended this rule to clarify that an employment driving record will contain information about a positive drug test result under ORS 825.412 only if the requestor has written permission from the person who was subject to the test. Additional amendments clarify the fees for searching DMV records when a requested record is not found and other changes to clarify language.

Chapter 735, Division 62 – To further implement the changes to federal regulations, DMV amended several rules in this division to include additional requirements when a person applies for issuance of a CDL or CDL instruction permit. These requirements include certification of driving type when applying for issuance, renewal or replacement of a CDL or CDL instruction permit, submission of proof of medical qualification when requested by DMV, and authorizing the waiver of the CDL drive test when an applicant surrenders a CDL issued by another state, a Canadian Province or Mexico. DMV also removed language from OAR 735-062-0080 regarding the waiving of a drive test when an applicant submits a CDL Certificate of Test Completion because the testing is not actually waived, but rather conducted by authorized CDL third-party testers. Finally, DMV amended OAR 735-062-0080 to authorize waiving a drive test for a Class C license if the applicant surrenders a license issued by a jurisdiction with which DMV has a reciprocity agreement.

Other amendments in Chapter 735, Division 62 are as follows:

• 735-062-0007(1)(c), 735-062-0090(2)(a) and 735-062-0010(3)(a) – Deleted the requirement that a person provide "proof" of a Social Security Number to implement Chapter 282, Oregon Laws 2011 (HB 2139).

- 735-062-0110(2) (c) – Included language to implement Chapter 297, Oregon Laws 2011 (HB 3273) which allows household members of a corrections officer or other eligible employee killed in the line of duty to use an employment address.

OAR Chapter 735, Division 63 – These amendments implement Section 2 of HB 2138 and align Oregon requirements with the federal regulations concerning certification of driving type and when proof of medical qualification for CDL holders and CDL instruction permit holders will be required by DMV. DMV adopted a new rule setting forth when DMV will cancel a CDL or CDL instruction permit for failing to provide proof of medical qualification and will suspend a CDL or CDL instruction permit if the person has falsified proof of medical qualification. Other amendments were made for clarity.

Authorized Signer	Thomas L. McClellan	Date
	Printed Name	

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