

735-060-0120

### The Certification Drive Test

(1) DMV adopts the following Federal Motor Carrier Safety Administration regulations in effect on July 1, 2007 and prescribes that these regulations establish the standards that must be followed in the testing for a commercial driver license:

- (a) 49 CFR sec. 383.75, Third Party Testing; and
- (b) 49 CFR sec. 383.131 through sec. 383.135.

(2) The certification drive test conducted under the CDL Third Party Tester program shall be by a CDL Third Party Examiner. The CDL Third Party Examiner shall:

- (a) Be certified by DMV; and
- (b) Not conduct more than eight CDL Class A, B, or C pre-trip inspection tests and on-road drive tests within a single calendar day;
- (c) Begin and end all pre-trip inspection and on-road drive tests during daylight hours;
- (d) Conduct all pre-trip inspection and on-road drive tests within the State of Oregon;
- (e) Conduct both the pre-trip inspection and on-road drive tests in the same type and class of commercial vehicle. Both the pre-trip inspection and on-road drive tests must be completed on the same calendar day unless the person tested has previously failed the on-road drive test;
- (f) Not conduct another on-road drive test until after the minimum waiting period set forth in OAR 735-062-0070(5) has passed, if the person fails a pre-trip inspection test or an on-road drive test;
- (g) Conduct the same pre-trip inspection tests and on-road drive tests that are administered by DMV examiners and use test scoring sheets approved by DMV;
- (h) Not permit any person who is not a certified examiner, an official with DMV, an official with the Federal Motor Carrier Safety Administration or the person being tested to observe or participate in CDL pre-trip inspection tests or the on-road drive tests without the prior approval of DMV; and
- (i) Conduct both the pre-trip inspection and on-road drive tests in English as required by OAR 735-062-0075(2)(d) and (e).

(3) The CDL Third Party Examiner shall do the following before administering a drive test:

- (a) Ensure the person being tested has a valid CDL instruction permit or CDL and, if the driver does not have a CDL, an Oregon driver license that was issued at least 21 days prior to the test as required by OAR 735-060-0105(3)(i). A drive test shall not be administered if the CDL Examiner has reason to believe that the driver's driving privileges are suspended, revoked, canceled or have otherwise been withdrawn; and
- (b) View the Medical Certificate and any required medical waiver as described in OAR 735-063-0060.

(4) The certification drive test shall be conducted in accordance with the federal regulations adopted by section (1) of this rule and the methods and procedures set forth in the Oregon

Department of Transportation CDL Examiner's Manual, incorporated herein. The certification drive test shall include, but is not limited to, the following:

(a) A pre-trip inspection test. This test is designed to evaluate the tested driver's ability to identify and operate the equipment on the vehicle in which he or she is being tested and to detect and identify unsafe vehicle equipment items. The specific items that must be inspected during a pre-trip inspection are those listed in the Oregon Department of Transportation CDL Examiner's Manual; and

(b) An on-road drive test. This test is designed to evaluate the tested driver's competency to safely operate a commercial motor vehicle or combination of commercial vehicles under actual driving conditions. The tested driver must demonstrate safe and proper driving methods and procedures and knowledge of the traffic laws. The following apply to an on-road drive test:

(A) It shall be conducted on a drive test route approved by DMV and meeting the specifications set forth in section (5) of this rule;

(B) The commercial motor vehicle or combination of commercial motor vehicles must be of the class for which the tested driver seeks a license or endorsement and must have the proper equipment in safe working order so that the vehicle(s) can be operated safely and legally. The CDL Examiner is not required to verify the safe condition of any commercial motor vehicle provided by the tested driver for an on-road test, but shall not conduct the test if it is apparent the vehicle cannot be operated safely and legally; and

(C) The commercial motor vehicle or combination of vehicles need not be loaded, but the test shall be conducted and scored as if the vehicle or combination of vehicles is loaded.

(5) The on-road drive test route shall:

(a) Be designed to enable the CDL Third Party Examiner to evaluate the ability of the driver to perform the maneuvers listed in the Oregon Department of Transportation CDL Examiner's Manual, incorporated by reference herein; and

(b) Meet the specifications for an on-road drive test for commercial driver licensing set forth in the Oregon Department of Transportation CDL Examiner's Manual, incorporated by reference herein.

(6) The Oregon Department of Education may establish additional requirement for the pre-trip inspection and on-road drive test for applicants for a school bus driver certificate, but may not modify or omit any of the testing requirements set forth in these rules, including those in the Oregon Department of Transportation CDL Examiner Manual, incorporated by reference herein, without the prior approval of DMV.

Stat. Auth.: ORS 184.616, 184.619, 802.010 & 807.080

Stats. Implemented: ORS 807.040, 807.070 & 807.100

735-062-0000

## Driver Permits or Driver Licenses

(1) Before the Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) will issue a driver permit or driver license, the person applying for the driver permit or driver license must:

(a) Satisfy all requirements set forth in ORS 807.040 and 807.060(2)(a) if under the age of 18. For purposes of ORS 807.060 and this subsection:

(A) Mother means the biological or adoptive mother of the applicant;

(B) Father means the biological or adoptive father of the applicant; and

(C) Legal guardian means an individual, or the authorized representative of an entity, private or public institution or agency appointed as guardian of the applicant by a court having jurisdiction.

(b) Satisfy all requirements set forth in ORS 807.065 and 807.066 to receive a driver license (provisional) if under 18 years of age;

(c) Present to DMV documentary proof of the person's age and identity as described in OAR 735-062-0020;

(d) Present to DMV documentary proof of the person's residence address as described in OAR 735-062-0030;

(e) Present to DMV proof, as described in OAR 735-016-0070, that the person is domiciled in or a resident of Oregon;

(f) Surrender to DMV all driver permits and driver licenses in the person's possession that have been issued by:

(A) Another state;

(B) A Canadian province or territory; or

(C) A U.S. territory.

(g) In addition to all requirements in subsections (a) through (f) of this section, a person who holds a commercial driver license from another jurisdiction must satisfy all requirements set forth in ORS 807.045 and OAR 735-062-0200.

(2) A person is not eligible for driving privileges under ORS 807.060(4) or (5) and DMV will not issue or renew driving privileges or replace a driver license or driver permit if on an application for driving privileges or a replacement license or permit a person:

(a) Answers yes to the question "Do you have a vision condition or impairment that has not been corrected by glasses, contacts or surgery that affects your ability to drive safely?" and the person is unable to pass a DMV vision screening;

(b) Answers yes to the question "Do you have any physical or mental conditions or impairments that affect your ability to drive safely?";

(c) Answers yes to the question "Do you use alcohol, inhalants, or controlled substances to a degree that affects your ability to drive safely?"

(3) A person who is denied issuance or renewal of driving privileges or replacement of a driver license or driver permit under section (2) of this rule will be allowed to establish or reestablish eligibility by passing DMV examinations under ORS 807.070, by getting a determination of eligibility from the Medical Determination Officer under ORS 807.090 or both, as determined by DMV. The requirement may be waived if DMV determines the application was completed in error and the person is eligible for driving privileges.

(4) Upon receipt of an application for a driver license or driver permit, DMV will make an inquiry to the National Driver Register/Problem Driver Pointer System (NDR/PDPS) or the Commercial Driver License Information System (CDLIS) or both to determine if the applicant's driving privileges are suspended, revoked, canceled or otherwise not valid in any other jurisdiction. For issuance of a commercial driver license (CDL), DMV will also make an inquiry to CDLIS to determine if the applicant has been issued a CDL in another jurisdiction.

(5) DMV may require the applicant to provide a clearance letter in compliance with OAR 735-062-0160, indicating the applicant has valid driving privileges from any jurisdiction in which an inquiry with the National Driver Register/Problem Driver Pointer System (NDR/PDPS) or the Commercial Driver License Information System (CDLIS) or both indicates the applicant's driving privilege is not fully valid.

(6) DMV will not issue driving privileges to a person until his or her driving privilege is reinstated in all jurisdictions, unless the only remaining reinstatement requirement in the other jurisdiction is proof of financial responsibility. Nothing in this section prohibits DMV from issuing a regular Class C driver license to a person whose CDL driving privileges are not valid as long as the person's regular Class C or equivalent driving privileges are valid.

(7) DMV will not issue a driver license or permit to a person with a current, valid Oregon identification card (ID card). To become eligible, the person must surrender the ID card before DMV may issue the Oregon driver license or permit. If the person's ID card is lost or destroyed, the person must make a statement that the card is lost or destroyed and that it will be returned to DMV if found.

(8) A driver license of an applicant with a February 29 birth date expires:

(a) On February 29 if the expiration year is a leap year; or

(b) On March 1 if the expiration year is not a leap year.

(9) After determining that an applicant has met all requirements under this rule, DMV will issue the license or permit and mail it to the address provided by the applicant at the time of the application.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.040, 807.050, 807.060, 807.120, 809.310

Stats. Implemented: ORS 807.040, 807.060 & 807.066

735-062-0073

#### Denial of Further Testing

DMV may refuse to continue a test or conduct further testing if the department determines that the person does not meet the qualifications for the class of license or endorsement for which the person is being tested. To show qualification for a license or endorsement, a person must demonstrate knowledge and understanding of the traffic laws of this state and must demonstrate

the person's ability to operate a motor vehicle without endangering the safety of persons or property:

(1) A DMV employee may refuse to conduct or to continue a behind the wheel drive test if the employee reasonably believes that the person is likely to endanger persons or property while being tested.

(2) DMV may deny a drive test, and deny further testing, prior to the start of the test if there are observable reasons to believe the person may endanger the safety of persons or property during a drive test. Observable reasons to deny a drive test before starting the test may include but are not limited to the following:

(a) The person is visibly confused;

(b) The person is unable to follow simple directions needed to prepare for the drive test; or

(c) The person is unable to perform the safety check on the person's vehicle before beginning the drive test.

(3) DMV may immediately stop a drive test if the drive test examiner reasonably believes the person is likely to endanger persons or property. Reasons to immediately stop a drive test include, but are not limited to:

(a) An accident during the drive test which could have been avoided by the driver being tested;

(b) Dangerous driving behaviors including but not limited to the following:

(A) Failure to obey traffic control devices;

(B) Is prevented from causing an accident by the actions of other drivers or the examiner;

(C) Turns from the wrong lane or into the wrong lane in a way that it impedes the right of way of others;

(D) Fails to stop for a school bus that has its red lights flashing;

(E) Fails to yield to a pedestrian or fails to stop when another vehicle is stopped at a crosswalk because a person is occupying the crosswalk;

(F) Drives over a curb, sidewalk or median;

(G) Depends on the action of other drivers for his or her own safety; or

(H) Changes lanes or merges into traffic without checking for other vehicles.

(c) Is an experienced driver who is unable to perform basic driving tasks;

(d) Is unable to follow instructions to the point the drive examiner is not certain he or she can verbally guide the driver back to the DMV field office; or

(e) Seems unaware of driving mistakes made, takes no responsibility as mistakes are pointed out and shows a pattern of denial of any error.

(4) A DMV employee may use the guidelines in sections (2) and (3) of this rule, or other actions that occurred during a drive test, to refuse to conduct or continue testing and to recommend denial of further testing.

(5) Upon review of the DMV employee's recommendation and if DMV determines the person is likely to endanger persons or property during subsequent testing, DMV will deny further testing and will:

(a) Send to a person who has not been issued Oregon driving privileges a notice denying further testing. The person is not entitled to a contested case hearing; or

(b) Cancel driving privileges pursuant to ORS 807.350 and OAR 735-070-0010 and 735-070-0020 if the person has been issued Oregon driving privileges.

(6) Someone who has been denied further testing under this rule must provide adequate proof to DMV that the person has taken steps to improve driving skills and as such can take a drive test without endangering the safety of persons or property. A person may provide proof, which may alone or in conjunction with other information constitute adequate proof, such as the following:

(a) Successfully complete a driver training course conducted by an ODOT certified commercial driver training school and submits proof of completion to DMV.

(b) Successfully complete a driver rehabilitation program conducted by a rehabilitation specialist and submits proof of completion to DMV.

(c) Submit a medical report form showing that a licensed physician, physician's assistant or nurse practitioner has conducted a diagnostic examination, showing to the satisfaction of the Medical Determination Officer that the person's physical or mental disease or disability has improved or is controlled, so that it does not impair the person's ability to safely operate a motor vehicle.

(d) Show proof that an adaptive device, such as hand controls, has been added to the vehicle and show some documentation that the person knows how to use and has practiced with the adaptive device(s).

(7) To satisfy the requirements of subsections (6)(a) or (b) of this rule, the proof submitted to DMV must include the following:

(a) The applicant's name and either a date of birth or Oregon driver license number;

(b) A certificate or statement from the driver training instructor or school, or the rehabilitation specialist that the person successfully completed a driver training course or a driver rehabilitation program; and

(c) The ODOT certification number of the commercial driver training school, or the rehabilitation program name, address, phone number and the name of the specialist who worked with the person.

(8) To obtain a driver license or endorsement, an applicant who has been denied further testing, or a person whose driving privileges have been cancelled under subsection (5)(b) of this rule, must meet the requirements of section (6) of this rule and must submit an application, pay all required fees, and establish all qualifications for the class of license or endorsement sought.

Stat. Auth.: ORS 184.616, 184.619, 802.010

Stats. Implemented: ORS 807.070, 807.340 & 807.350

735-062-0090

## Renewal Driver Licenses and Identification Cards

- (1) The Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) will renew the driver license of a person satisfying the requirements set forth in ORS 807.150.
- (2) An applicant for the renewal of a driver license or identification card must present to DMV proofs of age and/or identity as set forth in OAR 735-062-0020.
- (3) An applicant for the renewal of a driver license or identification card that includes a change of residence address must present to DMV one of the proofs of residence address listed in OAR 735-062-0030 that shows the person's current residence address. (Current residence address is the residence address to be included on the license or identification card to be issued.)
- (4) DMV may renew an unexpired driver license or identification card up to four months prior to the expiration date.
- (5) If a driver license has been expired more than one year, the applicant must re-apply for an original driver license and meet the requirements set forth in OAR 735-062-0000.
- (6) An applicant for a renewal of a commercial driver license with a hazardous materials endorsement must retake and pass the hazardous materials knowledge test and meet the requirements set forth in OAR 735-062-0190 to retain the hazardous materials endorsement on the commercial driver license.
- (7) An applicant for a renewal of a commercial driver license must meet the requirements set forth in OAR 735-063-0065.
- (8) Before processing a driver license renewal, DMV will make an inquiry to the National Driver Register/Problem Driver Pointer System (NDR/PDPS) or the Commercial Driver License Information System (CDLIS), or both, to determine if the applicant's driving privileges are suspended, revoked, canceled or otherwise not valid in any other jurisdiction. Before processing a commercial driver license (CDL) renewal, DMV will make an inquiry to CDLIS to determine if the applicant has been issued a CDL in any other jurisdiction.
- (9) If the applicant's driving privileges are suspended, revoked, canceled or otherwise not valid in any other jurisdiction, the applicant may not renew an Oregon driver license until the applicant submits a clearance letter that complies with OAR 735-062-0160 and shows the applicant's driving privileges are reinstated or otherwise valid in the other jurisdiction.
- (10) Notwithstanding section (9) of this rule, DMV will renew the driving privileges of an applicant whose driving privileges are suspended, revoked, canceled or otherwise not valid in another jurisdiction if the only remaining reinstatement requirement in the other jurisdiction is proof of future financial responsibility.
- (11) DMV will not renew an Oregon driver license or permit if the applicant has a current, valid Oregon identification card. To become eligible, the person must surrender the Oregon identification card before DMV will renew the Oregon driver license or permit. If the person's identification card is lost or the person no longer has the identification card in his or her possession, the person must provide a statement attesting to this fact.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 802.012 & 807.040

Stats. Implemented: ORS 802.012, 802.540, 807.040 – 807.060, 807.100, 807.150 & 807.400

735-062-0200

### Conversion From Another Jurisdiction's Commercial Driver License

(1) The Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) will require an applicant for a commercial driver license in this state who currently holds a CDL issued by another jurisdiction to:

(a) Take and pass the Class C knowledge test and a vision screening; and

(b) Take and pass the pre-trip inspection, drive test and knowledge test required, if the person applies for a higher class license.

(2) DMV may waive the drive tests or knowledge tests, except the Class C knowledge test and the hazardous materials endorsement knowledge test, if the applicant applies for a license equal to the CDL the applicant has been issued by another jurisdiction and the CDL has not been expired for more than one year.

(3) DMV may require any applicant to take a knowledge or drive test prior to issuing a CDL.

(4) When a person has surrendered his or her Oregon CDL to obtain a CDL from another jurisdiction, DMV may replace or renew the Oregon CDL without requiring a drive test or knowledge test if:

(a) The applicant has moved back to Oregon and can provide proof of residence address in Oregon; and

(b) The Oregon CDL is not currently expired, or if expired, has not been expired for more than one year. Rather than issue a replacement CDL, DMV will renew the Oregon CDL if it is due to expire within the next four months.

(5) DMV will not renew an Oregon CDL unless the applicant meets the requirements of OAR 735-062-0090 and 735-063-0065.

(6) DMV will submit an inquiry through the Commercial Driver License Information System (CDLIS) and the National Driver Register (NDR)/ Problem Driver Pointer System (PDPS) before issuing, replacing or renewing an Oregon CDL. DMV will not issue, replace or renew an Oregon CDL if the inquiry shows:

(a) The applicant has a current and valid CDL, issued by another jurisdiction unless the CDL is surrendered to DMV or the applicant certifies it has been lost or destroyed;

(b) The applicant's driving privileges are suspended, revoked or canceled in another jurisdiction; or

(c) The applicant is disqualified from operating a commercial motor vehicle in another jurisdiction.

(7) The driving record of the applicant from another jurisdiction will become a part of the Oregon driving record as provided in OAR 735-062-0210.

(8) A person whose driving privileges have been suspended, revoked, or canceled in another jurisdiction or who has been disqualified from operating a commercial motor vehicle in another jurisdiction, must be eligible for valid driving privileges in the other jurisdiction before an Oregon CDL may be issued. When the person is eligible for valid driving privileges in the other jurisdiction, he or she may ask that DMV check CDLIS and NDR/PDPS to verify the eligibility.

Stat. Auth.: ORS 184.616, 184.619, 807.045, 807.050 & 807.070  
Stat. Implemented: ORS 807.045

735-064-0040

### Application Requirements for a Hardship or Probationary Permit

(1) Documents required to obtain a hardship permit depend upon the reason(s) for the suspension. Documents required to obtain a probationary permit depend upon whether the applicant's driving privileges are also suspended and the reason for the suspension. An applicant must comply with any sections of this rule that apply to their suspension and/or revocation. All applicants must:

(a) Complete a Hardship/Probationary Application, Form 735-6044. This form is available at any DMV office and on the Internet at [www.oregondmv.com](http://www.oregondmv.com); and

(b) Pay the hardship or probationary permit fee and the reinstatement fee.

(2) An applicant whose driving privileges are suspended based upon a conviction for DUII, reckless driving, fleeing or attempting to elude a police officer or misrepresentation of age by a minor to purchase or consume alcohol must obtain the recommendation and signature of the convicting judge on the Hardship/Probationary Application form.

(3) An applicant who is suspended for two or more DUII convictions where the commission of the later offense and the conviction for a separate offense occurred within a five-year period must submit a recommendation for issuance of a hardship or probationary permit from a program approved by AMH.

(4) Unless driving privileges are suspended for a DUII conviction, an applicant for a hardship permit must submit an SR22 insurance certificate or other proof of financial responsibility as described in ORS 806.240. An applicant whose driving privileges are suspended for a DUII conviction, must submit an SR22 certificate as proof of financial responsibility that shows at least the minimum coverage amounts specified in ORS 806.075. An applicant for a probationary permit shall submit an SR22 insurance certificate if the applicant's driving privileges are suspended in addition to the habitual traffic offender revocation.

(5) An applicant for a probationary permit must submit to DMV a medical report form or a report on the Hardship/Probationary Permit Application (form 735-6044), completed by a licensed physician showing to the satisfaction of DMV that the applicant has no medical condition or impairment that makes it unsafe for the applicant to operate a motor vehicle.

(6) An applicant for a probationary permit must submit verification of the successful completion of a driver improvement course approved by DMV. Names of approved courses can be obtained by calling DMV.

(7) An applicant must provide the following information, depending upon the driving privileges sought:

(a) An applicant who is required to drive for employment purposes must provide the routes, counties, days and times the applicant is required to drive. In addition, this information must be supported by any of the following that apply:

(A) The applicant must submit a letter from the applicant's employer in order to verify the hours of work and the need for on the job driving;

(B) The applicant must submit proof of self-employment. Acceptable proof includes a copy of a business license, business tax statement, newspaper advertisement or business receipts; and

(C) The applicant must provide the days, hours and counties for seeking employment.

(b) An applicant who needs to drive to attend an alcohol or drug treatment or rehabilitation program must provide the name and address of the program, routes, days and times the applicant is required to drive to and from the program;

(c) An applicant for a hardship permit who needs to drive to receive medical treatment on a regular basis for himself or herself or a member of the person's immediate family, must provide the name and address of the medical treatment facility, routes, days and times the applicant is required to drive to receive medical treatment on a regular basis for the person or a member of the person's immediate family. The applicant must submit a signed statement from the physician or certified nurse practitioner treating the person or the person's immediate family member, advising of the need for medical treatment on a regular basis. The statement must include how often the treatment is required and hours of the day and days of the week treatment is available. Actual appointment times are subject to verification by DMV and law enforcement;

(d) An applicant for a hardship permit whose driving privileges are suspended for violation of ORS 165.805, 471.430, or 806.010, is eligible to request driving privileges for family necessities. The applicant must provide the name and address of the person to whom or facility to which the applicant is driving for the family necessity, routes, days and times the applicant is required to drive for family necessities, as defined in OAR 735-064-0005.

(8) Applicants may submit documents to DMV as they meet requirements. DMV, however, will not issue the hardship or probationary permit until all required documents are received and processed by DMV, Driver Suspensions Unit.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.240 & 807.270

Stats. Implemented: ORS 807.240, 807.250, 807.270, 807.370, 813.500, 813.510

735-074-0080

#### Definitions

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

(2) A "health care provider" is a person licensed, certified or otherwise authorized or permitted by law to administer health care in the State of Oregon. For purposes of these rules, the term health care provider is limited to: a chiropractic physician, nurse practitioner, occupational therapist, physical therapist, optometrist, physician assistant and podiatric physician or surgeon.

(3) "Immediate suspension or cancellation" means the suspension or cancellation of driving privileges or the right to apply for driving privileges before the person is given an opportunity for a hearing to contest the suspension or cancellation.

(4) "Mandatory reporting or a mandatory report" is a report of severe and uncontrollable cognitive or functional impairments, submitted by a physician or designated health care provider as mandated under ORS 807.710 and these rules. DMV also has a non-mandatory reporting program that can be used by anyone, including physicians and health care providers, that reports

medical issues or driving behaviors that may affect the person's ability to safely operate a motor vehicle. The non-mandatory reporting program is outlined in OAR chapter 735, division 76.

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

(6) A "medical report form" is the form provided to a person or designated by DMV to be used to obtain medical information for determining if the person is eligible or qualified for driving privileges.

(7) A "physician" is a medical doctor or doctor of osteopathic medicine licensed to practice medicine in the State of Oregon by the Board of Medical Examiners or a doctor of naturopathic medicine licensed to practice naturopathic medicine in the State of Oregon by the Board of Naturopathic Examiners.

(8) A "primary care provider" is a physician or health care provider who is responsible for supervising, coordinating and providing a person's initial and ongoing health care. A primary care provider initiates referrals for health care outside of his or her scope of practice, consultations and specialist care to assure continuity of a person's medically appropriate health care.

(9) "Primary and secondary driving controls" mean the steering wheel, gas pedal, brake, clutch (if applicable), turn signal controls, headlight controls, windshield wiper controls, defrost control and horn of a motor vehicle.

(10) "Recertification" or "recertify" is the process for requiring the person to reestablish eligibility at periodic intervals by submitting updated medical or vision information and possibly proving that the mental or physical condition or impairment does not affect their ability to safely operate a motor vehicle by passing DMV tests, receiving a determination of eligibility from the Medical Determination Officer, or both.

(11) "Severe" means that the impairment substantially limits a person's ability to perform activities of daily living, including driving, because it is not controlled or compensated for by medication, therapy, surgery or adaptive devices. Severe does not include a temporary impairment for which the person is being treated by a physician or health care provider and which is not expected to last more than six months.

(12) "Uncontrollable" means the impairment cannot be controlled or compensated for by medication, therapy, surgery, or adaptive devices.

Stat. Auth.: ORS 184.616, 184.619, 802.010 & 807.710

Stat. Implemented: ORS 807.710

735-074-0140

DMV Response to Mandatory Report – Suspension, Opportunity to Re-Test, Reinstatement

(1) DMV will review a report received under OAR 735-074-0120 to determine if sufficient information has been provided. If the report does not contain the information required by OAR 735-074-0120 it may be returned to the reporting physician or health care provider for completion. If the report does not meet the requirements of a mandatory report, but if the report is of a possible mental or physical condition or impairment that indicates the person is no longer

qualified to hold a driver license, driver permit or endorsement or may no longer be able to drive safely, DMV will review the report under the non-mandatory program described in OAR chapter 735, division 76 to determine what action, if any, is appropriate.

(2) Using the standards set forth in OAR 735-074-0130, or when otherwise recommended by the Medical Determination Officer, DMV will suspend driving privileges or the right to apply for driving privileges under ORS 809.419(3), if it is determined from the report submitted under OAR 735-074-0120 that the person has a mental or physical condition or impairment that affects the person's ability to safely operate a motor vehicle upon the highways. Driving privileges or the right to apply for driving privileges will be immediately suspended if DMV has reason to believe the person may endanger people or property if not immediately suspended.

(3) If DMV receives a report that indicates that a person's vision does not meet the vision standards set forth in OAR 735-062-0050, DMV will immediately suspend the person's driving privileges or right to apply for driving privileges under ORS 809.419(3). To be eligible for reinstatement of driving privileges the person must: submit proof from a licensed optometrist or physician who specializes in the diagnosis and treatment of eye diseases that the person's vision, with or without corrective lenses, meets the vision standards set forth in OAR 735-062-0050, and pass a knowledge and drive test. Proof that vision meets DMV standards is only valid for six months from the date DMV receives the Certificate of Vision form and the person must pass the knowledge and drive test within this time period for reinstatement of driving privileges.

(4) A person whose driving privileges and right to apply for driving privileges are suspended because of a functional impairment may request to be tested by DMV to demonstrate that notwithstanding the impairment, the person is qualified to safely operate a motor vehicle. If the request is granted, DMV will administer a vision screening under OAR 735-062-0050, a knowledge test under OAR 735-062-0040 and a DMV drive test under OAR 735-062-0070. DMV will deny the request if it has reason to believe the person is unable to safely operate a motor vehicle during a drive test. If the request is denied, DMV may give the person tests if the person:

- (a) Receives a determination of eligibility from the Medical Determination Officer;
- (b) Submits proof of successful completion of a driver rehabilitation program conducted by a rehabilitation specialist;
- (c) Submits proof of successful completion of a driver training course conducted by an ODOT certified commercial driver training school; or
- (d) Submits proof that the person's motor vehicle is equipped with an appropriate adaptive device(s), such as hand controls, and provides documentation that the person knows how to use and has practiced with the adaptive device(s).

(5) A person whose driving privileges and right to apply for driving privileges are suspended because of a cognitive impairment or a cognitive impairment in conjunction with a functional impairment reported under OAR 735-074-0110 may request to be tested by DMV to demonstrate that notwithstanding the disorder or the impairment, the person is qualified to safely operate a motor vehicle. Before DMV will grant the request to be tested, the Medical Determination Officer must determine that the person is medically eligible to take tests. If eligible for testing, the person must pass a vision screening under OAR 735-062-0050, a knowledge test under OAR 735-062-0040 and a DMV drive test under OAR 735-062-0070.

(6) The following apply to a request for testing under sections (4) and (5) of this rule:

(a) The request must be made by contacting DMV headquarters; and

(b) For a cognitive impairment or a cognitive impairment in conjunction with a functional impairment, testing must be completed within six months from the date the Medical Determination Officer determines the person is medically eligible to take tests.

(7) DMV may issue a no-fee identification card if a person whose driving privileges are suspended pursuant to this rule, voluntarily surrenders his or her valid driver license or driver permit.

(8) DMV will notify the reporting physician or health care provider if the person's driving privileges are reinstated.

(9) If the person reinstates his or her driving privileges, DMV may require the person to provide periodic medical information based on the recommendation of the Medical Determination Officer or obtain periodic vision exams based on the recommendation of the person's vision specialist. The Medical Determination Officer may review those with functional impairments who are reinstated for determination of whether the person should be medically recertified at a later date. The Medical Determination Officer will include a determination if medical recertification is needed on cognitive impairments at the time a determination on testing is made. If periodic medical information is required, DMV will send the person a Medical Impairment Recertification form and require the person to obtain information from his or her physician, nurse practitioner or physician assistant and return that to DMV within 30 days of the date on the requirement letter. If a periodic vision exam must be obtained, DMV will send the person a Certificate of Vision form which must be completed by the person's vision specialist and returned to DMV within 30 days of the date on the requirement letter.

(10) A person may be required to successfully complete DMV testing or may have driving privileges suspended based on information contained in the Medical Impairment Recertification form or periodic vision information report submitted under section (9) of this rule.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.340, 807.710 & 809.419

Stat. Implemented: ORS 807.340 & 807.710

735-074-0180

When a Suspension or Cancellation of Driving Privilege Occurs

(1) DMV may issue an immediate suspension of driving privileges in the following situations:

(a) As set forth in OAR 735-074-0140, if DMV has reason to believe from the information provided in a mandatory report submitted under 735-074-0120 that the person may endanger people or property if not immediately suspended;

(b) The Medical Determination Officer, upon review of medical information on a driver, recommends an immediate suspension;

(c) Information contained in a required Medical Impairment Recertification form submitted as required under OAR 735-074-0140 indicates that the person has a mental or physical condition that makes it unsafe for the person to operate a motor vehicle and DMV has reason to believe the person may endanger people or property if not immediately suspended; or

(d) Information contained in a required Certificate of Vision form submitted as required under OAR 735-074-0140 indicates the person's vision does not meet minimum vision standards under OAR 735-062-0050 and DMV has reason to believe the person may endanger people or property if not immediately suspended.

(2) DMV will immediately cancel a person's driving privileges if DMV has reason to believe that the person may endanger people or property if not immediately canceled. If DMV has reason to believe a person is unable to safely operate a motor vehicle and may endanger people or property, DMV may immediately cancel driving privileges pursuant to ORS 807.350 and OAR 735-070-0010, 735-070-0020 and 735-074-0220.

(3) DMV may cancel driving privileges pursuant to ORS 807.350 and OAR 735-070-0010, 735-070-0020 and 735-074-0220 if:

(a) The person's vision does not meet the minimum vision standards set forth in OAR 735-062-0050;

(b) DMV determines the person no longer meets the qualifications for a driver license, driver permit or endorsement because of a physical or mental condition or impairment that affects the person's ability to safely operate a motor vehicle upon the highway or a problem condition involving alcohol, inhalants or controlled substances; or

(c) The person is denied a drive test by DMV or the Medical Determination Officer because of a physical or mental condition or impairment that affects the person's ability to safely operate a motor vehicle upon the highway.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.340, 807.350 & 809.419  
Stat. Implemented: ORS 807.350 & 809.419

#### 735-063-0050

##### Medical Standards for Drivers of Commercial Motor Vehicles

(1) The Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) adopts the United States Department of Transportation Federal Motor Carrier Safety Administration (FMCSA) regulations in effect on July 1, 2007 contained in 49 CFR § 391.41 through 391.49 pertaining to physical qualifications and medical examination of drivers of commercial motor vehicles. Except as provided in section (2) of this rule, to qualify for a Class A, B, or C commercial driver license a person must obtain an approved medical certificate meeting the requirements of these federal regulations.

(2) DMV may issue a Class A, B, or C commercial driver license to a person who does not meet the physical qualifications outlined in the Federal Motor Carrier Safety Regulations Title 49 CFR § 391.41(b) if the person is issued:

(a) A Waiver of Physical Disqualification, by DMV under OAR 735-063-0070;

(b) An exemption by the Federal Motor Carrier Safety Administration pursuant to 49 USC § 31136 and 31135, and 49 CFR § 381.300 to 381.330; or

(c) A Skill Performance Evaluation Certificate issued by the Federal Motor Carrier Safety Administration pursuant to 49 CFR § 391.49.

(3) DMV will issue a restricted Class A, B or C commercial driver license if the waiver, exemption or Skill Performance Evaluation Certificate described in section (2) of this rule

indicate any applicable restrictions, conditions or limitations for issuance of a commercial license.

(4) DMV will suspend a Class A, B or C commercial driver license if a Waiver of Physical Disqualification is not renewed or is suspended or revoked for any reason or for any length of time.

(5) DMV will suspend a Class A, B or C commercial driver license if notified that the Federal Motor Carrier Safety Administration (FMCSA) has revoked or not renewed the Skill Performance Evaluation Certificate issued to the driver under the provisions of 49 CFR § 391.49.

(6) DMV will suspend a Class A, B or C commercial driver license if notified that FMCSA has revoked or not renewed an exemption to physical qualifications issued to a driver under the provisions of 49 U.S.C. § 31135 and 31136(e) and 49 CFR § 381.300 to 381.330.

(7) DMV will suspend a Class A, B, or C commercial driver license if notified by the Medical Determination Officer that the driver no longer meets the physical qualifications outlined in 49 CFR § 391.41 (b).

(8) A person suspended under section (4), (5), or (6) of this rule may reinstate commercial driving privileges if the person obtains a medical certificate as described in section (1) of this rule or is reissued a waiver by DMV or an exemption or Skill Performance Evaluation by FMCSA as described in section (2) of this rule.

(9) A person suspended under section (7) of this rule may reinstate commercial driving privileges if the person is determined by the Medical Determination Officer to meet the physical qualifications for a Class A, B or C commercial driver license.

Stat. Auth.: ORS 184.616, 184.619, 802.010 & 807.040

Stats. Implemented: ORS 807.040 & 807.100,

#### 735-063-0055

##### Who Must Have an Approved Medical Certificate

(1) A person with a Class A, B, or C commercial license must have an approved medical certificate as described in OAR 735-063-0060 in their immediate possession while operating any Class A, B or C commercial motor vehicle.

(2) A person who does not have a valid medical certificate approved by the Driver and Motor Vehicle Services Division of the Department of Transportation may drive only non-commercial vehicles even if the person has a Class A, B, or C commercial driver license.

Stat. Auth.: ORS 184.616, 184.619, 802.010 & 807.040

Stats. Implemented: ORS 807.040, 807.100 & 807.150

#### 735-063-0060

##### Approved Medical Certificates

(1) DMV approves the following as medical certificates for use when driving Class A, B, or C commercial motor vehicles within Oregon:

(a) Medical Certificate, WTB Form 202B; printed by the Willamette Traffic Bureau and completed in compliance with Title 49, Chapter III, Sections 391.41 through 391.49, of the Federal Motor Carrier Safety Regulations;

(b) Any medical certificate that complies with Title 49, Chapter III, Sections 391.41 through 391.49, of the Federal Motor Carrier Safety Regulations. Compliance with these requirements must be explicitly stated on the medical certificate issued; or

(c) An Oregon School Bus Driver's Certificate or Oregon School Bus Driver's Permit (issued by the Oregon Department of Education).

(2) If indicated as required for compliance, the medical certificate described in section (1)(a) of this rule must also be accompanied by a current:

(a) Waiver of Physical Disqualification (issued by DMV);

(b) Skill Performance Evaluation Certificate issued by the Federal Motor Carrier Safety Administration; or

(c) Exemption issued by the Federal Motor Carrier Safety Administration.

(3) The medical certificate must not be expired.

Stat. Auth.: ORS 184.616, ORS 184.619, 802.010 & ORS 807.040

Stats. Implemented: ORS 807.040 & ORS 807.100

735-063-0065

#### Medical Certificate Procedures

(1) DMV will issue a Class A, B, or C commercial driver permit or license only to applicants who present an approved medical certificate as described in OAR 735-063-0060 and, if required, a Waiver of Physical Disqualification, an exemption or Skill Performance Evaluation Certificate when applying for an original or renewal of a Class A, B, or C commercial permit or driver license.

(2) An applicant for a Class A, B, or C commercial driver license used in interstate commerce must also certify on the application or renewal form that he or she meets all of the driver qualification requirements as required by § 383.71(a) and § 383.71(c)(1) of the Federal Motor Carrier Safety Regulations (FMCSR) of the U.S. Department of Transportation (codified at 49 CFR § 383.71).

(3) DMV may issue a Class C or Class C restricted driver license to a person who applies for the renewal of a Class A, B, or C commercial driver license if the person does not present an approved medical certificate as required or fails to certify he or she meets the driver qualification requirements as required in subsections (3) and (4) of this rule. The lower class of license issued shall be the class requested by the applicant.

(4) A driver who needs to replace a medical certificate because it is lost, mutilated, or destroyed may obtain a duplicate from the same source from which they obtained the original medical certificate.

(5) DMV is not responsible for any expenses an applicant may incur from the acquisition of an approved medical certificate or duplicate medical certificate.

Stat. Auth.: ORS 184.616, 184.619, 802.010 & 807.040

Stats. Implemented: ORS 807.040, 807.100 & 807.150

735-076-0002

## Definitions

- (1) “DMV” means the Driver and Motor Vehicle Services Division of the Oregon Department of Transportation.
- (2) “Health care provider” is a person licensed, certified or otherwise authorized or permitted by law to administer health care in the State of Oregon. For purposes of these rules, the term health care provider is limited to: a chiropractic physician, nurse practitioner, occupational therapist, physical therapist, optometrist, physician assistant and podiatric physician or surgeon.
- (3) “Immediate suspension” means the suspension of driving privileges or the right to apply for driving privileges before the person is given an opportunity for a hearing to contest the suspension.
- (4) “Medical Determination Officer” is a physician, nurse practitioner or physician assistant, licensed to provide health care services by the State of Oregon, and employed or designated by DMV to make medical determinations of a driver’s medical eligibility for driving privileges.
- (5) A “medical report form” is the form provided to a person or designated by DMV to be used to obtain medical information for determining if the person is eligible or qualified for driving privileges.
- (6) “Non-mandatory reporting or a non-mandatory report” is a voluntary report to DMV of either a medical condition or impairment that may affect a driver’s ability to safely operate a motor vehicle, or a report of actual driving behavior that may indicate the person is no longer able to safely operate a motor vehicle. A non-mandatory report does not include a report that must be filed by a physician or health care provider as required under OAR chapter 735, division 74 of a severe and uncontrollable impairment that affects a person’s ability to safely operate a motor vehicle.
- (7) A “physician” is a medical doctor or doctor of osteopathic medicine licensed to practice medicine in the State of Oregon by the Board of Medical Examiners, or a doctor of naturopathic medicine licensed to practice naturopathic medicine in the State of Oregon by the Board of Naturopathic Examiners.
- (8) “Problem condition involving alcohol, inhalants or controlled substances” has the meaning set forth in ORS 813.040.
- (9) “Recertification” or “recertify” is the process for requiring the person to reestablish eligibility for driving privileges at periodic intervals by submitting a medical report form, or by submitting a Certificate of Vision form (DMV form 24) or passing a DMV vision screening. The process may also include DMV tests, receiving a determination of eligibility from the Medical Determination Officer, or both, if determined necessary by DMV.
- (10) “Tests” are examinations under ORS 807.070 that establish a person’s eligibility for driving privileges. Tests include a DMV vision screening, a knowledge test and a drive test.
- (11) “Unsafe or dangerous driving behavior” means a driver is unable to perform basic driving tasks in a safe and competent manner. Examples include, but are not limited to, the following:
  - (a) The driver is prevented from causing an accident by an evasive maneuver by another driver(s);

(b) The driver impedes traffic or fails to yield the right of way, such as: driving too slowly; driving in more than one lane of traffic; turning from the wrong lane; or turning into the wrong lane; and

(c) Failure to obey or difficulty obeying a traffic control device, such as: running a red light or stop sign; stopping beyond the designated stop line at a traffic light or stop sign; failing to stop for a pedestrian in a marked crosswalk; or driving the wrong way on a one-way street.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.340 & 809.419

Stats. Implemented: ORS 807.340

735-076-0007

#### DMV Response to Non-Mandatory Report

DMV will review a non-mandatory report meeting the requirements under OAR 735-076-0005 to determine the appropriate action to take, which may include any or all of the following:

(1) No action if the report does not give DMV reason to believe the person being reported is no longer qualified to hold a driver license, driver permit, or endorsement or is no longer able to drive safely. This includes a report from a physician or health care provider indicating the condition or impairment is not likely to recur or does not affect the person's ability to drive safely, or a report of driving behavior that reports a single incident with no indication of a mental or physical condition or impairment affecting the person's ability to safely drive.

(2) The person may be required to reestablish eligibility by taking a test under ORS 807.070 when the report is one or more of the following:

(a) A report of a mental or physical condition or impairment that may affect the person's ability to safely operate a motor vehicle, not including a loss of consciousness or control or a problem condition involving alcohol, inhalants or controlled substances.

(b) A report of unsafe or dangerous driving behavior only.

(3) The person will be required to provide a medical report form or Certificate of Vision form when the report is of the following:

(a) The person's vision may not meet the vision standards set forth in OAR 735-060-0050;

(b) A self-report on a license/permit issuance, renewal or replacement application of a mental or physical condition or impairment that affects the person's ability to drive safely; and the condition or impairment is one that causes the loss of consciousness or control;

(c) A self-report on a license/permit issuance, renewal or replacement application of a problem condition involving alcohol, inhalants or controlled substances that affects the person's ability to drive safely; or

(d) A report of a condition or impairment that involves the loss of consciousness or control, or a possible problem condition involving alcohol, inhalants or controlled substances, and DMV has reason to believe from the report that the person may no longer be qualified for driving privileges or may no longer be able to safely operate a motor vehicle.

(4) The person may be required to receive a determination of eligibility from the Medical Determination Officer under ORS 807.090 when the report indicates one or more of the following:

- (a) A loss of consciousness or control is a cause or possible cause of a crash or of unsafe or dangerous driving behavior.
- (b) Evidence of continued episodes of loss of consciousness or control despite current treatment.
- (c) Evidence of a problem condition involving alcohol, inhalants or controlled substances.
- (5) An immediate suspension of the person's driving privileges under ORS 809.419(3)(c), when the report provides DMV reason to believe that the person may endanger people or property if not immediately suspended. To regain driving privileges the person will be required to reestablish eligibility for driving privileges which may include taking tests under ORS 807.070, submitting a medical report form or Certificate of Vision, or receiving a determination of eligibility from the Medical Determination Officer under ORS 807.090.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.340 & 809.419  
Stat. Implemented: ORS 807.340

735-076-0018

The Process when a Determination of Eligibility from the Medical Determination Officer is Required

- (1) When DMV determines that the Medical Determination Officer must determine a person's continuing eligibility for driving privileges, as described in OAR 735-076-0007(4), DMV will require the person to submit a medical report form or Certificate of Vision form as set forth in OAR 735-076-0015.
- (2) When received, the medical report form or Certificate of Vision form and any other relevant reports or information in DMV's At-Risk Program file will be reviewed by the Medical Determination Officer. The Medical Determination Officer may determine either that the person is medically eligible or medically ineligible for driving privileges. A determination of medical eligibility may include a requirement that the person's motor vehicle be equipped with an appropriate adaptive device(s), such as hand controls.
- (3) A person determined medically eligible for driving privileges may be required to also pass tests as set forth in OAR 735-076-0010, if DMV has reason to believe that notwithstanding the determination of medical eligibility, the person may not be able to safely operate a motor vehicle. The person will also be required to pass a driving test if the Medical Determination Officer requires that the person's motor vehicle be equipped with an appropriate adaptive device(s), such as hand controls, and before a driving test is given, the person must provide documentation that he or she knows how to use and has practiced with the adaptive device(s).
- (4) A person who is determined to be medically ineligible for driving privileges must complete the requirements set forth by the Medical Determination Officer, if any, before any subsequent review of medical eligibility can occur. DMV and the Medical Determination Officer will consider newly submitted medical information, at any time, if the reported condition has been resolved and is not likely to recur or if it has been determined that the condition does not affect the person's ability to safely operate a motor vehicle.

Stat. Auth: ORS 184.616, ORS 184.619, 802.010, 807.340 & 809.419  
Stat. Implemented: ORS 807.090 and 807.340

735-076-0020

## Suspension or Cancellation of Driving Privileges

(1) DMV may issue an immediate suspension of driving privileges in the following situations:

(a) If DMV determines from a non-mandatory report that the person has a mental or physical condition that makes it unsafe for the person to operate a motor vehicle upon the highways and DMV has reason to believe the person may endanger people or property if not immediately suspended;

(b) If based upon information included in a police accident report or other law enforcement report, DMV has reason to believe that a person may endanger people or property if not immediately suspended due a mental or physical condition that makes it unsafe for the person to operate a motor vehicle upon the highways;

(c) The Medical Determination Officer, upon review of medical information on a driver, recommends an immediate suspension;

(d) Information contained in a required Medical Impairment Recertification form submitted as required under OAR 735-076-0035 indicates that the person has a mental or physical condition that makes it unsafe for the person to operate a motor vehicle and DMV has reason to believe the person may endanger people or property if not immediately suspended; or

(e) Information contained in a required Certificate of Vision form indicates the person's vision does not meet minimum vision standards under OAR 735-062-0050 and DMV has reason to believe the person may endanger people or property if not immediately suspended.

(2) DMV will suspend driving privileges or the right to apply for driving privileges as follows:

(a) Under ORS 809.419(1) if the person fails to successfully complete the required tests within 60 days of the date of the requirement letter, or within the time period granted if an extension is granted under OAR 735-076-0010(2);

(b) Under ORS 809.419(2), for failure to obtain a medical clearance, if the medical report form is not completed by the person and the person's physician, nurse practitioner, or physician assistant, submitted to and received by DMV within 30 days of the date on the letter sent from DMV, unless DMV has granted an extension under OAR 735-076-0015;

(c) Under ORS 809.419(2), for failure to obtain a medical clearance, if the person fails to submit a Medical Impairment Recertification form as required under OAR 735-076-0035, unless an extension is granted by DMV;

(d) Under ORS 809.419(2), for failure to obtain a medical clearance, if the person fails to submit a Certificate of Vision form when the person is required to obtain a periodic vision exam under OAR 735-076-0035, unless an extension is granted by DMV;

(e) Under ORS 809.419(3), as incompetent to drive because of a mental or physical condition or impairment that makes it unsafe for the person operate a motor vehicle, because the Medical Determination Officer determines that a driver is medically ineligible for driving privileges under ORS 807.090, and the person has valid driving privileges;

(f) Under ORS 809.419(3), as incompetent to drive because of a mental or physical condition or impairment that makes it unsafe for the person to operate a motor vehicle, when a person

voluntarily surrenders a license to DMV based upon the person's recognition that the person is no longer competent to drive and the person has failed to take or pass required examinations.

(3) DMV will suspend commercial driving privileges as follows:

(a) Under ORS 809.419(3) if the Medical Determination Officer has determined that the holder of a Class A, B, or C commercial driver license no longer meets the physical qualifications outlined in 49 CFR § 391.41 through 391.49.

(b) Under ORS 809.419(3) if a Waiver of Physical Disqualification allowing intrastate operation is revoked or not renewed; or

(c) Under ORS 809.419(3) when DMV is notified by the Federal Motor Carrier Safety Administration that a Skill Performance Evaluation Certificate or exemption has been revoked or not renewed.

(4) DMV may cancel driving privileges pursuant to ORS 807.350 and OAR 735-070-0010, 735-070-0020 and 735-074-0220 if:

(a) The person's vision does not meet the minimum vision standards set forth in OAR 735-062-0050; or

(b) DMV determines the person no longer meets the qualifications for a driver license, driver permit or endorsement because of a physical or mental condition or impairment that affects the person's ability to safely operate a motor vehicle upon the highway or a problem condition involving alcohol, inhalants or controlled substances.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.340 & 809.419  
Stats. Implemented: ORS 807.340 & 809.419

735-076-0035

Recertification

(1) If the person retains his or her driving privileges, or regains his or her driving privileges after a suspension, recertification may be required when:

(a) The person's reported condition or impairment is progressive or unpredictable;

(b) Recommended by the physician or health care provider when completing a medical report form; or

(c) Recommended by the Medical Determination Officer.

(2) The time period for recertification will be based on the recommendation of the Medical Determination Officer or the person's physician, nurse practitioner or physician assistant, or on the recommendation of the person's vision specialist.

(3) If medical recertification is required, DMV will send the person a Medical Impairment Recertification form which must be completed by his or her physician, nurse practitioner, or physician assistant and returned to DMV.

(4) If vision recertification is required, DMV will send the person a Certificate of Vision form which must be completed by the person's vision specialist and returned to DMV.

(5) The person must submit the completed Medical Impairment Recertification form or Vision form within 30 days of the date of the requirement letter. DMV may grant an extension, not to exceed 120 additional days, if:

- (a) The person is seriously ill or injured and a physician requests an extension in writing;
- (b) The person is temporarily out of state and a written request is received from the person; or
- (c) The person can show that an appointment was requested in a timely manner, but the earliest appointment available exceeded the 30 days.

Stat. Auth: ORS 184.616, 184.619, 802.010, 807.340 & 809.419

Stat. Implemented: ORS 807.340