

Secretary of State  
**NOTICE OF PROPOSED RULEMAKING HEARING\***

A Statement of Need and Fiscal Impact accompanies this form.

Oregon Department of Transportation, Driver and Motor Vehicle Services Division		735	
Agency and Division		Administrative Rules Chapter Number	
Lauri Salsbury	355 Capitol St. NE, Rm. 29, Salem OR 97301	lauri.salsbury@odot.state.or.us	(503) 986-3171
Rules Coordinator	Address		Telephone

**RULE CAPTION**

Release of a Non-Mandatory Report Submitted to DMV

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

March 18, 2008	1:00 pm	355 Capitol Street NE, Rm 122, Salem OR	Liz Woods
Hearing Date	Time	Location	Hearings Officer

*Auxiliary aids for persons with disabilities are available upon advance request.*

**RULEMAKING ACTION**

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

**AMEND:** 735-076-0005

**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, 807.340, 809.419	None
Stat. Auth.	Other Authority

ORS 807.340
Stats. Implemented

**RULE SUMMARY**

The proposed amendment to OAR 735-076-0005 clarifies that a police report submitted to DMV to report a physical or mental impairment affecting driving ability or dangerous or unsafe driving behaviors is not confidential and a copy may be released pursuant to a Public Record request.

Text of proposed and recently adopted ODOT rules can be found at web site <http://www.oregon.gov/ODOT/CS/RULES/>.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

**March 21, 2008**

**Last Day for Public Comment**  
Last day to submit written comments to the Rules Coordinator

Signature

Lauri Salsbury

Printed name

Date

\* 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.

Secretary of State  
**STATEMENT OF NEED AND FISCAL IMPACT**  
A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Oregon Department of Transportation, Driver and Motor Vehicle Services Division  
Agency and Division

735  
Administrative Rules Chapter Number

**In the Matter of the Amendment of OAR 735-076-0005**

**Rule Caption:** Release of a Non-Mandatory Report Submitted to DMV

**Statutory Authority:** ORS 184.616, 184.619, 802.010, 807.340, 809.419

**Other Authority:** None

**Statutes Implemented:** ORS 807.340

**Need for the Rule(s):** When DMV revised this rule in May of 2003 as part of a major revamping of our medical and reexamination (At-Risk Driver) programs we left out language that made available to a person a report submitted to DMV by persons “who submit reexamination requests as part of their occupation.” This included reports submitted by a police officer regarding a driver contacted in the course of an officer’s duties who exhibited a physical or mental impairment affecting driving ability or demonstrated dangerous or unsafe driving behaviors. As a result of changes made to the At-Risk Driver Program, voluntary reports are also made by medical providers. The prior language was too broad because it included these medical providers, whose reports should remain confidential and so it was deleted. This has resulted in confusion as to whether a copy of a report by a police officer submitted under these circumstances may be provided by DMV upon request to the person who is the subject of the report.

The proposed amendment to OAR 735-076-0005 clarifies that a police report submitted to DMV to report a physical or mental impairment affecting driving ability or dangerous or unsafe driving behaviors is not confidential and a copy may be released pursuant to a Public Record request.

**Documents Relied Upon and where they are available:** None

**Fiscal and Economic Impact, including Statement of Cost of Compliance:** State agencies and units of local government: This proposed rule amendment will have no fiscal impact on state agencies or units of local government.

Members of the General Public: The proposed rule amendments will have no economic impact on members of the general public.

Businesses, including small businesses: These proposed rule amendments will have no economic impact on businesses including small businesses.

Projected reporting, recordkeeping and other administrative activities required for compliance. None.

Equipment, supplies, labor and administration required. None. The proposed amendment imposes no reporting requirements and imposes no additional requirements for labor, administration or supplies.

**How were small businesses involved in the development of this rule?** Fourteen groups representing small businesses were notified of the proposed amendments and invited to comment. No comments were received.

**Administrative Rule Advisory Committee consulted?:** No

**If not, why?:** DMV is simply clarifying that a copy of a report submitted by a police officer concerning a person’s driving behavior is not confidential and may be provided under the Public Records Law. No advisory committee was necessary.

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Authorized Signer

Lauri Salsbury  
\_\_\_\_\_  
Printed name

\_\_\_\_\_  
Date