

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 January 21, 2009 by the
Date prior to or same as filing date.

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

735

Administrative Rules Chapter Number

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to become effective

upon filing

Date upon filing or later

Rulemaking Notice was published in the

December 2008

Month and Year

*Oregon Bulletin.***

RULE CAPTION

Definition of Valid Commercial Driver License

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: 735-070-0043

AMEND:

REPEAL: 735-070-0043 Temporary

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 and 802.010

Stats. Auth.

None

Other Authority

ORS 153.090(7) and 801.307

Stats. Implemented

RULE SUMMARY

The 2007 Legislature added a definition of "holds a commercial driver license" to the Vehicle Code and in ORS 153.090(7), which sets forth the requirements for entry of a judgment in a violation or traffic offense case. (Oregon Laws 2007, Chapter 122, HB 2268). Persons who hold a commercial driver license are subject to stricter requirements under the law, making it necessary to define when a person holds a valid commercial driver license. The term "valid" as used in ORS 801.307 and 153.090(7) was not being interpreted consistently, which led to confusion as to when a person holds a valid commercial driver license. For example, a medical certificate used to prove physical qualification for a CDL may expire, but that does not automatically invalidate the CDL. The person cannot drive a commercial vehicle until he or she has a current medical certificate (ORS 807.100), but the CDL remains valid until DMV suspends, cancels or revokes the license. DMV has defined by rule when a person's commercial driver license is valid, and the definition is retroactive to January 1, 2008, the effective date of the Act. This rule replaces a temporary rule that went into effect on August 26, 2008.

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.

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