

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 February 18, 2009 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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Rules Coordinator

Address

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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**

Commercial Driver Training Operator and Instructor Qualifications, Application, Issuance of Certificates, Sanctions

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

**AMEND:** 735-160-0010, 735-160-0011, 735-160-0075, 735-160-0080 and 735-160-0125

**REPEAL:** 735-160-0012, 735-160-0013, 735-160-0085 and 735-160-0093

ORS 184.616, 184.619, 802.010, 822.500, 822.510, 822.515 and 822.530

Stats. Auth.

None

Other Authority

ORS 822.500, 822.510, 822.515, 822.520 and 822.530

Stats. Implemented

**RULE SUMMARY**

Chapter 735, Division 160 rules establish the requirements, qualifications and application procedures for both commercial drive school operations and instructors. There were separate rules for the issuance, renewal and denial of both the operator and instructor certificate (six total rules). To simplify matters, DMV combined information into just two rules – one for the Operator Certificate and one for the Instructor Certificate. Both rules will establish the requirements to apply for an original certificate or renew a certificate already issued and both rules will establish when DMV will deny issuance of the specific certificate. Because of this restructuring, DMV repealed 735-160-0012, 735-160-0013, 735-160-0085 and 735-160-0093 and amended OAR 735-160-0011 and 735-160-0080.

DMV also amended 735-160-0011 and 735-160-0080 to allow criminal history checks by other than Oregon State Police, and to clarify that criminal records may be used in a contested case hearing or appeal.

DMV amended 735-160-0075 to distinguish the requirements between an instructor who is only conducting classroom training and one who conducts behind the wheel training. An instructor who only provides classroom training will not be required to hold an Oregon driver license, meet eyesight standards or pass a special drive test. This change will allow a commercial drive school to have a broader pool of possible instructors and will alleviate the costs in time and money of having to provide a report from a licensed vision specialist and having to take a special drive test.

DMV amended 735-160-0075 to change a commercial drive school instructor requirement so that an applicant or an instructor does not have a suspension under the Driver Improvement Program within the past three years, rather than the past five years. The five-year restriction was overly restrictive.

\_\_\_\_\_  
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.