

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 June 23, 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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to become effective 7/1/2009 Rulemaking Notice was published in the May 2009 Oregon Bulletin.**
Date upon filing or later Month and Year

RULE CAPTION

CDL Third Party Testing – Record Requirements, Test Completion Certificates, and Re-Testing Authority

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: 735-060-0040, 735-060-0055, 735-060-0057, 735-060-0065, 735-060-0105, 735-060-0110, 735-060-0120, 735-060-0130 and 735-062-0080

REPEAL:

ORS 184.616, 184.619, 802.010, 807.070 807.080 and 807.170 None
Stats. Auth. Other Authority

ORS 807.040, 807.070, 807.080, 807.100 and 807.170
Stats. Implemented

RULE SUMMARY

Oregon allows applicants for commercial driver licenses (CDL) to take a driving skills test from a CDL Third Party Tester. The department's CDL Third Party Testing Program has been in place since 1986. DMV amended above listed rules to improve program oversight, deter fraud, and ensure applicants are provided necessary information concerning testing fees and the possibility of a retest before a CDL is issued. DMV amended these rules as follows:

- Clarify that the Oregon Secretary of State may audit tester records;
- Require the CDL Third Party Tester to ensure that each of their examiners obtain a copy of the applicant's Oregon CDL instruction permit and driver license (or the applicant's Oregon CDL) and provide a receipt for fees paid;
- Require that a photocopy of the applicant's Oregon CDL instruction permit and driver license (or the applicant's Oregon CDL) becomes part of the applicant's permanent file maintained by the third party tester;
- Update the Tester and Examiner sanction tables to correspond with the proposed amendments;
- Require that CDL Third Party Examiners view and obtain a copy of the applicant's valid Oregon CDL instruction permit and valid driver license (or the applicant's valid Oregon CDL);
- Require that a Third Party Examiner provide a receipt for fees paid;
- Require that a CDL Certificate(s) of Test Completion not be issued without obtaining a copy of the applicant's valid Oregon CDL instruction permit and driver license (or Oregon CDL), and, if required, provide a written receipt for fees paid for the certification drive test. The receipt must include specific language provided by DMV, including notice that the applicant may be retested by DMV before issuance of a CDL;
- Give DMV the authority to retest a CDL applicant who submits a CDL Certificate of Test Completion or test a CDL applicant who surrenders on out-of-state CDL; and
- Clarify that an out-of-state CDL must be surrendered to DMV before an Oregon CDL is issued.

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. ARC 930-2005