

Secretary of State
NOTICE OF PROPOSED RULEMAKING*

A Statement of Need and Fiscal Impact accompanies this form.

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

735

Administrative Rules Chapter Number

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RULE CAPTION

Proof of School Attendance, Completion, Exemption and for Waiver of Reinstatement Fee

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

RULEMAKING ACTION

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

AMEND: 735-062-0035

REPEAL:

ORS 184.616, 184.619, 802.010, 807.066, 809.380

Stat. Auth.

None

Other Authority

ORS 807.066 and 809.380

Stats. Implemented

RULE SUMMARY

ORS 809.380 as amended by Chapter 105, Oregon Laws 2009 (HB 2871) requires that DMV waive the reinstatement fee for a person whose driving privileges are suspended for non-attendance at school if the person can show that he or she has graduated from high school or received a General Educational Development (GED) certificate at the time of reinstating driving privileges. The proposed amendment to OAR 735-062-0035 establishes what proof DMV will accept as proof of high school graduation or a GED certificate for determining whether a reinstatement fee should be waived.

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

A public rulemaking hearing may be requested in writing by 10 or more people, or by an association with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the *Oregon Bulletin* or 28 days from the date Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the *Oregon Bulletin* at least 14 days before the hearing.

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.

October 21, 2009

Last Day for Public Comment

Last day to submit written comments to the Rules Coordinator

Signature

Lauri Kunze

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 735-062-0035

Rule Caption: Proof of School Attendance, Completion, Exemption and for Waiver of Reinstatement Fee

Statutory Authority: ORS 184.616, 184.619, 802.010, 807.066, 809.380

Other Authority: None

Statutes Implemented: ORS 807.066 and 809.380

Need for the Rule(s): ORS 809.380 as amended by Chapter 105, Oregon Laws 2009 (HB 2871) requires that DMV waive the reinstatement fee for a person whose driving privileges are suspended for non-attendance at school if the person can show that he or she has graduated from high school or received a General Educational Development (GED) certificate at the time of reinstating driving privileges. The proposed amendment to OAR 735-062-0035 establishes what proof DMV will accept as proof of high school graduation or a GED certificate for determining whether a reinstatement fee should be waived.

Documents Relied Upon and where they are available: Enrolled HB 2871 which can be found at <http://www.leg.state.or.us/09reg/measpdf/hb2800.dir/hb2871.en.pdf>

Fiscal and Economic Impact, including Statement of Cost of Compliance: The proposed amendment to OAR 735-062-0035 has no fiscal or economic impact.

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)): None
2. Cost of compliance effect on small business (ORS 183.336): None
 - a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule: None, these rules only affect individuals.
 - b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services: None
 - c. Equipment, supplies, labor and increased administration required for compliance: None

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? If not, why?: No. The proposed amendment to OAR 735-062-0035 describes what proof of high school graduation or of a GED certificate is satisfactory to DMV to waive the reinstatement fee as required by Chapter 105, Oregon Laws 2009 (HB 2871). DMV has previously described those proofs in this same administrative rule for purposes of issuance or reinstatement. The change was simply to tie those documents to acceptable proof for purposes of waiving the reinstatement fee. Input from an advisory committee would be no benefit in this situation.

Authorized Signer

Lauri Kunze

Printed name

Date