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DEPARTMENT OF TRANSPORTATION

DRIVER AND MOTOR VEHICLE SERVICES DIVISION

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FILING CAPTION: Commercial Driver License (CDL) Third Party Examiner Skills Testing of Out-of-State Employees

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RULE SUMMARY: DMV amended this rule to permit employers that provide training in Oregon and are also CDL third party testing businesses to administer CDL skills tests to their employees when the employee has a noncommercial driver license and commercial learner driver permit (CLP) issued by another state.

CHANGES TO RULE:

735-063-0260

CDL Testing and Requirements for Issuance of CDL ¶¶

(1) An applicant for a CDL must first be issued a CLP and pass a CDL skills test unless the applicant qualifies for one of the following exceptions:¶¶

(a) The applicant currently holds an Oregon CDL and is applying to renew or replace a CDL granting the exact same privileges.¶¶

(b) The applicant currently holds an Oregon CDL, is qualified for and has passed the knowledge test to add one or more of the following endorsements:¶¶

(A) Tank;¶¶

(B) Hazardous Materials;¶¶

(C) Doubles/Triples.¶¶

(c) The applicant surrenders a CDL that is valid or expired less than one year and was issued by another state or the District of Columbia and the applicant:¶¶

(A) Meets the qualifications set forth in OAR 735-062-0080 subsections (1)(a) - (e);¶¶

(B) Surrenders a CDL that is the same class as the CDL for which the application is made;¶¶

(C) Passes the vision screening; and¶¶

(D) Complies with OAR 735-063-0250(8)(a) to (d).¶¶

(d) The applicant meets the requirements of OAR 735-063-0280 to be issued an Oregon CDL based on the applicant's military training and experience operating CMVs.¶¶

(2) For a DMV examiner or CDL Third Party Examiner to administer a CDL skills test to an applicant, the applicant must:¶¶

(a) Have an unexpired Oregon driver license and;¶¶

(b) Have an unexpired Oregon CLP. DMV must have issued the unexpired CLP that was issued not less than 14

days prior to the test. ~~The applicant's:~~

~~(c) Have driving privileges must not be that are not suspended, revoked, cancelled or otherwise withdrawn;~~

~~(b)d) Complete all required ELDT;~~

~~(e)e) Be ready to take the test in a class of vehicle or combination of vehicles that corresponds to or is lesser than the CLP, class, endorsements, and restrictions, possessed by the applicant and that corresponds to the CDL for which the person is applying;~~

~~(d)f) Have proof of insurance coverage on the vehicle as required by Oregon law;~~

~~(e)g) Complete all portions of the CDL skills test on the same calendar day unless the applicant fails or is unable to complete all three parts of the CDL skills test during a previous attempt; and~~

~~(f)h) Communicate with the examiner in English. All examiner instructions are given in English and the applicant must respond in English.~~

~~(3) In addition to the applicants described in section (2) of this rule, a CDL Third Party Examiner may administer a CDL skills test to an applicant who:~~

~~(a) Has a valid non-commercial driver license issued by another state;~~

~~(b) Has a valid CLP issued by the same state as the non-commercial driver license described in subsection (a) of this section, that was issued not less than 14 days prior to the test;~~

~~(c) Meets the requirements provided in subsections (c) though (h) of section (2) of this rule;~~

~~(d) Is employed by an organization that provides employer-based training in Oregon and is an Oregon DMV approved employer-based testing organization;~~

~~(e) Has completed the employer provided ELDT in Oregon; and~~

~~(f) Is being tested by the same organization that provided ELDT.~~

~~(4) DMV adopts the following FMSCA regulations in effect as of January 1, 2020, as the standards that must be followed by an examiner in the administration of a CDL skills test:~~

~~(a) 49 CFR 383.71, Driver Applicant and Certification Procedures;~~

~~(b) 49 CFR 383.110 through 383.123, Required Knowledge and Skills; and~~

~~(c) 49 CFR 383.131 through 383.135, Tests.~~

~~(45) The CDL skills test must be administered in accordance with the federal regulations adopted by section (34) of this rule and the methods and procedures set forth in the Oregon CDL Examiner's Manual. The CDL skills test consists of three parts:~~

~~(a) A pre-trip vehicle inspection test. This part of the CDL skills test must be the first test administered by the examiner. It is designed to evaluate the applicant's ability to identify and operate the equipment on the vehicle in which the applicant is being tested and to detect and identify unsafe vehicle equipment items as described in the Oregon Commercial Driver Manual.~~

~~(b) A basic control skills test. This part of the CDL skills test must be administered after the applicant has successfully completed the pre-trip vehicle inspection test and prior to the on-road drive test. It is designed to evaluate the applicant's ability to control the vehicle and judge the position of the vehicle in relation to other objects through basic starting, stopping, backing and parking maneuvers.~~

~~(c) An on-road drive test. This part of the CDL skills test, which must be administered after successful completion of the basic control skills test, is designed to evaluate the applicant's competency to safely operate a vehicle or combination of vehicles under actual driving conditions. The applicant must demonstrate safe and proper driving methods and procedures and knowledge of the traffic laws. The following apply to an on-road drive test:~~

~~(A) The vehicle or combination of vehicles used for the CDL skills test must be of the class for which the applicant seeks a license or endorsement and must have the proper equipment in safe working order so that the vehicle(s) can be operated safely and legally. DMV will not administer the test if the examiner concludes the vehicle cannot be operated safely and legally; and~~

~~(B) The vehicle or combination of vehicles must not be loaded.~~

~~(56) If the applicant fails any part of the CDL skills test, DMV or a CDL Third Party Tester may administer the failed parts of the test on a subsequent day on which DMV or the CDL Third Party Tester does business. CDL Third Party Examiners must conform to the scheduling requirements in OAR 735-060-0105(1)(n).~~

~~(67) If an applicant fails any part of the CDL skills test, DMV or an approved Third Party Tester may accept the score for the part of the CDL skills test that the applicant passed. Scores for parts of the CDL skills test that the applicant passed may not be accepted for subsequent CDL skills test after the applicant's CLP expires.~~

~~(78) All CDL skills test results must be recorded in CSTIMS.~~

~~(89) A passing score for a completed CDL skills test is valid for six months. Once an applicant uses a CDL skills test score to have DMV issue commercial driving privileges, the test score is void and DMV may not use the test score for a subsequent issuance.~~

~~(910) If a CDL skills test administered by DMV is not completed because of vehicle equipment failure due to the vehicle not having the necessary safety equipment or not being in proper working order, the required test fee will remain on the DMV customer record to serve as payment for a postponed test. If an applicant must postpone a~~

CDL skills test three times due to equipment failure, it is a test failure and the test fee is forfeited. DMV will require an additional test fee for subsequent tests.¶

(101) An applicant for a CDL with a hazardous materials endorsement must meet the requirements described in OAR 735-063-0290.¶

(112) If an applicant is applying for a Real ID CDL, the applicant is not required to comply with the provisions in section (1)(c)(D) of this rule.¶

(123) An applicant for a Real ID CDL must first be issued a non-Real ID CLP and pass a CDL skills test unless the applicant surrenders a valid CDL issued by another state or the District of Columbia and the applicant:¶

(a) Meets social security number verification requirements set forth in OAR 735-062-0006;¶

(b) Except as provided in section (134) of this rule and OAR 735-063-0268, provides proof of U.S. citizenship as described in OAR 735-062-0022(3) or permanent legal residency in the U.S. as described in OAR 735-062-0022(4);¶

(c) Certifies driving type;¶

(d) Provides proof of medical qualification as described in OAR 735-063-0220; and¶

(e) Satisfies all requirements set forth in ORS 807.285.¶

(134) A citizen of a nation with a Compact of Free Association (COFA) with the United States must provide the proof required in OAR 735-062-0022(5). For purposes of this rule, a citizen of a COFA nation is considered to have met lawful permanent resident requirements, under authority of FMCSA guidance, as required under ORS 807.040 for issuance of a CDL. The expiration date of a Real ID issued to a COFA citizen is described in OAR 735-062-0008(14).

Statutory/Other Authority: ORS 184.619, 802.010, 807.085, 807.455, 807.480, ~~Oregon Laws 2021, Chapter 630, Section 103~~

Statutes/Other Implemented: ORS 807.018, 807.031, 807.035, 807.045, 807.085, 807.173, 807.285, 807.455, 807.480, ~~Oregon Laws 2021, Chapter 630, Section 103~~, 49 CFR ~~§~~383.71, 49 CFR ~~§~~383.110 - 383.123, 49 CFR ~~§~~383.131-383.135