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CHAPTER 735

DEPARTMENT OF TRANSPORTATION

DRIVER AND MOTOR VEHICLE SERVICES DIVISION

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RULES:

735-063-0205, 735-063-0220, 735-063-0230, 735-063-0340

AMEND: 735-063-0205

RULE TITLE: Definitions

NOTICE FILED DATE: 12/31/2024

RULE SUMMARY: DMV added the definition of "National Registry of Certified Medical Examiners" or "National Registry."

RULE TEXT:

Except as otherwise provided in these OAR 735, division 63, rules, the following definitions apply to OAR 735, division 63:

- (1) "AAMVA" means the American Association of Motor Vehicle Administrators.
- (2) "Accident records" include, but are not limited to DMV records, police reports, crash reports or other reports from motor carriers.
- (3) "CDL" means commercial driver license.
- (4) "CDLIS" means the Commercial Driver's License Information System operated by AAMVA for FMCSA.
- (5) "CDL Third Party Examiner" means an individual certified by DMV to administer CDL skills tests through a CDL Third Party Tester.
- (6) "CDL skills test" means a three-part test to determine a CDL applicant's driver competency, consisting of: a pre-trip vehicle inspection, a basic control skills test and an on-road drive test.
- (7) "CDL Third Party Tester" means a person authorized by DMV to operate a CDL skills testing program and provide CDL Third Party Examiner(s) to administer CDL skills test.
- (8) "CLP" means a commercial learner driver permit issued under ORS 807.285.
- (9) "CMV" means commercial motor vehicle, as defined in ORS 801.208.
- (10) "Commercial driving privileges" or "CDP" has the meaning set forth in ORS 801.207.
- (11) "Conviction record" means an official record showing a determination of guilt by a court of law upon a plea, verdict, finding, or unvacated bail forfeiture.

- (12) "CSTIMS", means the Commercial Skills Test Information Management System, a web-based system for scheduling and reporting CDL skills tests information and results.
- (13) "DACH" means the FMCSA Drug and Alcohol Clearinghouse.
- (14) "Disqualifying condition" means one or more medical conditions not meeting FMCSA physical qualification standards as set forth in 49 CFR 391.41(b).
- (15) "DMV" means the Oregon Department of Transportation, Driver and Motor Vehicle Services Division.
- (16) "Driving type" means a certification by an applicant or holder of a CDL or CLP for one of the following:
- (a) Non-excepted interstate: the person operates or expects to operate in interstate commerce;
 - (b) Excepted interstate: the person operates or expects to operate in interstate commerce but engages exclusively in transportation or operations excepted under 49 CFR 390.3(f), 391.2, 391.68 or 398.3; or
 - (c) Non-excepted intrastate: the person operates only in intrastate commerce.
- (17) "ELDT" means Entry-Level Driver Training required under 49 CFR Part 380, Subpart F.
- (18) "Fifth wheel hitch" has the meaning set forth in ORS 801.275.
- (19) "FMCSA" means the Federal Motor Carrier Safety Administration of the United States Department of Transportation.
- (20) "First-time Real ID" means the first time DMV issues an Oregon Real ID to an applicant and may be issued as an original, renewal or replacement driver license, driver permit or identification card, depending on the privilege that the applicant possesses.
- (21) "Intrastate commerce" has the meaning set forth in 49 CFR § 390.5 and includes any trade, traffic or transportation taking place exclusively within Oregon.
- (22) "Lawful status" means, for the purpose of applying for a Real ID driver license, driver permit or identification card, has the meaning set forth in 6 CFR §37.3.
- (23) "Medical Determination Officer" means a physician, nurse practitioner or physician associate, licensed to provide health care services by the State of Oregon, and is employed or designated by DMV to make medical determinations of a driver's medical eligibility for driving privileges.
- (24) "Medical Specialist" means a person who is licensed as a doctor of medicine, a doctor of osteopathic medicine, an optometrist or an audiologist.
- (25) "National Registry of Certified Medical Examiners" or "National Registry" means the database that lists certified medical examiners authorized to conduct physical examinations for CMV drivers and provides current information on a CMV driver's medical qualifications.
- (26) "Physician" has the meaning set forth in ORS 807.710.
- (27) "Real ID" has the meaning set forth in ORS 807.450, and is marked with the distinguishing feature of a star in the upper right corner.
- (28) "SPE certificate" means a Skill Performance Evaluation certificate issued by FMCSA pursuant to 49 CFR 391.49 to a person who demonstrates the ability to safely operate a CMV in spite of limb impairment or loss.
- (29) "TPR" means the Training Provider Registry, an electronic system operated by FMCSA to list certified training providers and provide access to training providers to report ELDT completion information.
- (30) "Waiver of Physical Disqualification" or "waiver" means a waiver issued by DMV to a driver who does not meet certain physical qualifications required for drivers of CMVs as set forth in 49 CFR 391.41(b).

STATUTORY/OTHER AUTHORITY: ORS 184.619, 802.010, 807.450, 807.460, 6 CFR §37.3

STATUTES/OTHER IMPLEMENTED: ORS 807.040, 807.100, 807.450

AMEND: 735-063-0220

RULE TITLE: Proof of Medical Qualification for a CDL or CLP

NOTICE FILED DATE: 12/31/2024

RULE SUMMARY: DMV changed how drivers prove their medical qualifications for Commercial Driver Licenses (CDLs) and Commercial Learner Permits (CLPs). Instead of submitting an unexpired Medical Examiner's Certificate to DMV, drivers will now have their medical certification information electronically transmitted from the National Registry to DMV. The medical certification information will indicate whether the driver is medically qualified to operate a Commercial Motor Vehicle (CMV).

RULE TEXT:

(1) Proof of medical qualification for a CDL or CLP for a person who certifies a driving type of non-excepted interstate is:

(a) A CDLIS driver record that indicates the person is medically certified as physically qualified to operate a CMV in interstate commerce; or

(b) Valid medical certification information transmitted electronically from the National Registry and posted to the CDLIS driver record that indicates the person is physically qualified to operate a CMV in interstate commerce. When indicated in the medical certification information that the driver must have a federal exemption or SPE certificate, one or both of the following must be electronically transmitted from the FMCSA:

(A) A valid unexpired notice of exemption issued by FMCSA under the provisions of 49 CFR 381.300 to 381.330.

(B) A valid unexpired SPE certificate issued by FMCSA under the provisions of 49 CFR 391.49.

(2) Proof of medical qualification for a CDL or CLP for a person who certifies a driving type of excepted interstate or non-excepted intrastate is:

(a) A CDLIS driver record that indicates the person is medically certified as physically qualified to operate a CMV in excepted interstate or non-excepted intrastate; or

(b) Valid medical certification information transmitted electronically from the National Registry and posted to the CDLIS driver record that indicates the person is physically qualified to operate a CMV in intrastate commerce. When indicated in the medical certification information, the CDLIS driver record must include a valid unexpired Waiver of Physical Disqualification issued by DMV under the conditions described in OAR 735-063-0240.

(3) DMV may require valid medical certification information to be electronically transmitted from the National Registry to DMV that shows the medical examiner certification was issued after the date of a mandatory or non-mandatory report submitted on the driver that resulted in DMV taking action under the At-Risk Driver Program.

(4) For purposes of section (3) of this rule, when indicated in the medical certification information transmitted from the National Registry the certification information must be accompanied by one or more of the following: a notice of exemption, SPE certificate or a Waiver of Physical Disqualification.

(5) The National Registry electronically transmits medical certification information for CDL and CLP applicants and holders, voided medical examiner certifications, any medically unqualified status, and rescinded federal exemptions and SPE certificates.

STATUTORY/OTHER AUTHORITY: ORS 184.619, 802.010, 807.040, 807.100

STATUTES/OTHER IMPLEMENTED: ORS 807.040, 807.100, 49 CFR §383.71, 49 CFR §383.73, 49 CFR §391.41 – §391.49

AMEND: 735-063-0230

RULE TITLE: Medical Qualification Procedures for CDL or CLP

NOTICE FILED DATE: 12/31/2024

RULE SUMMARY: DMV amended this rule to align with federal requirements. Under the amended rule, DMV must electronically receive valid medical certification information from the National Registry for anyone applying for or renewing a CDL or CLP. This proof of medical qualification is necessary to receive or maintain commercial driving privileges and to continue operating a CMV.

RULE TEXT:

- (1) An applicant for a CDL or CLP must be medically examined and certified in accordance with 49 CFR 391.43 as physically qualified to operate a CMV by a medical examiner, as defined in 49 CFR 390.5. The medical certification information is uploaded by a medical examiner to the National Registry and transmitted electronically to DMV. The information provided to DMV is proof of medical qualification, as described in OAR 735-063-0220. DMV will not issue a CDL or CLP if the person does not have a valid Medical Examiner's Certification on file or if DMV receives information from the National Registry that a person's proof of medical qualification is denied, rescinded, voided or revoked.
- (2) To maintain proof of medical qualification to operate a CMV, the holder of a CDL or CLP must have valid medical certification information in the CDLIS driver record. Proof of medical qualification must be electronically transmitted from the National Registry to DMV to be accepted by DMV.
- (3) DMV is not responsible for any expenses a CDL or CLP applicant or holder may incur to obtain and maintain medical certification or to update the National Registry.

STATUTORY/OTHER AUTHORITY: ORS 184.619, 802.010, 807.040

STATUTES/OTHER IMPLEMENTED: ORS 807.040, 807.100, 807.150

AMEND: 735-063-0340

RULE TITLE: Cancellation or Suspension of CDP Due to No Valid Proof of Medical Qualification or Failure to Have Restriction on the CDL or CLP when Required

NOTICE FILED DATE: 12/31/2024

RULE SUMMARY: DMV updated this rule to comply with new federal standards. Under the revised rule, drivers with a CDL or CLP will have their licenses canceled if updated proof of medical qualification is not available from the National Registry when requested by DMV or is denied, expired, rescinded, voided or revoked. Additionally, DMV clarifies how a person may apply to regain a canceled Oregon commercial driving privilege.

RULE TEXT:

- (1) DMV shall cancel a person's CDP when the person's proof of medical qualification, as described in OAR 735-063-0220, is denied, rescinded, voided or revoked.
- (2) DMV shall cancel a person's CDP when the person's proof of medical qualification, as described in OAR 735-063-0220, is not updated through the National Registry when requested by DMV.
- (3) After DMV cancels a person's CDP under sections (1) or (2) of this rule, the person may apply to regain Oregon CDP. When the person applies for CDP, DMV must receive proof of medical certification as described in OAR 735-063-0220. DMV will issue CDP to the person only if the CDLIS driver record indicates the person is medically certified to operate a CMV and all other requirements for issuance of CDP are met.
- (4) Failure of a person to obtain a "V" restriction, as required by OAR 735-063-0300(8), within the time period specified by DMV will result in cancellation of the person's CDP, in accordance with ORS 807.010(1) and 809.310(1).
- (5) After DMV cancels a person's CDP under sections (4) of this rule, the person may apply to regain an Oregon CDP. DMV will issue CDP to the person only if the CDLIS driver record indicates a "V" restriction has been added to the CDP credential or the person no longer requires a federal variance to be medically certified for a CDP and all other requirements for issuance of CDP are met.
- (6) Failure of a person to obtain a "K" restriction, as required by OAR 735-063-0300(5), within the time period specified by DMV will result in cancellation of the person's CDP, in accordance with ORS 807.010(1) and 809.310(1).
- (7) After DMV cancels a person's CDP under sections (6) of this rule, the person may apply to regain an Oregon CDP. DMV will issue CDP to the person only if the CDLIS driver record indicates a "K" restriction has been added to the CDP credential or the intrastate only restriction is no longer required and all other requirements for issuance of CDP are met.
- (8) A person whose CDP has been cancelled under sections (1) (2) (4) or (6) of this rule may be issued a Class C noncommercial driver license described in ORS 807.031(5) or an identification card described in ORS 807.400, if all other requirements for issuance are met.

STATUTORY/OTHER AUTHORITY: ORS 184.619, 802.010, 807.040, 807.100

STATUTES/OTHER IMPLEMENTED: ORS 807.040, 807.100