

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

Lauri Kunze 355 Capitol St. NE, Rm. 29 Salem, OR 97301 lauri.g.kunze@odot.state.or.us
Rules Coordinator Address

(503) 986-3171
Telephone

RULE CAPTION

Clarifying when DMV Will Waive a Knowledge or Drive Test for a Motorcycle Endorsement

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

RULEMAKING ACTION

ADOPT: 735-062-0078

AMEND: 735-062-0040, 735-062-0080 and 735-062-0140

REPEAL:

ORS 184.616, 184.619, 802.010, 802.200, 802.540, 807.070, 807.072, 807.080, 807.170 and 807.175
Stat. Auth.

None
Other Authority

ORS 807.070, 807.072, 807.080, 807.170, 807.175, 807.530 and 809.310
Stats. Implemented

RULE SUMMARY

ORS 807.072(1) allows DMV to waive a knowledge test required under ORS 807.070(2), by rule, if the department receives proof that the examination is given in conjunction with a motorcycle rider education course established under ORS 802.320. The motorcycle rider education courses that are approved by the Transportation Safety Division of the Oregon Department of Transportation are courses offered by TEAM OREGON (http://teamoregon.orst.edu/to_web/index.shtml). DMV proposes to adopt OAR 735-062-0078 to specify that DMV will waive the knowledge test required for a motorcycle endorsement if the applicant presents a TEAM OREGON Basic Rider Training course completion card.

DMV proposes to amend OAR 735-062-0040 to clarify that a knowledge test may also be required for an endorsement, such as a motorcycle endorsement. DMV proposes to amend OAR 735-062-0080 to specify that DMV will not waive the motorcycle skills test for an applicant under 21 years of age, even if the applicant has a motorcycle endorsement issued by another jurisdiction. This clarification is needed as ORS 807.175 requires a person under 21 years of age to successfully complete a motorcycle rider education course established by the department under ORS 802.320. DMV further proposes to amend OAR 735-062-0080 to clarify which TEAM OREGON course completion cards DMV will accept, from persons of different ages, to waive the motorcycle skills test. DMV proposes to amend OAR 735-062-0140 to clarify that it is a TEAM OREGON Basic Rider Training course completion card that a person under 21 years of age must present to DMV. Providing the name of the approved courses in these rules may help citizens of Oregon more easily understand the requirements. If, in the future, other courses are approved, DMV will amend the rules to include that information. Other changes are made for clarity.

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.

September 22, 2008

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

735

Agency and Division

Administrative Rules Chapter Number

In the Matter of the Amendment of OAR 735-062-0040, 735-062-0080 and 735-062-0140 and the Adoption of OAR 735-062-0078

Rule Caption: Clarifying when DMV Will Waive a Knowledge or Drive Test for a Motorcycle Endorsement

Statutory Authority: ORS 184.616, 184.619, 802.010, 802.200, 802.540, 807.070, 807.072, 807.080, 807.170 and 807.175

Other Authority: None

Statutes Implemented: 807.070, 807.072, 807.080, 807.170, 807.175, 807.530 and 809.310

Need for the Rule(s): ORS 807.072(1) allows DMV to waive a knowledge test required under ORS 807.070(2), by rule, if the department receives proof that the examination is given in conjunction with a motorcycle rider education course established under ORS 802.320. The motorcycle rider education courses that are approved by the Transportation Safety Division of the Oregon Department of Transportation are courses offered by TEAM OREGON (http://teamoregon.orst.edu/to_web/index.shtml). DMV proposes to adopt OAR 735-062-0078 to specify that DMV will waive the knowledge test required for a motorcycle endorsement if the applicant presents a TEAM OREGON Basic Rider Training course completion card.

DMV proposes to amend OAR 735-062-0040 to clarify that a knowledge test may also be required for an endorsement, such as a motorcycle endorsement. DMV proposes to amend OAR 735-062-0080 to specify that DMV will not waive the motorcycle skills test for an applicant under 21 years of age, even if the applicant has a motorcycle endorsement issued by another jurisdiction. This clarification is needed as ORS 807.175 requires a person under 21 years of age to successfully complete a motorcycle rider education course established by the department under ORS 802.320. DMV further proposes to amend OAR 735-062-0080 to clarify which TEAM OREGON course completion cards DMV will accept, from persons of different ages, to waive the motorcycle skills test. DMV proposes to amend OAR 735-062-0140 to clarify that it is a TEAM OREGON Basic Rider Training course completion card that a person under 21 years of age must present to DMV. Providing the name of the approved courses in these rules may help citizens of Oregon more easily understand the requirements. If, in the future, other courses are approved, DMV will amend the rules to include that information. Other changes are made for clarity.

Documents Relied Upon and where they are available: None

Fiscal and Economic Impact, including Statement of Cost of Compliance: State agencies and units of local government: These proposed rules will have no fiscal impact on state agencies and units of local government as the proposed rules are simply specifying and clarifying current DMV policy and practice.

Members of the General Public: These proposed rules will have no economic impact on members of the general public as the proposed rules are not changing any current practice at DMV. The proposed rules do clarify DMV practice and may help the general public understand DMV requirements.

Businesses, including small businesses: The proposed rules will have no economic impact on businesses including small businesses as the proposed rules are not making any changes, but are rather clarifying current DMV practice.

Projected reporting, recordkeeping and other administrative activities required for compliance. None.

Equipment, supplies, labor and administration required. None. The proposed amendment imposes no reporting requirements and imposes no additional requirements for labor, administration or supplies.

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?: No. If not, why?: DMV is simply clarifying its current practices by rule and no changes are being made to policy. Therefore input from an advisory committee was not needed for this rulemaking.

Authorized Signer

Lauri Kunze

Printed name

Date