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735-062-0040
Knowledge Test

(1) Applicants for an original driver permit, *[or]* **driver** license **or endorsement** must pass the knowledge test~~(s)~~ required under ORS 807.070(2) and, if applicable, ORS 807.065(1)(b).

(2) The knowledge test~~(s)~~ will be specific to the class of license **or endorsement** sought. The test~~(s)~~ will examine the applicant's knowledge and understanding of traffic laws, safe driving practices and factors that cause accidents.

(3) *[The]* **All** knowledge tests *[is]* **are** closed book. During *[the]* **a** test an applicant is not allowed to use any study guides, manuals, notes, electronic devices or any other items to assist the applicant in obtaining answers to the test questions. During *[the]* **a** test an applicant may not obtain an answer to any test question from another person.

(4) The first knowledge test for a driver license, permit or endorsement may be conducted the day the applicant becomes eligible for the test. If the applicant fails the first knowledge test, additional tests shall be conducted, as needed, with the following frequency:

(a) A second test may be conducted on any day after the day of the first test;

(b) A third test may be conducted on any day after the day of the second test;

(c) A fourth test may be conducted on any day after the third test;

(d) A fifth test may be conducted no sooner than 28 days after the fourth test; and

(e) Any subsequent test may be conducted no sooner than 28 calendar days after the previous test.

(5) If a compelling reason is shown the *[Driver and Motor Vehicle Services Division of the Department of Transportation (JDMV)]* may waive the waiting period for a knowledge test required by section (4) of this rule. Reasons for waiving the waiting period include, but are not limited to:

(a) The person can demonstrate he or she failed the test due to a cognitive or functional impairment. A statement from the person's doctor describing how the impairment affects the person's ability to pass a knowledge test is required;

(b) The person can demonstrate that failure to pass the test will result in loss of his or her job or a job opportunity;

(c) The person was not given an oral test when an oral test was requested; or

(d) The person requested but was not given the test in his/her native language and the test is available in the language requested.

(6) The waiting period between knowledge test failures is determined by the number of times an applicant fails a specific type of test. For example, the failure of a Class C driver license knowledge test and a Class A commercial driver license knowledge test the same day is considered as one test failure for each knowledge test, not two failures.

(7) An applicant is cheating on a knowledge test if during the test a DMV employee observes behaviors such as, but not limited to, the following:

(a) The applicant clearly using notes, a study guide, a copy of the test, or any other kind of written material that may provide the answer to a test question.

(b) The applicant clearly using an electronic device with the capability for sound, email, text messages, web access including, but not limited to, a cellular phone, personal digital assistant or wireless handheld device.

(c) The applicant clearly obtaining answers to test questions from another person, either verbally or through the use of any type of physical gesture or signal.

(8) DMV will determine that the applicant is cheating if a DMV office manager, office team leader, or designee confirms the observation of the DMV employee as described in section (7) of this rule. If DMV determines that an applicant is cheating DMV will stop the test and record a failing score.

(9) Except as otherwise provided in this section, if DMV stops a test because of cheating, the applicant must wait 90 days before he or she may take a subsequent knowledge test. DMV may waive the 90-day waiting period required under this section if the person provides proof the waiting period creates an extreme hardship. The person must provide evidence of the hardship such as, but not limited to:

(a) A statement from an employer that the person's inability to obtain driving privileges or an endorsement will result in the loss of a job or of a job opportunity because the job requires driving a motor vehicle; or

(b) A statement from a physician that the person or a member of the person's immediate family is in need of regular medical treatment and that there is no alternative transportation.

(10) When DMV determines an applicant cheated on a knowledge test as described in section (8) of this rule, the applicant may request an administrative review. The following apply to an administrative review request:

(a) DMV will notify the applicant of the right to request an administrative review at the time the test is stopped.

(b) The applicant must request an administrative review within 60 days from the date of notice. The 90-day waiting period will remain in effect and will not be rescinded or stayed by DMV pending the outcome of the administrative review.

(c) A request for an administrative review must be in writing and must include:

(A) The person's full name;

- (B) The person's complete mailing address;
- (C) The person's Oregon driver license number, identification card number or customer number, if available; and
- (D) A brief statement of the facts and any evidence the person wants to present showing he or she should not be subject to the 90-day waiting period or proof of extreme hardship if the person is requesting a waiver of the 90-day period as described in section (9) of this rule.

(d) A request for an administrative review should also include the person's date of birth.

(e) To be received by DMV, the request for an administrative review must be:

(A) Personally delivered to DMV Headquarters, 1905 Lana Avenue NE, Salem, OR;

(B) Delivered by mail to DMV Headquarters, 1905 Lana Avenue NE, Salem OR 97314; or

(C) Received by facsimile machine at FAX number (503) 945-5497.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 802.200, 802.540, 807.070

Stats. Implemented: ORS 807.070, 807.530, 809.310

New Rule

OAR 735-062-0078

Waiving Knowledge Test Portion of Driver Examination

Pursuant to ORS 807.072, DMV will waive the knowledge test for a motorcycle endorsement required by ORS 807.070(2) and OAR 735-062-0040 if the applicant presents a TEAM OREGON Basic Rider Training course completion card issued within two years of application.

Stat. Auth.: ORS 184.616, 184.619, 802.010 and 807.072

Stats. Implemented: ORS 807.072

735-062-0080

Waiving Drive Test Portion of Driver License Examination

(1) [*The Driver and Motor Vehicle Services Division of the Department of Transportation*] (DMV) will waive the actual demonstration of a person's ability to drive a Class C vehicle required by ORS 807.070(3) if all of the following apply:

(a) The person surrenders to DMV a driver license issued to the person by another state, the District of Columbia, a United States Territory or a Canadian Province that has not been expired for more than one year, or if the person's driver license issued by another jurisdiction, has been lost or stolen, the person submits a letter of clearance, as required in OAR [735-062-0000] **735-062-0007**;

(b) The surrendered, lost or stolen license authorizes the driving of a vehicle other than a moped or motorcycle;

(c) The surrendered, lost or stolen license includes no restrictions other than a single restriction or a combination of restrictions comparable to restrictions imposed on an Oregon driver license;

(d) The person has no physical disabilities or impairments which may necessitate any restrictions other than:

(A) "With corrective lenses";

(B) "Outside or side-view mirror(s)"; or

(C) The restriction(s) imposed on the person's surrendered, lost or stolen driver license issued by another jurisdiction.

(e) The person has no physical or mental condition that provides DMV with reason to question the person's ability to drive a motor vehicle without endangering the safety of persons or property.

(2) DMV will waive the actual demonstration of a person's ability to drive a Class A, B, or C commercial motor vehicle or any endorsement related to a commercial driver license if the person surrenders to DMV a commercial driver license and satisfies the requirements in subsection (a) or (b) of this section:

(a) The person must meet the qualifications set forth in subsections (1)(a) through (e) of this rule and possess an out-of-state commercial driver license approved by the Federal Motor Carrier Safety Administration that authorizes the driving of a commercial motor vehicle included in the Oregon classification for which the application is made; or

(b) The person submits to DMV a Certificate of Competency, Form 6771, in accordance with OAR 735-060-0130.

(3) DMV will waive the actual demonstration of a person's ability to drive a motorcycle if **the person is 21 years of age or older and:**

(a) The person surrenders to DMV a motorcycle-endorsed driver license issued to the person by another state, the District of Columbia, a United States Territory or a Canadian Province, or submits a clearance letter as provided for in subsection (1)(a) of this rule; and

(b) The person meets the qualifications in subsections (1)(c), (d) and (e) of this rule.

(4) *[In addition to section (3) of this rule,]* DMV will waive the actual demonstration of a person's ability to drive a motorcycle if:

(a) The person *[passes a motorcycle skills test given during a motorcycle rider education course established by the Transportation Safety Division under ORS 802.320]* **presents a TEAM OREGON Basic Rider Training course completion card, issued within two years of application; [and] or**

(b) *[The motorcycle skills test administered during the motorcycle education course meets or exceeds the motorcycle skills test administered by DMV]* **The person is 21 years of age or older**

and presents a TEAM OREGON Intermediate Rider Training course completion card, issued within two years of application.

[(5) Evidence of passing the motorcycle skills test identified in section (4) of this rule is a motorcycle education course completion card as provided for in OAR 735-062-0140. The completion card must have been issued within two years of application to be considered valid for waiver of the skills test.]

Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.070, 807.080 & 807.170
Stats. Implemented: ORS 807.070, 807.080 & 807.170

735-062-0140

Proof of Completion of an **Approved** Motorcycle **Rider** Education Course

(1) For purposes of issuing a motorcycle endorsement to persons under 21 years of age, DMV will only accept a [*motorcycle rider education course approved by the Department of Transportation in accordance with ORS 802.320.*] **TEAM OREGON Basic Rider Training course completion card, issued within two years of application.**

(2) As proof of completion of a motorcycle education course, DMV will accept a **TEAM OREGON course completion** card, which minimally includes:

(1) **(a)** The applicant's name;

(2) **(b)** The name of the course completed;

(3) **(c)** The date of the course;

(4) **(d)** Where the course was taken;

(5) **(e)** The signature of the instructor; and

(6) The instructor's certification number [*as assigned by the motorcycle education course approved by the department*].

Stat. Auth.: ORS 184.616, 184.619 & 807.175
Stats. Implemented: ORS 807.170 & 807.175