

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

735

Agency and Division

Administrative Rules Chapter Number

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Rules Coordinator

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**RULE CAPTION**

Suspension/Revocation for Out-of-State Conviction, Suspension or Revocation

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:** 735-070-0030

**REPEAL:**

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

**AMEND & RENUMBER:** Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

ORS 184.616, 184.619, 802.010 and 809.400

Stat. Auth..

None

Other Authority

ORS 809.400

Stats. Implemented

**RULE SUMMARY**

OAR 735-070-0030 establishes when DMV will suspend or revoke a person's Oregon driving privileges based on notification from another jurisdiction of a conviction, suspension or revocation in that jurisdiction. Section (5) of the rule establishes what evidence must be received by DMV that the underlying cause for suspension under Section (3) of the rule has ended in the reporting jurisdiction. These are suspensions based on notification from another jurisdiction that a citizen of Oregon has been suspended or revoked in that jurisdiction under implied consent laws for failure or refusal of a breath, blood or urine test. DMV proposes to amend OAR 735-070-0030(5) to include a DMV inquiry on the National Driver Register/Problem Driver Pointer System (NDR/PDPS) that shows clear in the reporting jurisdiction as acceptable evidence that the suspension or revocation in the reporting jurisdiction has ended. This inquiry will show electronically that the person's driving privileges are no longer suspended or revoked in the reporting jurisdiction for the reasons described above. Currently the person whose driving privileges are suspended or revoked by another jurisdiction must provide a letter or certified copy of the driving record in the other jurisdiction to show that the suspension or revocation has ended. Other jurisdictions are often resistant to write letters when they know Oregon DMV can access the information electronically. Paying for a certified copy of a driving record may be a burden on some people attempting to reinstate their Oregon driving privileges.

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  
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735  
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**In the Matter of the** Amendment of OAR 735-070-0030

**Rule Caption:** Suspension/Revocation for Out-of-State Conviction, Suspension or Revocation

**Statutory Authority:** ORS 184.616, 184.619, 802.010 and 809.400

**Other Authority:** None

**Statutes Implemented:** 809.400

**Need for the Rule(s):** OAR 735-070-0030 establishes when DMV will suspend or revoke a person's Oregon driving privileges based on notification from another jurisdiction of a conviction, suspension or revocation in that jurisdiction. Section (5) of the rule establishes what evidence must be received by DMV that the underlying cause for suspension under Section (3) of the rule has ended in the reporting jurisdiction. These are suspensions based on notification from another jurisdiction that a citizen of Oregon has been suspended or revoked in that jurisdiction under implied consent laws for failure or refusal of a breath, blood or urine test. DMV proposes to amend OAR 735-070-0030(5) to include a DMV inquiry on the National Driver Register/Problem Driver Pointer System (NDR/PDPS) that shows clear in the reporting jurisdiction as acceptable evidence that the suspension or revocation in the reporting jurisdiction has ended. This inquiry will show electronically that the person's driving privileges are no longer suspended or revoked in the reporting jurisdiction for the reasons described above. Currently the person whose driving privileges are suspended or revoked by another jurisdiction must provide a letter or certified copy of the driving record in the other jurisdiction to show that the suspension or revocation has ended. Other jurisdictions are often resistant to write letters when they know Oregon DMV can access the information electronically. Paying for a certified copy of a driving record may be a burden on some people attempting to reinstate their Oregon driving privileges.

**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: This proposed rule amendment will have no fiscal impact on state agencies or units of local government.

Members of the General Public: The proposed rule amendments will have no economic impact on members of the general public. The proposed change may benefit a small number of individuals. In 2007 DMV issued a total of 677 suspensions due to notification from another jurisdiction that an Oregon driver had been suspended in the other jurisdiction for failure or refusal of a breath or blood test. DMV reinstated 198 such suspensions. It may be time consuming and costly to obtain written documentation from another jurisdiction that a suspension or revocation in that jurisdiction has ended. DMV is unable to determine the costs involved because it depends on each individual jurisdiction. Electronic notification that a suspension has ended will certainly save these costs for the individuals who benefit from this rule change.

Businesses, including small businesses: These proposed rule amendments will have no economic impact on businesses including specific small businesses.

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?:** There were no issues involved in this rulemaking that DMV needed the assistance of an advisory committee. This proposed change is DMV's effort to assist some customers using existing DMV systems.

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Authorized Signer

Lauri Kunze  
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Printed name

\_\_\_\_\_  
Date