

Secretary of State  
Certificate and Order for Filing  
**TEMPORARY ADMINISTRATIVE RULES**  
A Statement of Need and Justification accompanies this form.

I certify that the attached copies\* are true, full and correct copies of the TEMPORARY Rules(s) adopted on August 21, 2008 by the  
Date prior to or same as filing date.

Oregon Department of Transportation, Driver and Motor Vehicle Division 735  
Agency and Division Administrative Rules Chapter Number

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Rules Coordinator Address Telephone

to become effective upon filing through February 20, 2009  
Date upon filing or later A maximum of 180 days including the effective date.

**RULE CAPTION**

Definition of Valid Commercial Driver License  
Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

**RULEMAKING ACTION**  
List each rule number separately, 000-000-0000.

**ADOPT:** 735-070-0043

**AMEND:**

**SUSPEND:**

ORS 184.616, 184.619 and 802.010 None  
Stats. Auth. Other Authority

ORS 153.090(7) and 801.307  
Stats. Implemented

**RULE SUMMARY**

The 2007 Legislature added a definition of "holds a commercial driver license" to the Vehicle Code and in ORS 153.090(7), which sets forth the requirements for entry of a judgment in a violation or traffic offense case. (Oregon Laws 2007, Chapter 122, HB 2268). Persons who hold a commercial driver license are subject to stricter requirements under the law, making it necessary to define when a person holds a valid commercial driver license. The term "valid" as used in ORS 801.307 and 153.090(7) has not been interpreted consistently, which led to confusion as to when a person holds a valid commercial driver license. For example, a medical certificate used to prove physical qualification for a CDL may expire, but that does not automatically invalidate the CDL. The person cannot drive a commercial vehicle until he or she has a current medical certificate (ORS 807.100), but the CDL remains valid until DMV suspends, cancels or revokes the license. DMV has defined by rule when a person's commercial driver license is valid. The definition is retroactive to January 1, 2008, the effective date of the Act.

\_\_\_\_\_  
Authorized Signer Tom McClellan \_\_\_\_\_  
Printed name Date

\*With this original and Statement of Need, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules.

Secretary of State  
**STATEMENT OF NEED AND JUSTIFICATION**  
A Certificate and Order for Filing Temporary Administrative Rules accompanies this form.

Oregon Department of Transportation, Driver and Motor Vehicle Division  
Agency and Division

735  
Administrative Rules Chapter Number

In the Matter of Adoption of OAR 735-070-0043

**Rule Caption:** Definition of Valid Commercial Driver License

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

**Other Authority:** None

**Statutes Implemented:** ORS 153.090(7) and 801.307

**Need for the Temporary Rule(s):** The 2007 Legislature added a definition of “holds a commercial driver license” to the Vehicle Code and in ORS 153.090(7), which sets forth the requirements for entry of a judgment in a violation or traffic offense case. (Oregon Laws 2007, Chapter 122, HB 2268). Persons who hold a commercial driver license are subject to stricter requirements under the law, making it necessary to define when a person holds a valid commercial driver license. The term “valid” as used in ORS 801.307 and 153.090(7) has not been interpreted consistently, which has led to confusion as to when a person holds a valid commercial driver license. For example, a medical certificate used to prove physical qualification for a CDL may expire, but that does not automatically invalidate the CDL. The person cannot drive a commercial vehicle until he or she has a current medical certificate (ORS 807.100), but the CDL remains valid until DMV suspends, cancels or revokes the license. DMV has defined by rule when a person’s commercial driver license is valid. The definition is retroactive to January 1, 2008, the effective date of the Act.

**Documents Relied Upon, and where they are available:** None

**Justification of Temporary Rules(s):** DMV finds that following the permanent rulemaking process rather than taking this temporary rulemaking action will result in serious prejudice to the public interest because persons committing similar offenses are not receiving consistent penalties. Certain offenses carry stricter consequences if a person holds a commercial driver license. Because of inconsistent interpretations of the term “valid” in ORS 801.307 and 153.090(7), DMV, as the licensing agency, needs to define this term so that the laws can be applied uniformly. This temporary rule amendment will be followed by permanent rulemaking.

\_\_\_\_\_  
Authorized Signer

Tom McClellan  
\_\_\_\_\_  
Printed name

\_\_\_\_\_  
Date