

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

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RULE CAPTION

Hardship or Probationary Permit Restrictions

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: 735-064-0100

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, 807.270 and 813.510
Stat. Auth.

None
Other Authority

ORS 807.240, 807.270, 809.600, 813.100, 813.510, 813.602, 813.608, 813.610, 813.612 and 803.614
Stats. Implemented

RULE SUMMARY

Section 12, Chapter 783, Oregon Laws 2009 (HB 3271) amends ORS 809.600(1) and adds a new offense – aggravated driving while suspended or revoked – to the kinds of convictions that result in revocation of driving privileges as an habitual offender. OAR 735-064-0100(1)(c) describes what constitutes a violation of a hardship or probationary permit and lists the convictions in ORS 809.600(1)(a) through (g). Therefore DMV proposes to amend OAR 735-064-0100 to include the conviction of aggravated driving while suspended or revoked.

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.

October 21, 2009

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
Agency and Division

735
Administrative Rules Chapter Number

In the Matter of the Amendment of OAR 735-064-0100

Rule Caption: Hardship or Probationary Permit Restrictions

Statutory Authority: ORS 184.616, 184.619, 802.010, 807.270 and 813.510

Other Authority: None

Statutes Implemented: ORS 807.240, 807.270, 809.600, 813.100, 813.510, 813.602, 813.608, 813.610, 813.612 and 803.614

Need for the Rule(s): Section 12, Chapter 783, Oregon Laws 2009 (HB 3271) amends ORS 809.600(1) and adds a new offense – aggravated driving while suspended or revoked – to the kinds of convictions that result in revocation of driving privileges as an habitual offender. OAR 735-064-0100(1)(c) describes what constitutes a violation of a hardship or probationary permit and lists the convictions in ORS 809.600(1)(a) through (g). Therefore DMV proposes to amend OAR 735-064-0100 to include the conviction of aggravated driving while suspended or revoked.

Documents Relied Upon and where they are available: Enrolled HB 3271 which can be found at <http://www.leg.state.or.us/09reg/measpdf/hb3200.dir/hb3271.en.pdf>.

Fiscal and Economic Impact, including Statement of Cost of Compliance: The proposed amendment to OAR 735-064-0100 has no fiscal or economic impact.

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)): None
2. Cost of compliance effect on small business (ORS 183.336): None
 - a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule: None, these rules only affect individuals.
 - b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services: None
 - c. Equipment, supplies, labor and increased administration required for compliance: None

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? If not, why?: No. The proposed amendment to OAR 735-064-0100 implements new legislative requirements and an advisory committee was not necessary for this rulemaking

Authorized Signer

Lauri Kunze

Printed name

Date