

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 September 16, 2009 by the
Date prior to or same as filing date.

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

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Rules Coordinator Address Telephone

to become effective upon filing through March 20, 2010
Date upon filing or later A maximum of 180 days including the effective date.

RULE CAPTION

Amends rule language to comply with ORS 802.370
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: Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

AMEND: 735-150-0005

SUSPEND:

ORS 184.616, 184.619, 802.010 and ORS 802.370 None
Stats. Auth. Other Authority

ORS 802.370
Stats. Implemented

RULE SUMMARY

OAR 735-150-0000 establishes the Oregon Dealer Advisory Committee (ODAC) as the advisory committee required under ORS 802.370. The rule includes provisions for the designation of members, committee member terms and the appointment and interest of member representation. During a recent review of the rule, it was found that section (9) of the rule does not fully comply with ORS 802.370(2).

The temporary amendment of OAR 735-150-0005 amends language in section (9) of the rule to clarify that DMV will consult with ODAC before taking immediate disciplinary action against a dealer who is jeopardizing the public health and safety. The temporary amendment will bring the rule into compliance with the requirements of ORS 802.370(2).

Thomas L. McClellan
Authorized Signer 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 Services Division
Agency and Division

735
Administrative Rules Chapter Number

In the Matter of the Amendment of OAR 735-150-0005, Relating to the Oregon Dealer Advisory Committee (ODAC)

Rule Caption: Amends rule language to comply with ORS 802.370

Statutory Authority: ORS 184.616, 184.619, 802.010 and ORS 802.370

Other Authority: None

Statutes Implemented: ORS 802.370

Need for the Temporary Rule(s): This temporary rule is necessary to bring OAR 735-150-0005 into compliance with ORS 802.370.

OAR 735-150-0000 establishes the Oregon Dealer Advisory Committee (ODAC) as the advisory committee required under ORS 802.370. The rule includes provisions for the designation of members, committee member terms and the appointment and interest of member representation.

During a recent review of the rule, it was found that section (9) of the rule does not fully comply with ORS 802.370(2).

The temporary amendment of OAR 735-150-0005 amends language in section (9) of the rule to clarify that DMV will consult with ODAC before taking immediate disciplinary action against a dealer who is jeopardizing the public health and safety. The temporary amendment will bring the rule into compliance with the requirements of ORS 802.370(2).

Documents Relied Upon, and where they are available: None

Justification of Temporary Rules(s): The temporary rule is necessary to bring OAR 735-150-0005 into compliance with the requirements of ORS 802.370(2). DMV intends to permanently amend this rule. However, because a permanent rule cannot be adopted for several months, a temporary amendment is needed immediately so the rule complies with the statute.

Authorized Signer

Thomas L. McClellan
Printed name

Date

