

**Department of Transportation**  
**Administrative Rules Annual Report**  
**HB 4106 (2016 Session)**

**Chapter 731**

Report contains rules filed during calendar year January 01, 2023 through December 31, 2023

**Rules Adopted, Amended, or Repealed [ORS 183.335(2) and (3)]**

Adopted	1
Amended	3
Repealed	0

**Temporary Rules Adopted, Amended, or Suspended [ORS 183.335(5)]**

Adopted	0
Amended	0
Suspended	0

Department of Transportation, Public Transit Division

Administrative Rules Annual Report

Chapter 732

HB 4106 (2016 Session)

Report contains rules filed during calendar year January 01, 2023 through December 31, 2023

**Rules Adopted, Amended, or Repealed [ORS 183.335(2) and (3)]**

Adopted	0
Amended	0
Repealed	0

**Temporary Rules Adopted, Amended, or Suspended [ORS 183.335(5)]**

Adopted	0
Amended	0
Suspended	0

Department of Transportation, Highway Division

Administrative Rules Annual Report

Chapter 734

HB 4106 (2016 Session)

Report contains rules filed during calendar year January 01, 2023 through December 31, 2023

**Rules Adopted, Amended, or Repealed [ORS 183.335(2) and (3)]**

Adopted	2
Amended	10
Repealed	0

**Temporary Rules Adopted, Amended, or Suspended [ORS 183.335(5)]**

Adopted	0
Amended	0
Suspended	0

Department of Transportation, Driver and Motor Vehicle Services Division

Administrative Rules Annual Report

Chapter 735

HB 4106 (2016 Session)

Report contains rules filed during calendar year January 01, 2023 through December 31, 2023

Rules Adopted, Amended, or Repealed [ORS 183.335(2) and (3)]

Adopted	2
Amended	81
Repealed	4

Temporary Rules Adopted, Amended, or Suspended [ORS 183.335(5)]

Adopted	0
Amended	2
Suspended	0

DMV 15-2023 Filed: 07/12/2023 4:25 PM

735-063-0265 Amend

735-063-0268 Amend

Statement of Need

DMV needs to amend Oregon Administrative rule (OAR) 735-063-0265 and 735-063-0268 to align with 49 CFR 383.71(f)(2)(i) for limited term non-Real ID Commercial Learner Driver Permit (CLP), limited term non-Real ID Commercial Driver License (CDL) and limited term Real ID CDL issuance.

DMV is amending OAR 735-063-0265 and 735-063-0268 to remove a federally unacceptable document from the list of documents that a person who is lawfully present in the United States on a temporary basis may provide as proof of lawful status. Specifically, DMV is removing the applicant’s ability to submit an “Arrival/Departure Record (I-94 or CBP I-94) stamped admitted as a Refugee, Asylee, Asylum, Parole, Parolee, or Paroled for an indefinite period presented with acceptable proof of identity as defined in OAR 735-062-0020” to qualify for a limited term non-Real ID CLP, limited term non-Real ID CDL or a limited term Real ID CDL.

Justification

DMV finds that DMV’s failure to act promptly will result in serious prejudice to the public interest. If DMV fails to act promptly it will result in serious prejudice because applicants for a limited term non-Real ID CLP, limited term non-Real ID CDL or limited term Real ID CDL will be issued a credential when they do not qualify according to federal regulations. Oregon DMV’s issuance of limited term non-Real ID CLP, limited term non-Real ID CDL and limited term Real ID CDL must meet the Federal Motor Carrier Safety Administration (FMCSA) regulation documentation requirements that have been established in order for an applicant to prove the applicant’s lawful status in the U.S.

Large commercial vehicles pose a greater safety risk to the public because of their size and potential cargo. An I-94 without an unexpired foreign passport has been deemed insufficient by the FMCSA to vet the individual’s lawful status in the U.S. Issuing to someone with malicious intent whose lawful status in the U.S. has not been vetted to the level acceptable by the federal government presents a risk to the public and the state.

The failure to act promptly will seriously prejudice applicants for limited-term commercial driving privileges because

applicants may take actions presuming they can obtain a credential under the current DMV rules while being ineligible for the same credential under federal regulations. The prompt action will avoid conflicts in the law, provide a clear description of the eligibility requirements, and avoid DMV having to deny or cancel the credential due to ineligibility based on improper documentation.

This temporary rulemaking will mitigate the consequences because DMV will prevent the applicant from obtaining or renewing the credential and thus unable to pose a risk to the public or state while operating a CMV with an Oregon credential.

Department of Transportation, Transportation Safety Division

Administrative Rules Annual Report

Chapter 737

HB 4106 (2016 Session)

Report contains rules filed during calendar year January 01, 2023 through December 31, 2023

**Rules Adopted, Amended, or Repealed [ORS 183.335(2) and (3)]**

Adopted	0
Amended	0
Repealed	0

**Temporary Rules Adopted, Amended, or Suspended [ORS 183.335(5)]**

Adopted	0
Amended	0
Suspended	0

Department of Transportation, Motor Carrier Transportation Division

Administrative Rules Annual Report

Chapter 740

HB 4106 (2016 Session)

Report contains rules filed during calendar year January 01, 2023 through December 31, 2023

**Rules Adopted, Amended, or Repealed [ORS 183.335(2) and (3)]**

Adopted	0
Amended	16
Repealed	1

**Temporary Rules Adopted, Amended, or Suspended [ORS 183.335(5)]**

Adopted	0
Amended	0
Suspended	0

Department of Transportation, Rail Division

Administrative Rules Annual Report

Chapter 741

HB 4106 (2016 Session)

Report contains rules filed during calendar year January 01, 2023 through December 31, 2023

**Rules Adopted, Amended, or Repealed [ORS 183.335(2) and (3)]**

Adopted	0
Amended	0
Repealed	0

**Temporary Rules Adopted, Amended, or Suspended [ORS 183.335(5)]**

Adopted	0
Amended	0
Suspended	0