

Secretary of State  
**NOTICE OF PROPOSED RULEMAKING HEARING\***  
A Statement of Need and Fiscal Impact accompanies this form

**FILED**  
6-15-16 3:15 PM  
ARCHIVES DIVISION  
SECRETARY OF STATE

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

Third Party Testing for Commercial Driver Licenses

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

Hearing Date	Time	Location	Hearings Officer
7-21-16	9:30 a.m.	DMV Headquarters; 1905 Lana Avenue, Salem OR	Liz Woods

**RULEMAKING ACTION**

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

**ADOPT:**

735-060-0001, 735-060-0051, 735-060-0101, ~~735-060-0140~~ 735-060-0145 *JK 6/22/16*

**AMEND:**

735-060-0030, 735-060-0040, 735-060-0050, 735-060-0055, 735-060-0057, 735-060-0090, 735-060-0095, 735-060-0100, 735-060-0105, 735-060-0110, 735-060-0120, 735-060-0130

**REPEAL:**

*0115 JK 6/22/16*  
735-060-0060, 735-060-0065, 735-060-0110

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

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

735-060-0000 to 735-060-0003

**Statutory Authority:**

ORS 184.616, 184.619, 802.010, 807.072, 807.080

**Other Authority:**

49 CFR Secs. 383.71, 383.75, 383.110-383.123, 383.131-383.135, 49 CFR Secs 384.228 and 384.229

**Statutes Implemented:**

ORS 807.070, 807.072, 807.080

**RULE SUMMARY**

Chapter 735, Division 60 rules regarding CDL Third Party Testing were originally promulgated in 1986 and have had several partial updates since, which resulted in some inconsistent or confusing language and questionable organization of the content. Because of statutory and procedural changes, it is now time for DMV to again amend some of these rules. However, instead of just amending sections here and there, DMV carefully reviewed the entire rule division in an attempt to make certain the rules were consistent and easier to follow.

One of the two major changes that necessitated these rule amendments is implementation of the commercial learner driver permit (CLP) on September 26, 2016. These rules are amended to specify that no applicant may test with a third party tester unless the applicant possesses a CLP issued by DMV at least 14 days prior to testing. The other major change is that all test information, including passing scores that allow DMV to issue a CDL, are now entered into the Commercial Skills Test Information Management System (CSTIMS). Therefore, a third party examiner no longer needs to issue a Certificate of Test Completion for the applicant to take to DMV. DMV can access scores entered in CSTIMS by a third party testing business as well as scores entered by a tester in another jurisdiction.

Specific proposed changes to these rules include: