

OFFICE OF THE SECRETARY OF STATE  
BEV CLARNO  
SECRETARY OF STATE  
  
JEFF MORGAN  
INTERIM DEPUTY SECRETARY OF STATE



ARCHIVES DIVISION  
STEPHANIE CLARK  
DIRECTOR  
  
800 SUMMER STREET NE  
SALEM, OR 97310  
503-373-0701

**NOTICE OF PROPOSED RULEMAKING**  
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 735  
DEPARTMENT OF TRANSPORTATION  
DRIVER AND MOTOR VEHICLE SERVICES DIVISION

**FILED**  
09/24/2020 7:58 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: DMV At-Risk Driver Procedural Changes to Align with DMV's System Modernization

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 10/21/2020 5:00 PM

*The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.*

*A public rulemaking hearing may be requested in writing by 10 or more people, or by a group 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 the 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.*

CONTACT: Ty Yoder  
503-945-5256  
ty.m.yoder@odot.state.or.us

DMV Vehicle Programs  
1905 Lana Avenue NE  
Salem, OR 97314

Filed By:  
Lauri Kunze  
Rules Coordinator

**NEED FOR THE RULE(S):**

Proposed amendments address changes to the At-risk Driver program that are required for the implementation of DMV's system modernization. DMV proposes a global change throughout these amendments to its practice of sending a letter followed by a notice of suspension or cancellation. At-risk Driver actions will now begin by issuing a notice of suspension or cancellation in place of the letter to ensure DMV communication to the customers is clear and satisfies the requirements of the Administrative Procedure Act, ORS chapter 183. Several other minor amendments relating to terminology and DMV processes are proposed for clarity and consistency and to align with DMV's system modernization.

**DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:**

None

**FISCAL AND ECONOMIC IMPACT:**

See statements below.

**COST OF COMPLIANCE:**

*(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).*

(1) Except as provided below, there is no cost of compliance for state agencies, units of local government and the public resulting from this rulemaking.

The elimination of DMV "courtesy" letters provides an increase in efficiency for DMV processing staff. A "courtesy" letter is provided to drivers prior to a notice of action should a driver not comply with medical requirements. Production and labor costs savings are estimated to be: \$22,354 through the 2019-2021 biennium and \$44,707 through the 2021-2023 biennium.

(2)(a), (b) and (c) None

---

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Fourteen groups representing small businesses were notified and invited to comment. No comments were received.

---

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

This administrative rulemaking establishes provisions necessary to implement DMV's system modernization project and creates efficiencies for DMV processes.

---

RULES PROPOSED:

735-062-0385, 735-074-0080, 735-074-0120, 735-074-0140, 735-074-0180, 735-074-0220, 735-076-0000, 735-076-0002, 735-076-0005, 735-076-0007, 735-076-0010, 735-076-0015, 735-076-0018, 735-076-0020, 735-076-0035

AMEND: 735-062-0385

RULE SUMMARY: Amendment of OAR 735-062-0385 eliminates courtesy notice and requires that DMV send a 90-day notice of cancellation to a driver subject to the limited vision program.

CHANGES TO RULE:

735-062-0385

Maintaining Qualification Under the Limited Vision Condition Program or Cancellation ¶

(1) Beginning two years from the date of issuance and at least every two years thereafter, a person issued a license under ORS 807.363 must be examined by a licensed vision specialist and submit to DMV a Report of Limited Vision Examination form signed by the licensed vision specialist certifying the person meets the vision requirements under ORS 807.359. If the person's driving privileges are not restricted to daylight driving only, the Report of Limited Vision Examination form must indicate that the person is able to safely operate a motor vehicle at night.¶

(2) Approximately 90 days before the vision requirements described in section (1) of this rule are due DMV will ~~notify~~issue the person of the vision requirements. ~~The Report of Limited Vision Examination form must be a notice of cancellation and Report of Limited Vision form (DMV form 735-24A) for completion~~ion by the person's licensed vision specialist, ~~and returned to DMV no later than the due date on DMV's notification.~~¶

~~(3)~~ DMV will cancel the person's driving privileges if the Report of Limited Vision Examination form (DMV form 735-24A) is not completed and submitted to DMV ~~by the due date set forth in DMV's notification described in section (2) of this rule~~within 90 days of the date DMV issues a notice of cancellation or the person fails to meet the vision requirements as set forth in section (1) of this rule.¶

~~(4)~~ DMV will issue a driver license with a daylight driving only restriction if the Report of Limited Vision Examination ~~report~~form (DMV form 735-24A) submitted pursuant to section (1)~~(a)~~ of this rule does not include the nighttime driving vision specialist certification.¶

~~(5)~~ A Report of Limited Vision Examination form (DMV form 735-24A) must be received by DMV no later than two years from the examination date of the most recently submitted report.¶

~~(6)~~ DMV will reissue the driving privileges cancelled for less than one year under section ~~(3)~~2 of this rule when

the person:¶¶

(a) Submits a Report of Limited Vision Examination form (DMV form 735-24A) showing the person meets the vision requirements under ORS 807.359; ¶¶

(b) Passes a DMV drive test demonstrating the person is fit to operate a vehicle safely on the highways of this state; and ¶¶

(c) Pays the appropriate licensing fees at the time of reissuance. ¶¶

(~~76~~) DMV will issue driving privileges, in accordance with ORS 807.363, to a person whose driving privileges have been cancelled for a year or more under section (~~32~~) of this rule when the person successfully completes a rehabilitation training program along with meeting the requirements of section (~~65~~) of this rule.

Statutory/Other Authority: ORS 184.619, & 802.010

Statutes/Other Implemented: ORS 807.363, 807.350(~~4~~), & ~~8072.350(5)~~10

RULE SUMMARY: Certain definitions in OAR 735-074-0080 are amended for clarity and to align with DMV's system modernization that was implemented on July 6, 2020. These amendments make permanent the temporary rule changes currently in effect.

CHANGES TO RULE:

735-074-0080

Definitions ¶

- (1) "DMV" means the Driver and Motor Vehicle Services Division of the Oregon Department of Transportation. ¶
- (2) A "health care provider" ~~is a person licensed, certified or otherwise authorized or permitted by law to administer health care in the State of Oregon. For~~ has the meaning set forth in ORS 807.710 and, for the purposes of these rules, the term health care provider OAR 735, division 074, is limited to: a chiropractic physician, nurse practitioner, occupational therapist, physical therapist, optometrist, physician assistant and podiatric physician or surgeon. ¶
- (3) "Immediate suspension or cancellation" means the suspension or cancellation of driving privileges or the right to apply for driving privileges before the person is given an opportunity for a hearing to contest the suspension or cancellation. ¶
- (4) "Mandatory reporting or a mandatory report" is a report of severe and uncontrollable cognitive or functional impairments, submitted by a physician or designated health care provider as mandated under ORS 807.710 and these rules. DMV also has a non-mandatory reporting program that can be used by anyone, including physicians and health care providers, that reports medical issues or driving behaviors that may affect the person's ability to safely operate a motor vehicle. The non-mandatory reporting program is outlined in OAR chapter 735, division 76. ¶
- (5) "Medical Determination Officer" ~~means~~ means a physician, nurse practitioner or physician assistant, licensed to provide health care services by the State of Oregon, and employed or designated by DMV to make medical determinations of a ~~driver~~ driver person's medical eligibility for driving privileges. ¶
- (6) A ~~Driver Medical Report form~~ Driver Medical Report form ~~means~~ means the form provided to a person or designated by DMV to be used to obtain medical information for determining if the person is eligible or qualified for driving privileges. ¶
- (7) A "physician" ~~is a medical doctor or doctor of osteopathic medicine licensed to practice medicine in the State of Oregon by the Board of Medical Examiners or a doctor of naturopathic medicine licensed to practice naturopathic medicine in the State of Oregon by the Board of Naturopathic Examiners~~ has the meaning set forth in ORS 807.710. ¶
- (8) A "primary care provider" ~~means~~ means a physician or health care provider who is responsible for supervising, coordinating and providing a person's initial and ongoing health care. A primary care provider initiates referrals for health care outside of his or her scope of practice, consultations and specialist care to assure continuity of a person's medically appropriate health care. ¶
- (9) "Primary and secondary driving controls" mean the steering wheel, gas pedal, brake, clutch (if applicable), turn signal controls, headlight controls, windshield wiper controls, defrost control and horn of a motor vehicle. ¶
- (10) "Recertification" or "recertify" ~~means~~ means the process for requiring the person to reestablish eligibility at periodic intervals by submitting updated medical or vision information and possibly proving that the mental or physical condition or impairment does not affect their ability to safely operate a motor vehicle by passing DMV tests, receiving a determination of eligibility from the Medical Determination Officer, or both. ¶
- (11) "Severe" means that the impairment substantially limits a person's ability to perform activities of daily living, including driving, because it is not controlled or compensated for by medication, therapy, surgery or adaptive devices. Severe does not include a temporary impairment for which the person is being treated by a physician or health care provider and which is not expected to last more than six months. ¶
- (12) "Uncontrollable" means the impairment persists despite efforts to control or compensate for it by medication, therapy, surgery, or adaptive devices. Uncontrollable does not include an impairment for which treatment by

medication, therapy, surgery or adaptive devices is currently under evaluation.

Statutory/Other Authority: ORS ~~184.616~~, 184.619, 802.010, & 807.710

Statutes/Other Implemented: ORS 807.710

AMEND: 735-074-0120

RULE SUMMARY: Amendment of OAR 735-074-0120 aligns with DMV's current practices, eliminates some requirements for information to be contained in a mandatory report, requires a name, license or certification number and signature of the reporting physician or healthcare provider on the mandatory impairment referral form and proposes other amendments to clarify what is required on a Mandatory Report. These changes make permanent the temporary rules currently in effect.

CHANGES TO RULE:

735-074-0120

The Mandatory Report to DMV ¶

(1) To report a severe and uncontrollable functional or cognitive impairment as required by OAR 735-074-0110, the reporting physician or health care provider must complete and submit to DMV; a Mandatory Impairment Referral; form (DMV Form 7230.35-7230). ¶

(2) To report visual acuity or field of vision not meeting DMV standards as required by OAR 735-074-0100, the reporting physician or health care provider must complete and submit to DMV; a Mandatory Impairment Referral; form (DMV Form 7230). ¶

(3) The form must contain the following information: ¶

(a) The name, address, date of birth, sex, and Oregon driver license or identification card number (if known) of the person being reported; ¶

(b) The functional or cognitive impairment(s) being reported, as described in OAR 735-074-0100 or 735-074-0110; ¶

(c) A description of how the person reported is affected by the impairment; and ¶

(d) The name, license or certification number and signature of the reporting physician or healthcare provider. ¶

(4) If available, and applicable, the following information may be included on the form: ¶

(a) Any underlying medical diagnosis or condition that may be applicable; ¶

(e) If applicable, related to the reported impairments; ¶

(b) The date of the person's last episode of loss of consciousness or control, date of cerebrovascular accident (CVA), cardiac event or alcohol/~~drug~~, cannabis, controlled substance or inhalant use or relapse; ¶

(f) If applicable, medication prescribed that may interfere with safe driving behaviors or medication prescribed to treat the impairment(s) reported; and ¶

(g) The name, address, and phone number, license or certification number and signature of the reporting physician or health care provider. ¶

~~[ED. NOTE: Forms referenced are available from the agency.]; and~~ ¶

(e) The date of the person's most recent examination.

Statutory/Other Authority: ORS ~~184.616~~, 184.619, 802.010; & 807.710

Statutes/Other Implemented: ORS 807.710

AMEND: 735-074-0140

RULE SUMMARY: Amendment of OAR 735-074-0140 clarifies the situations in which DMV may request medical information and when such information will be reviewed by the Medical Determination Officer. Eliminates knowledge and drive testing requirements for reports received that indicate only that a person's vision does not meet vision standards set forth in OAR 735-062-0050. Several other minor amendments relating to terminology and processes are proposed to align with DMV's system modernization.

CHANGES TO RULE:

735-074-0140

DMV Response to Mandatory Report - Suspension, Opportunity to Re-Test, Reinstatement ¶¶

(1) DMV will review a report received under OAR 735-074-0120 to determine if sufficient information has been provided. If the report does not contain the information required by OAR 735-074-0120 ~~it~~ DMV may be returned contact or return the form to the reporting physician or health care provider for completion. If the report does not meet the requirements of a mandatory report, but if the report is of a possible mental or physical condition or impairment that indicates the person is no longer qualified to hold a driver license, driver permit or endorsement or may no longer be able to drive safely, DMV will review the report under the non-mandatory program described in OAR chapter 735, division 76 to determine what action, if any, is appropriate.¶¶

(2) Using the standards set forth in OAR 735-074-0130, or when otherwise recommended by the Medical Determination Officer, DMV will suspend driving privileges or the right to apply for driving privileges under ORS 809.419(3), if it is determined from the report submitted under OAR 735-074-0120 that the person has a mental or physical condition or impairment that affects the person's ability to safely operate a motor vehicle upon the highways. Driving privileges or the right to apply for driving privileges will be immediately suspended if DMV has reason to believe the person may endanger people or property if not immediately suspended.¶¶

(3) If DMV receives a report that indicates that a person's vision does not meet the vision standards set forth in OAR 735-062-0050, DMV will immediately suspend the person's driving privileges or right to apply for driving privileges under ORS 809.419(3). To be eligible for reinstatement of driving privileges the person must: submit proof from a licensed optometrist or physician who specializes in the diagnosis and treatment of eye diseases that the person's vision, with or without corrective lenses, meets the vision standards set forth in OAR 735-062-0050; ~~and pass a knowledge and drive test. Proof that vision meets DMV standards is only valid for six months from the date DMV receives the Certificate of Vision form and the person must pass the knowledge and drive test within this time period for reinstatement of driving privileges.~~¶¶

(4) A person whose driving privileges and right to apply for driving privileges are suspended because of a functional impairment may request to be tested by DMV to demonstrate that notwithstanding the impairment, the person is qualified to safely operate a motor vehicle. If the request is granted, DMV will administer a vision screening under OAR 735-062-0050, a knowledge test under 735-062-0040 and a DMV drive test under 735-062-0070. DMV will deny the request if it has reason to believe the person is unable to safely operate a motor vehicle during a drive test. If the request is denied, DMV may give the person tests if the person:¶¶

(a) Receives a determination of eligibility from the Medical Determination Officer;¶¶

(b) Submits proof of successful completion of a driver rehabilitation program conducted by a rehabilitation specialist;¶¶

(c) Submits proof of successful completion of a driver training course conducted by an ODOT certified commercial driver training school; or¶¶

(d) Submits proof that the person's motor vehicle is equipped with an appropriate adaptive device(s), such as hand controls, and provides documentation that the person knows how to use and has practiced with the adaptive devices(s).¶¶

(5) A person whose driving privileges and right to apply for driving privileges are suspended because of a cognitive impairment or a cognitive impairment in conjunction with a functional impairment reported under OAR 735-074-0110 may request to be tested by DMV to demonstrate that notwithstanding the disorder or the impairment, the

person is qualified to safely operate a motor vehicle. Before DMV will grant the request to be tested, the Medical Determination Officer must determine that the person is medically eligible to take tests. If eligible for testing, the person must pass a vision screening under OAR 735-062-0050, a knowledge test under 735-062-0040 and a DMV drive test under 735-062-0070.¶

(6) The following apply to a request for testing under sections (4) and (5) of this rule:¶

(a) The request must be made by contacting DMV headquarters; and¶

(b) For a cognitive impairment or a cognitive impairment in conjunction with a functional impairment, testing must be completed within six months from the date the Medical Determination Officer determines the person is medically eligible to take tests.¶

(7) DMV will notify the reporting physician or health care provider if the person's driving privileges are reinstated.¶

(8) If the person voluntarily surrenders driving privileges as set forth in OAR 735-062-0135(4), DMV will rescind any suspension imposed under sections (2), (3) or (4) of this rule. The person may be eligible for a no-fee identification card.¶

(9) If ~~the person~~ DMV reinstates or is reissued ~~his or hers~~ a person's driving privileges, DMV may require the person to provide periodic medical information based on the recommendation of the Medical Determination Officer or obtain periodic vision examinations based on the recommendation of the person's vision specialist. The Medical Determination Officer ~~may review those with functional impairments who reinstate or are reissued driving privileges for determination of whether the person should be medically recertified at a later date. The Medical Determination Officer will include~~ will include in their decision a determination if medical re-certification is needed on cognitive impairments at the time a determination on testing is made. If periodic medical information is required, DMV will send the person a ~~Driver Medical Impairment Recertification form and require the person to obtain information from his or~~ Report form (DMV form 735-6587) and notify the person that they will be required to return the completed form to DMV within 60 days or the person's driving privileges will be cancelled. The form must be completed by the person and their licensed physician, nurse practitioner or physician assistant and returned ~~that~~ to DMV within ~~360~~ 60 days of the date on the requirement letter notice. ¶

(10) If a periodic vision exam must be obtained, DMV will send the person a Certificate of Vision form ~~which~~ (DMV form 735-24) and notify the person they must submit the completed form within 60 days or the person's driving privileges will be cancelled. The form must be completed by the person's licensed vision specialist and returned to DMV within ~~360~~ 60 days of the date on the requirement letter notice. ¶

(10) A person may be required to successfully complete DMV testing or may have driving privileges suspended based on information contained in the ~~Driver Medical Impairment Recertification form or periodic vision information report~~ Report form (DMV form 735-6587) or periodic Certificate of Vision form (DMV form 735-24) submitted under section (9) and (10) of this rule. ¶

[ED-NOTE: Forms referenced are available from the agency.]

Statutory/Other Authority: ORS ~~184.616~~, 184.619, 802.010, 807.340, 807.710, & 809.419

Statutes/Other Implemented: ORS 807.340, & 807.710

AMEND: 735-074-0180

RULE SUMMARY: Amendment of OAR 735-074-0180, to align with DMV's system modernization, replaces reference of Medical Impairment Recertification form with Driver Medical Report form. Allows DMV to issue an immediate suspension if a Certificate of Vision form is submitted and indicates the person's vision does not meet minimum vision standards. The proposed rules also establish additional provisions relating to the cancellation of commercial and noncommercial driving privileges.

CHANGES TO RULE:

735-074-0180

When a Suspension or Cancellation of Driving Privilege Occurs ¶

(1) DMV may issue an immediate suspension of driving privileges in the following situations:¶

(a) As set forth in OAR 735-074-0140, if DMV has reason to believe from the information provided in a mandatory report submitted under 735-074-0120 that the person may endanger people or property if not immediately suspended;¶

(b) The Medical Determination Officer, upon review of medical information on a driver, recommends an immediate suspension;¶

(c) Information contained in a required Driver Medical Impairment Recertification form Report form (DMV form 735-6587) submitted as required under OAR 735-074-0140 indicates that the person has a mental or physical condition that makes it unsafe for the person to operate a motor vehicle and DMV has reason to believe the person may endanger people or property if not immediately suspended; or¶

(d) Information contained in a required Certificate of Vision form submitted as required under OAR 735-074-0140 indicates the person's vision does not meet minimum vision standards under OAR 735-062-0050 and DMV has reason to believe the person may endanger people or property if not immediately suspended.¶

(2) DMV will immediately cancel a person's driving privileges if DMV has reason to believe that the person may endanger people or property if not immediately canceled. If DMV has reason to believe a person is unable to safely operate a motor vehicle and may endanger people or property, DMV may immediately cancel driving privileges pursuant to ORS 807.350 and OAR 735-070-0010, 735-070-0020 and 735-074-0220.¶

(3) DMV may cancel driving privileges pursuant to ORS 807.350 and OAR 735-070-0010, 735-070-0020 and 735-074-0220 if:¶

(a) The person's vision does not meet the minimum vision standards set forth in OAR 735-062-0050;¶

(b) DMV determines the person no longer meets the qualifications for a driver license, driver permit or endorsement because of a physical or mental condition or impairment that affects the person's ability to safely operate a motor vehicle upon the highway or a problem condition involving alcohol, cannabis, inhalants or controlled substances; ~~or~~¶

(c) The person is denied a drive test by DMV or the Medical Determination Officer because of a physical or mental condition or impairment that affects the person's ability to safely operate a motor vehicle upon the highway; ~~or~~¶

(d) DMV requires the person to submit a Driver Medical Report (DMV form 735-6587) or Certificate of Vision form (DMV form 735-024) in accordance with OAR 735-074-0140(9) or (10) and the person fails to submit the required form within 60 days.¶

(4) DMV will cancel commercial driving privileges under ORS 809.310(1) if DMV suspends the base driving privilege of the holder of a commercial driving privilege under these rules.

Statutory/Other Authority: ORS ~~184.616~~, 184.619, 802.010, 807.340, 807.350, & 809.419

Statutes/Other Implemented: ORS 807.350, 809.4310 & 809.430

AMEND: 735-074-0220

RULE SUMMARY: Amendment of OAR 735-074-0220, to align with online capabilities, allows a driver subject to an At-risk suspension or cancellation to request a hearing through DMV's website.

CHANGES TO RULE:

735-074-0220

Hearing Request for Suspension or Cancellation of Driving Privileges Under Division 74 and Division 76 Rules ¶

A person issued a notice of suspension or cancellation under these rules has the right to request a contested case hearing. The following apply to a hearing request:¶

- (1) Except as provided in section (2) of this rule, a person issued a notice of suspension or cancellation under these rules must request a hearing within 20 days from the date on the notice. Except as provided in section (2) of this rule, the suspension or cancellation will not go into effect pending the outcome of the hearing.¶
- (2) A person issued a notice of an immediate suspension or an immediate cancellation must request a hearing within 90 days from the date on the notice. The suspension or cancellation will remain in effect and will not be rescinded or stayed by DMV pending the outcome of the hearing.¶
- (3) A hearing request must be in writing and must include:¶
  - (a) The person's full name;¶
  - (b) The person's complete mailing address;¶
  - (c) The person's Oregon driver license number; and¶
  - (d) A brief statement of the issues the person proposes to raise at the hearing.¶
- (4) A hearing request should also include:¶
  - (a) The person's date of birth;¶
  - (b) The telephone number where the person can be reached between 8 a.m. and 5 p.m.; and¶
  - (c) The dates and times the person or the person's attorney cannot appear at a hearing.¶
- (5) The administrative law judge must give DMV sufficient opportunity to obtain and present in the contested case hearing any testimony or documents deemed necessary by the agency to respond to evidence offered by the person on any factual or legal defense.¶
- (6) In order for a request for hearing to be timely, the request must be postmarked or received by DMV within the time periods established in sections (1) and (2) of this rule. If the request for hearing is not timely received, the person waives his or her right to a hearing, except as provided in OAR 137-003-0528. The time periods will be computed as set forth in 137-003-0520(11).¶
- (7) To be received by DMV, the hearing request must be:¶
  - (a) Personally delivered to DMV Headquarters, 1905 Lana Avenue NE, Salem, OR;¶
  - (b) Delivered by mail to DMV Headquarters, 1905 Lana Avenue NE, Salem OR 97314; ~~or~~¶
  - (c) Received by facsimile machine at FAX number (503) 945-5521; or¶
  - (d) Requested on-line at [dmv2u.oregon.gov](http://dmv2u.oregon.gov).

Statutory/Other Authority: ORS 184.616~~9~~, 184.619~~802.010~~, 809.440

Statutes/Other Implemented: ORS 809.440

AMEND: 735-076-0000

RULE SUMMARY: Amendment of OAR 735-076-0000 establishes that loss of consciousness or control while driving may be included in the report provided to DMV.

CHANGES TO RULE:

735-076-0000

Policy, Objective and Purpose of the At-Risk Program - Non-Mandatory Reporting ¶

(1) It is the policy of DMV to promote safety for all persons who travel or otherwise use the public highways of this state.¶

(2) The underlying policy of the Department's rules on at-risk drivers is to preserve the independence, dignity, and self-esteem that result from providing one's own mobility, so long as it is possible to do so without risk to oneself or to others.¶

(3) It is therefore an objective of these division 076 rules to establish a program for the non-mandatory reporting to DMV of those drivers who have a mental or physical condition or impairment that may affect driving ability, or drivers who have demonstrated unsafe or dangerous driving behaviors.¶

(4) DMV may receive information that indicates a person may no longer be qualified to hold a driver license, driver permit or endorsement or may no longer be able to drive safely. This information may come from many sources, including a report from any of the following:¶

(a) A physician or health care provider,¶

(b) A family member, friend or neighbor,¶

(c) A report from a police officer or a court,¶

(d) A DMV representative, or¶

(e) The person through a self-report on a driver license issuance, renewal or replacement application or a voluntary request to test.¶

(5) A report may describe:¶

(a) A possible mental or physical condition or impairment, a vision problem, or a possible problem condition involving alcohol, cannabis, inhalants or controlled substances that indicates the person is no longer qualified to hold a driver license, driver permit or endorsement;¶

(b) An unsafe or dangerous driving behavior that indicates the person is not able to drive safely; ~~or~~¶

(c) That the person no longer has the skills necessary to safely operate a motor vehicle; or¶

(d) That the person could have a loss of consciousness or control while driving, resulting in loss of control of a motor vehicle.¶

(6) These division 076 rules provide procedures for the review of non-mandatory reports, the obtaining of required information necessary to determine if a driver person remains qualified for driving privileges and the taking of necessary action when a determination is made that the driver person is no longer qualified for driving privileges.

Statutory/Other Authority: ORS 184.619, 802.010, 807.340; & 809.419

Statutes/Other Implemented: ORS 807.340

AMEND: 735-076-0002

RULE SUMMARY: Amendment of OAR 735-076-0002 defines the term "loss of consciousness or control" and, removes the definition of "Medical report form." This proposed rule also amends language for clarity and consistency to align with DMV's system upgrade.

CHANGES TO RULE:

735-076-0002

#### Definitions ¶

- (1) "DMV" means the Driver and Motor Vehicle Services Division of the Oregon Department of Transportation. ¶
- (2) "Health care provider" means a person licensed, certified or otherwise authorized or permitted by law to administer health care in the State of Oregon. For purposes of these rules, the term health care provider is limited to: a chiropractic physician, nurse practitioner, occupational therapist, physical therapist, optometrist, physician assistant and podiatric physician or surgeon. ¶
- (3) "Immediate suspension or cancellation" means the suspension or cancellation of driving privileges or the right to apply for driving privileges before the person is given an opportunity for a hearing to contest the suspension. ¶
- (4) "~~Medical Determination Officer~~" ~~is a physician, nurse practitioner or physician assistant, licensed to provide health care services by the State of Oregon, and employed or designated by DMV to make medical determinations of a driver's medical eligibility for driving privileges.~~ Loss of consciousness or control" means an unpredictable medical event experienced at any time by an individual in which the normal control of the individual's body is compromised due to the event rendering the individual unconscious, unable to experience normal sensory perception or unable to initiate the physical motion required to safely operate a motor vehicle. "Loss of consciousness or control" includes but is not limited to; seizure, syncope, narcolepsy, hypoglycemia, sleep apnea or black-out. ¶
- (5) ~~A "Medical report form" is the form provided to a person or designated by DMV to be used to obtain medical information for determining if the person is eligible or qualified~~ Determination Officer" means a physician, nurse practitioner or physician assistant, licensed to provide health care services by the State of Oregon, and employed or designated by DMV to make medical determinations of a person's medical eligibility for driving privileges. ¶
- (6) "Non-mandatory reporting or a non-mandatory report" means a voluntary report to DMV of either a medical condition or impairment that may affect a driver's ability to safely operate a motor vehicle, or a report of actual driving behavior that may indicate the person is no longer able to safely operate a motor vehicle. A non-mandatory report does not include a report that must be filed by a physician or health care provider as required under OAR chapter 735, division 74 of a severe and uncontrollable impairment that affects a person's ability to safely operate a motor vehicle. ¶
- (7) ~~A "Physician" is a medical doctor or doctor of osteopathic medicine licensed to practice medicine in the State of Oregon by the Board of Medical Examiners, or a doctor of naturopathic medicine licensed to practice naturopathic medicine in the State of Oregon by the Board of Naturopathic Examiners~~ has the meaning set forth in ORS 807.710. ¶
- (8) "Problem condition involving alcohol, cannabis, inhalants or controlled substances" has the meaning set forth in ORS 813.040. ¶
- (9) "Recertification" or "recertify" means the process for requiring the person to reestablish eligibility for driving privileges at periodic intervals by submitting a ~~Driver Medical Report form (DMV form 735-6587)~~, or by submitting a Certificate of Vision form (DMV form 735-024) or passing a DMV vision screening. The process may also include DMV tests, receiving a determination of eligibility from the Medical Determination Officer, or both, if determined necessary by DMV. ¶
- (10) "Tests" are examinations under ORS 807.070 that establish a person's eligibility for driving privileges. Tests include a DMV vision screening, a knowledge test and a drive test. ¶
- (11) "Unsafe or dangerous driving behavior" means a driver is unable to perform basic driving tasks in a safe and competent responsible manner. Examples include, but are not limited to, the following: ¶

- (a) The driver is prevented from causing an accident by an evasive maneuver by another driver(s);¶
- (b) The driver impedes traffic or fails to yield the right of way, such as: driving too slowly; driving in more than one lane of traffic; turning from the wrong lane; or turning into the wrong lane; and¶
- (c) Failure to obey or difficulty obeying a traffic control device, such as: running a red light or stop sign; stopping beyond the designated stop line at a traffic light or stop sign; failing to stop for a pedestrian in a marked crosswalk; or driving the wrong way on a one-way street.

Statutory/Other Authority: ORS ~~184.616~~, 184.619, 802.010, 807.340, & 809.419

Statutes/Other Implemented: ORS 807.340

AMEND: 735-076-0005

RULE SUMMARY: Amendment of OAR 735-076-0005 clarifies that Mandatory Reports regarding loss of consciousness or control do not require a description of how driving is affected and that multiple reports regarding the same or similar concerns can be addressed with a single action. Added cannabis to the list of problem conditions that could affect the person's ability to drive safely.

CHANGES TO RULE:

735-076-0005

#### Reporting Requirements ¶¶

(1) In order for DMV to process a non-mandatory report that indicates a person may no longer be qualified for driving privileges or may no longer be able to safely operate a motor vehicle, the report must be in writing and contain:¶¶

(a) The name of the person making the report, including a signature;¶¶

(b) The name and date of birth of the person being reported or a description of the person sufficient for DMV to identify the reported person from its records; and¶¶

(c) Sufficient information to give DMV reason to believe the person may no longer be qualified to hold a driver license, driver permit, or endorsement or may no longer be able to drive safely. For purposes of this rule, sufficient information includes but is not limited to:¶¶

(A) A physician or health care provider report of a physical or mental condition or impairment that is not reportable as required under OAR chapter 735 division 74 ~~and includes a description of how the person's ability to drive safely may be affected;~~¶¶

(B) A report of a physical or mental condition or impairment, and a description of how the person's ability to safely operate a motor vehicle is affected; or a description of unsafe or dangerous driving behavior;¶¶

(C) A report by a police officer, physician or health care provider where a physical or mental condition or impairment is stated as a cause or possible cause of a crash or unsafe or dangerous driving behavior;¶¶

(D) A self-report on a driver's license/permit issuance, renewal or replacement application of a vision problem affecting driving and failure to pass a DMV administered vision screening;¶¶

(E) A self-report on a driver's license/permit issuance, renewal or replacement application of a mental or physical condition or impairment affecting the person's ability to drive safely;¶¶

(F) A self-report on a driver's license/permit issuance, renewal or replacement application of a problem condition involving alcohol, cannabis, inhalants or controlled substances affecting the person's ability to drive safely; or¶¶

(G) A report of unsafe or dangerous driving behavior and DMV has reason to believe the driving behavior is likely to recur or similar driving behavior has previously been reported to DMV.¶¶

(2) All written documentation voluntarily submitted under this rule, including the name of the person submitting the documentation, will be kept confidential and not released to any person unless:¶¶

(a) The report was submitted by a police officer or judge acting within the scope of his or her official duties;¶¶

(b) DMV determines the documentation, or any portion thereof, must be released pursuant to the Public Records Law, ORS 192.410 to 192.505, or the Attorney General or a court orders disclosure in accordance with the Public Records Law; or¶¶

(c) The documentation is determined by DMV to be necessary evidence in an administrative proceeding involving the suspension or cancellation of the person's driving privileges or right to apply for driving privileges.¶¶

(3) Before taking action, DMV may request more information from the person making the report if DMV has reason to believe the information provided is inaccurate or inadequate.¶¶

(4) DMV may accept and process multiple reports regarding similar behavior, similar concerns or the same event; if the reports, taken together, include all required elements as described in section (1) or this rule.

Statutory/Other Authority: ~~ORS 184.616~~, 184.619, 802.010, 807.340, & 809.419

Statutes/Other Implemented: ORS 807.340



AMEND: 735-076-0007

RULE SUMMARY: Amendment of OAR 735-076-0007 clarifies the situations in which DMV will request medical information and when that medical information is required to be reviewed by the Medical Determination Officer. The Certificate of Vision is the only situation in which DMV will assess medical information without review of the Medical Determination Officer. The vision specialist completing the form provides direction directly to DMV in this situation.

CHANGES TO RULE:

735-076-0007

DMV Response to Non-Mandatory Report ¶¶

DMV will review a non-mandatory report meeting the requirements under OAR 735-076-0005 to determine the appropriate action to take, which may include any or all of the following:¶¶

(1) No action if the report does not give DMV reason to believe the person being reported is no longer qualified to hold a driver license, driver permit, or endorsement or is no longer able to drive safely. This includes a report from a physician or health care provider indicating the condition or impairment is not likely to recur or does not affect the person's ability to drive safely, or a report of driving behavior that reports a single incident with no indication of a mental or physical condition or impairment affecting the person's ability to safely drive.¶¶

(2) The person may be required to reestablish eligibility by ~~tak~~passing a DMV tests under ORS 807.070 when the report is one or more of the following:¶¶

(a) A report of a mental or physical condition or impairment that may affect the person's ability to safely operate a motor vehicle, not including a loss of consciousness or control or a problem condition involving alcohol, inhalants or controlled substances;:¶¶

(b) A report of unsafe or dangerous driving behavior only;:or¶¶

~~(3c) The person will be required to provide a medical report form or as reported as described in 735-076-0005(1)(c)(A) and the report indicates a concern with the person's ability to safely operate a motor vehicle, not including loss of consciousness or control or a problem condition involving alcohol, cannabis, inhalants or controlled substance.~~¶¶

(3) The person may be required to provide a Certificate of Vision form (DMV form 735-024) when the report is of the following:¶¶

(a) The person's vision may not meet the vision standards set forth in OAR 735-062-0050;:¶¶

~~(b) A self-report on a license/permit issuance, renewal or replacement application of a mental or physical condition or impairment when answering the question required under 735-062-0007(2)(a);:¶¶~~

(c) A self-report on a license/permit issuance, renewal or replacement application of a problem condition involving alcohol, cannabis, inhalants or controlled substances that affects the person's ability to drive safely; and the condition or impairment is one that causes the or¶¶

(4) The person may be required to receive a determination of eligibility from the Medical Determination Officer under ORS 807.090 when the report indicates one or more of the following:¶¶

~~(a) A loss of consciousness or control;:¶¶~~

~~(c) A self-report on a license/permit issuance, renewal or replacement application of a problem condition involving alcohol, inhalants or controlled substances that affects the person's ability to drive safely; or:¶¶~~

~~(d) A report of a is a cause or possible cause of a crash or of unsafe or dangerous driving behavior;:¶¶~~

(b) A self-report when answering the question required under 735-062-0007(2)(b);:¶¶

(c) A self-report when answering the question required under 735-062-0007(2)(c); or:¶¶

(d) A condition or impairment that involves the loss of consciousness or control, or a possible problem condition involving alcohol, cannabis, inhalants or controlled substances, and DMV has reason to believe from the report that the person may no longer be qualified for driving privileges or may no longer be able to safely operate a motor vehicle, including but not limited to:¶¶

~~(4A) The person may be required to receive was reported as determination of eligibility from the Medical Determination Officer under ORS 807.090 when the report indicates one or more of the following:¶¶~~

~~(a) Ascribed in 735-076-0005(1)(c)(A) and the report is of a loss of consciousness or control is a cause or possi; or a problem cause of a crash or of unsafe or dangerous driving behavior. condition involving alcohol, cannabis, inhalants or controlled substance;¶~~

~~(b) Evidence of continued episodes of loss of consciousness or control despite current treatment; or¶~~

~~(c) Evidence of a problem condition involving alcohol, cannabis, inhalants or controlled substances.¶~~

(5) An immediate suspension of the person's driving privileges under ORS 809.419(3)(c), when the report provides DMV reason to believe that the person may endanger people or property if not immediately suspended. To regain driving privileges the person will be required to reestablish eligibility for driving privileges which may include taking tests under ORS 807.070, submitting a ~~m~~Driver Medical ~~r~~Report form (DMV form 735-6587) or Certificate of Vision form (DMV form 735-024), or receiving a determination of eligibility from the Medical Determination Officer under ORS 807.090.¶

(6) Notwithstanding section (1) of this rule, DMV may respond to multiple reports regarding similar behavior, similar concerns or the same event; as described in section (2) through (5) of this rule. DMV may respond in this manner when the reports, taken together, provide the elements to satisfy the requirements of section (2) through (5) of this rule; and the reports are received within a reasonable time of one another.

Statutory/Other Authority: ORS ~~184.616~~, 184.619, 802.010, 807.340; & 809.419

Statutes/Other Implemented: ORS 807.340

AMEND: 735-076-0010

RULE SUMMARY: Amendment of OAR 735-076-0010, to align with DMV's system modernization and create efficiencies, eliminates the courtesy requirement letter and establishes one notification to require testing. The proposed amendments also specify when a request for extension of DMV testing requirement may be accepted and approved.

CHANGES TO RULE:

735-076-0010

The Testing Process ¶

(1) If DMV determines a person must reestablish eligibility by taking tests as described in OAR 735-076-0007(2) or after failing a test voluntarily requested as described in OAR 735-076-0009, DMV will ~~send a requirement letter to the driver requiring the driver to reestablish the person's eligibility by successfully completing the tests.~~¶

(2) The driver must successfully complete the tests issue a notice to the person that the person must reestablish eligibility by successfully completing DMV's vision, knowledge and drive tests within 90 days of issuing the notice.¶

(2) The person may request an extension within 630 days of the date of the requirement letter issuing the notice. DMV may grant an extension, not to exceed ~~1260~~ additional days, if:¶

(a) The person is seriously ill or injured and a physician, nurse practitioner or physician assistant requests an extension in writing;¶

(b) The person is temporarily out of state and a written request is received from the person; or¶

(c) The person has passed the vision and knowledge tests and the first available appointment for a drive test is after the effective date of the suspension for failure to pass tests.¶

(3) The ~~driver~~person must test in the ~~driver~~person's current license class, unless the ~~driver~~person voluntarily chooses to test for a lower class of license.¶

(4) Before DMV will conduct a drive test, the person must successfully complete all other required tests.¶

(5) If the person is unable to pass the DMV vision screening, DMV will require the person to have a vision specialist complete a Certificate of Vision form (DMV form 735-024). DMV will only provide a knowledge or drive test if the completed ~~Certificate of Vision~~ form indicates that the person's vision meets DMV's standards as set forth in OAR 735-062-0050.¶

(6) The waiting periods between knowledge ~~or drive~~ tests are listed in OAR 735-062-0040 and ~~735-062-0070~~, respectively.¶

(7) As set forth in OAR 735-062-0073, DMV may refuse to continue a drive test if a DMV employee reasonably believes that the person is likely to endanger persons or property while being tested, and further testing may be denied and driving privileges cancelled if DMV determines the person is likely to endanger persons or property during subsequent testing.

Statutory/Other Authority: ORS 184.619, 802.010, 807.340, & 809.419

Statutes/Other Implemented: ORS 807.070, 807.340, & 809.419

AMEND: 735-076-0015

RULE SUMMARY: Amendment of OAR 735-076-0015, to align with DMV's system modernization and create efficiencies, eliminates the courtesy requirement letter and establishes one notification to require vision screening. The extension request for vision screening is eliminated.

CHANGES TO RULE:

735-076-0015

The Process When a Medical Report Form or Certificate of Vision is Required ¶¶

~~(1) When DMV determines medical information or a Certificate of Vision form (DMV form 735-024) is necessary to determine the person's continuing eligibility for driving privileges, as described in OAR 735-076-0007(3), DMV will send a letter to the driver requiring the driver to submit the completed medical report form or Certificate of Vision form provided by DMV. The medical report form must be completed by the driver and by the driver's physician, nurse practitioner or physician assistant. ¶ Certificate of Vision form (DMV form 735-024) and notify the person that the certificate of Vision must be completed by the driver's vision specialist. ¶¶~~

~~(2) The driver must submit the completed medical report form or Certificate of Vision form within 30 days of the date of the requirement letter. DMV may grant an extension, not to exceed 120 additional days, if: ¶¶~~

~~(a) The person is seriously ill or injured and a physician requests an extension in writing; ¶¶~~

~~(b) The person is temporarily out of state and a written request is received from the person; or ¶¶~~

~~(c) The person can show that an appointment was requested in a timely manner, but the earliest appointment available exceeded the 30 days. ¶¶~~

~~(3) Sections (1) and (2) of this rule apply when the person must provide a medical report form or Certificate of Vision form to recertify eligibility for driving privileges. ¶ person must submit the completed form to DMV or the person's driving privileges will be suspended. The form must be completed by the person's vision specialist and returned to DMV within 60 days of the date on the notice.~~

Statutory/Other Authority: ~~ORS 184.616~~, 184.619, 802.010, 807.340, & 809.419

Statutes/Other Implemented: ORS 807.340

AMEND: 735-076-0018

RULE SUMMARY: Amendment of OAR 735-076-0018 eliminates certificate of vision requirements as they are set forth in OAR 735-076-0015. This rule establishes Driver Medical Report requirements and extension parameters for persons who need more time to complete the Driver Medical Report form.

CHANGES TO RULE:

735-076-0018

The Process when a Determination of Eligibility from the Medical Determination Officer is Required ¶

(1) When DMV determines that the Medical Determination Officer must determine a person's continuing eligibility for driving privileges, as described in OAR 735-076-0007(4), DMV will ~~require the person to submit a medical report form or Certificate of Vision form as set forth in OAR 735-076-0015.~~ send a Driver Medical Report form (DMV form 735-6587) and notify the person that the person will be required to return the completed form to DMV. DMV must receive the completed form within 60 days of the date on the notice or the person's driving privileges will be suspended. The form must be completed by the driver and by the driver's licensed physician, nurse practitioner or physician assistant. ¶

(2) The driver may request an extension within the first 30 days of the date of the notice. DMV may grant an extension, not to exceed 60 additional days, if: ¶

(a) The person is seriously ill or injured and a physician, nurse practitioner or physician assistant requests an extension in writing; ¶

(b) ~~When received, the medical report form or Certificate of Vision form~~ person is temporarily out of state and written request is received from the person; or ¶

(c) The person can show that an appointment was requested in a timely manner, but the earliest appointment was unavailable within 60 days of the date of the notice. ¶

(3) When received, the Driver Medical Report form (DMV form 735-6587) and any other relevant reports or information in DMV's At-Risk Program file records will be reviewed by the Medical Determination Officer. The Medical Determination Officer may determine either that the person is medically eligible or medically ineligible for driving privileges. A determination of medical eligibility may include a requirement that the person's motor vehicle be equipped with an appropriate adaptive device(s), such as hand controls. ¶

(34) A person determined medically eligible for driving privileges may be required to also pass tests as set forth in OAR 735-076-0010, if DMV has reason to believe that notwithstanding the determination of medical eligibility, the person may not be able to safely operate a motor vehicle. The person will also be required to pass a driving test if the Medical Determination Officer requires that the person's motor vehicle be equipped with an appropriate adaptive device(s), such as hand controls, and before a driving test is given, the person must provide documentation that he or she knows how to use and has practiced with the adaptive device(s). ¶

(45) A person who is determined to be medically ineligible for driving privileges must complete the requirements set forth by the Medical Determination Officer, if any, before any subsequent review of medical eligibility can occur. ¶

(6) DMV and the Medical Determination Officer will consider newly submitted medical information, at any time, if the reported condition has been resolved and is not likely to recur or if it has been determined that the condition does not affect the person's ability to safely operate a motor vehicle.

Statutory/Other Authority: ~~ORS 184.616~~, ORS 184.619, 802.010, 807.340, & 809.419

Statutes/Other Implemented: ORS 807.090 and & 807.340

AMEND: 735-076-0020

RULE SUMMARY: Amendment of OAR 735-076-0020 is proposed to more accurately reflect the process when a report is received regarding a driver with a commercial privilege and how the At-risk program inter-relates with FMCSA requirements.

CHANGES TO RULE:

735-076-0020

Suspension or Cancellation of Driving Privileges ¶¶

(1) DMV may issue an immediate suspension of driving privileges in the following situations:¶¶

(a) If DMV determines from a non-mandatory report that the person has a mental or physical condition that makes it unsafe for the person to operate a motor vehicle upon the highways and DMV has reason to believe the person may endanger people or property if not immediately suspended;¶¶

(b) If based upon information included in a police accident report or other law enforcement report, DMV has reason to believe that a person may endanger people or property if not immediately suspended due to a mental or physical condition that makes it unsafe for the person to operate a motor vehicle upon the highways;¶¶

(c) The Medical Determination Officer, upon review of medical information on a ~~driver~~person, recommends an immediate suspension;¶¶

(d) Information contained in a required ~~Driver Medical Impairment Recertification form~~Report form (DMV form 735-6587) submitted as required under OAR 735-076-0035 indicates that the person has a mental or physical condition that makes it unsafe for the person to operate a motor vehicle and DMV has reason to believe the person may endanger people or property if not immediately suspended; or¶¶

(e) Information contained in a required Certificate of Vision form indicates the person's vision does not meet minimum vision standards under OAR 735-062-0050 ~~and DMV has reason to believe the person may endanger people or property if not immediately suspended.~~¶¶

(2) DMV will suspend driving privileges or the right to apply for driving privileges as follows:¶¶

(a) Under ORS 809.419(1) if the person fails to successfully complete the required tests within ~~60~~90 days of the date of the ~~requirement letter~~notice of suspension, or within the time period granted if an extension is granted under OAR 735-076-0010(2);¶¶

(b) Under ORS 809.419(2), for failure to obtain a medical clearance, if the ~~m~~Driver Medical ~~Report form (DMV form 735-6587) required under OAR 35-076-0078~~ is not completed by the person and the person's physician, nurse practitioner, or physician assistant, submitted to and received by DMV within ~~360~~60 days of the date on the ~~letter~~notice sent from DMV, unless DMV has granted an extension under OAR 735-076-0015;¶¶

~~(c) Under ORS 809.419(2), for failure to obtain a medical clearance, if the person fails to submit a Medical Impairment Recertification form as required under OAR 735-076-0035, unless an extension is granted by DMV;¶¶~~

~~(d) Under ORS 809.419(2), for failure to obtain a medical clearance, if the person fails to submit a Certificate of Vision form when the person is required to obtain a periodic vision exam under OAR 735-076-0035, unless an extension is granted by DMV; 8; and¶¶~~

~~(e)~~ Under ORS 809.419(3), a~~s~~is incompetent to drive because of a mental or physical condition or impairment that makes it unsafe for the person operate a motor vehicle, because the Medical Determination Officer determines that a ~~driver~~person is medically ineligible for driving privileges under ORS 807.090, and the person has valid driving privileges;¶¶

(3) If the person voluntarily surrenders driving privileges as set forth in OAR 735-062-0135(4), DMV will rescind any suspension or cancellation imposed under sections (1), (2) or (4) of this rule.¶¶

(4) DMV will ~~suspend~~cancel commercial driving privileges under ORS 809.419(3) if the Medical Determination Officer has determined that the holder of a Class A, B, or C commercial driver license no longer meets the physical qualifications outlined in 49 CFR sections ~~391.41 through 391.49~~391.41 through 391.49 ~~310(1) if:~~¶¶

(a) DMV requires the holder of commercial driving privileges to pass tests in accordance with OAR 735-076-0007(2) and the person fails to pass the required tests;¶¶

(b) DMV requires the holder of commercial driving privileges to provide a Driver Medical Report form (DMV Form 735-6587), Certificate of Vision (DMV form 735-024) or both in accordance with OAR 735-076-0007(3) and (4); or¶

(c) DMV immediately suspends the base driving privilege of the holder of commercial driving privileges in accordance with OAR 735-076-0007(5).¶

(5) DMV may cancel driving privileges pursuant to ORS 807.350 and OAR 735-070-0010, 735-070-0020 and 735-074-0220 if:¶

(a) The person's vision does not meet the minimum vision standards set forth in OAR 735-062-0050; or¶

(b) DMV determines the person no longer meets the qualifications for a driver license, driver permit or endorsement because of a physical or mental condition or impairment that affects the person's ability to safely operate a motor vehicle upon the highway or a problem condition involving alcohol, cannabis, inhalants or controlled substances;¶

(c) The person fails to obtain a medical clearance by failing to submit a Driver Medical Report form (DMV form 735-6587), as required under OAR 735-076-0035 or within the time period granted if an extension is granted under OAR 735-076-0035; or¶

(d) The person fails to obtain a medical clearance by failing to submit a Certificate of Vision form (DMV form 735-024) when the person is required to recertify the person's medical eligibility for driving privileges based on the recommendation of the person's vision specialist, in accordance with OAR 735-076-0035.

Statutory/Other Authority: ~~ORS 184.616~~, 184.619, 802.010, 807.340, & 809.419

Statutes/Other Implemented: ORS 807.340, & 809.419

AMEND: 735-076-0035

RULE SUMMARY: Amendment of OAR 735-076-0035 specifies the process when medical recertification is required.

CHANGES TO RULE:

735-076-0035

Recertification ¶

(1) If, ~~after DMV processes a report,~~ the person retains ~~his or her~~ driving privileges, or regains ~~his or her~~ driving privileges after a suspension, ~~r~~ or cancellation, the person may be required to recertify. Recertification may be required when:¶

(a) The person's reported condition or impairment is progressive or unpredictable;¶

(b) Recommended by the ~~physician or health care provider when completing a medical report for~~ person's vision specialist when completing a Certificate of Vision form (DMV form 735-024); or¶

(c) ~~Recommended~~ required by the Medical Determination Officer.¶

(2) The time period for recertification will be based on the recommendation of the Medical Determination Officer or the person's ~~physician, nurse practitioner or physician assistant,~~ or on the recommendation of the person's vision specialist.¶

(3) If medical recertification is required, DMV will send the person a ~~Driver Medical Impairment Recertification form which must be completed by his or~~ Report form (DMV form 735-6587) and notify ~~ther~~ the physician, nurse practitioner, or physician assistant and returned to DMV.¶

(4) ~~If vision recertification is required, DMV will send the person a Certificate of Vision form which~~ person that the person must return the completed form to DMV within 60 days of issuance of the notice or the person's driving privileges will be cancelled. The form must be completed by the person's vision specialist and returned to DMV.¶

(5) ~~The person must submit the completed Medical Impairment Recertification form or Vision form and the person's physician, nurse practitioner, or physician assistant and returned to DMV within 360 days of the date of the requirement~~ letter notice. DMV may grant an extension, not to exceed ~~1260~~ 60 additional days, if:¶

(a) The person is seriously ill or injured and a physician, nurse practitioner or physician assistant requests and extension in writing;¶

(b) The person is temporarily out of state and a written request is received from the person; or,¶

(c) The person can show that an appointment was requested in a timely manner, but the earliest appointment available exceeded the ~~30 days~~ 60 days.¶

(4) ~~If vision recertification is required, DMV will send the person a Certificate of Vision form (DMV form 735-024) and notify the person that the person must return the completed form to DMV within 60 days of the date on the notice or the person's driving privileges will be canceled. The form must be completed by the person's licensed vision specialist and returned to DMV within 60 days of the date on the notice.~~

Statutory/Other Authority: ~~ORS 184.616, 184.619, 802.010, 807.340,~~ & 809.419

Statutes/Other Implemented: ~~ORS 807.340,~~ 809.310 & 809.419