



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

CHAPTER 735  
DEPARTMENT OF TRANSPORTATION  
DRIVER AND MOTOR VEHICLE SERVICES DIVISION

**FILED**  
06/30/2022 7:29 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Farm Endorsement Issuance

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 07/21/2022 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.*

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**NEED FOR THE RULE(S)**

A person whose driving privileges include a farm endorsement is authorized to transport "agricultural products, farm machinery or farm supplies" within 150 miles of a farmer's farm. Oregon Revised Statutes (ORS) 807.072(4) and (5) authorize DMV to issue Class A and Class B farm endorsements to individuals with Class C driver licenses "without requiring additional tests," if a farmer certifies to DMV that the applicant has experience in driving the relevant type of commercial motor vehicle (CMV). In addition, the applicant's driving record must not contain either a traffic accident within two years or one of a number of specified traffic crimes within five years of submitting an application.

ORS 807.072(6) authorizes DMV to determine by rule "certain circumstances" in which DMV may issue a farm endorsement to an individual without requiring additional testing. DMV proposes to adopt OAR 735-062-0084 to permit issuance of a Class A or Class B farm endorsement without further testing when the applicant's two-part driving record has a traffic accident within the last two years of the date of application, if the information available to DMV indicates that the accident was not preventable by the applicant and the applicant was not convicted of a traffic offense related to the accident. DMV believes that a traffic accident in an applicant's driving record does not necessarily indicate a heightened risk of future accidents, and the agency acknowledges that applicants may have been involved in accidents where the applicant cannot be identified as having had the opportunity to prevent the accident. Consequently, DMV has determined that there is no risk to highway safety upon adopting the two requirements described above.

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

Oregon Department of Transportation "Oregon Transportation Safety Action Plan (May 2021 Draft)." Oregon Department of Transportation, Oregon Department of Transportation, May 2021, [www.oregon.gov/odot/Safety/Documents/Draft\\_2021\\_Oregon\\_TSAP\\_Public\\_Review.pdf](http://www.oregon.gov/odot/Safety/Documents/Draft_2021_Oregon_TSAP_Public_Review.pdf).

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

This rulemaking may improve racial equity in this state because individuals of marginalized communities that have a traffic accident on their record now may be able to add a farm endorsement to their driver license without taking an additional test, which saves time and money for the individual.

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FISCAL AND ECONOMIC IMPACT:

See statements below.

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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) Applicants for a farm endorsement who qualify for issuance without additional testing will save \$70 per farm endorsement skill test and \$10 per CDL general knowledge test in addition to the additional time savings as a result of not having to take an examination.

DMV does not anticipate significant costs related to the adoption of OAR 735-062-0084 for state agencies, units of local government, or the public. DMV does not anticipate any discernible costs associated with this rulemaking assuming the number of applicants for a farm endorsement remains consistent.

(2) DMV does not anticipate any compliance cost for small businesses. Farmers are not required to complete a certification for their employee, but we assume they will continue to complete the form when they can because it will help their operation. Without this rulemaking, all farm endorsement applicants whose driving records contain a traffic accident within two years are subject to testing. DMV's proposed rule will waive testing for some applicants and does not impose any new requirements.

(2)(a) No business, including farm businesses are subject to the rule. Farmers may complete a certification for their employee, or themselves, but they are not required to complete the form.

(2)(b) and (c) None

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

DMV sent the rules to 14 organizations representing small businesses. DMV received no responses.

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

DMV is removing a barrier to issuance of a farm endorsement.

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ADOPT: 735-062-0084

RULE SUMMARY: DMV proposes to adopt OAR 735-062-0084 to permit issuance of a Class A or Class B farm endorsement without further testing when the applicant's two-part driving record has a traffic accident within the last two years of the date of application, if the information available to DMV indicates that the accident was not preventable by the applicant and the applicant was not convicted of a traffic offense related to the accident.

CHANGES TO RULE:

735-062-0084

Waiving Examination Requirements for Certain Farm Endorsement Applicants

DMV will waive the examination requirement for an applicant for a farm endorsement when the applicant does not meet the waiver criteria provided in ORS 807.072(4) or (5) because of a traffic accident on the applicant's two-part driving record that occurred within two years of the application date if:

(1) The applicant was not convicted of a traffic offense related to the accident; and

(2) The accident is not marked in the Oregon driving record as a preventable accident, as defined in OAR 735-072-0020.

Statutory/Other Authority: ORS 184.619, 802.010, 807.072, 49 CFR 383.3(d)(1)

Statutes/Other Implemented: 807.072, 807.170