



PERMANENT ADMINISTRATIVE ORDER

DMV 6-2022

CHAPTER 735
DEPARTMENT OF TRANSPORTATION
DRIVER AND MOTOR VEHICLE SERVICES DIVISION

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FILING CAPTION: At-Risk Non-Mandatory Reporting Requirements

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RULES:

735-076-0005, 735-076-0007

AMEND: 735-076-0005

NOTICE FILED DATE: 04/28/2022

RULE SUMMARY: The amended rule authorizes DMV to accept crash reports from law enforcement that are not signed, but include the officers' DPSST number and employers' agency name.

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) ~~Either:~~¶

(A) ~~The signature of the person making the report, including a police officer;~~ or ¶

(B) ~~The police officer's employing law enforcement agency and Department of Public Safety Standards and Training (DPSST) number when the person making the report is a police officer;~~ ¶

(~~b~~c) 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¶

(~~e~~d) 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;¶

(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, psilocybin, 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 184.619, 802.010, 807.340, 809.419

Statutes/Other Implemented: ORS 807.340

AMEND: 735-076-0007

NOTICE FILED DATE: 04/28/2022

RULE SUMMARY: DMV amended a reference to OAR 735-076-0005.

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 passing 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¶¶

(c) The person was reported as described in 735-076-0005(1)(ed)(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, ~~psilocybin~~, 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 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, ~~psilocybin~~, inhalants or controlled substances that affects the person's ability to drive safely; 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 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, ~~psilocybin~~, inhalants or controlled substance, 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:¶¶

(A) The person was reported as described in 735-076-0005(1)(ed)(A) and the report is of a loss of consciousness or control; or a problem condition involving alcohol, cannabis, ~~psilocybin~~, 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, ~~psilocybin~~, 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 Driver Medical 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 184.619, 802.010, 807.340, 809.419

Statutes/Other Implemented: ORS 807.340

