

OFFICE OF THE SECRETARY OF STATE

LAVONNE GRIFFIN-VALADE  
SECRETARY OF STATE

CHERYL MYERS  
DEPUTY SECRETARY OF STATE  
AND TRIBAL LIAISON



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**

08/29/2023 2:45 PM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Motorcycle Skills Test Waiver When Surrendering License From a Jurisdiction With Reciprocity Agreement With DMV

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 09/21/2023 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.oregon.gov

DMV Program Services  
1905 Lana Avenue NE  
Salem, OR 97314

Filed By:  
Lauri Kunze  
Rules Coordinator

NEED FOR THE RULE(S)

DMV proposes to amend OAR 735-062-0080 to permit applicants from countries that have a reciprocal agreement with DMV to obtain motorcycle endorsements without taking a motorcycle knowledge or skills test.

Oregon has reciprocity agreements with four countries: Germany, South Korea, Taiwan, and Japan. Prior to signing the agreements, each country had to provide proof that their country's requirements for obtaining driving privileges are equivalent to Oregon's noncommercial Class C license and meet or exceed Oregon's standards. As a result, applicants from these countries are not required to complete a knowledge or drive test for Oregon's noncommercial Class C driving privileges.

DMV reviewed the training and testing requirements for obtaining a motorcycle endorsement in each of the jurisdictions with whom DMV has a reciprocity agreement and confirmed they all meet or exceed Oregon's standards. This change will not have an impact on safety.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

None

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

Applicants from South Korea, Taiwan and Japan are members of minority races in the United States. As a result, DMV issuing motorcycle endorsements to these applicants without requiring a motorcycle knowledge or skills test will positively benefit racial equity in this state. The rule also may also positively impact members of other racial groups if any other country enters into a memorandum of agreement with DMV reciprocal driving privileges.

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) Public – Applicants from countries that have a reciprocal agreement with DMV will save time and money because they will not have to complete a motorcycle course and they will not have to return to DMV to be issued their license with the motorcycle endorsement. The cost for the Team Oregon motorcycle basic training course is currently \$229.00.

State Agencies – DMV will be able to issue a motorcycle endorsement to the applicant during the first interaction with the customer. The applicant will not need to come back into the DMV office to obtain the motorcycle endorsement after completing the motorcycle training course, which will enable DMV staff to assist other customers.

(2)(a) Team Oregon conducts the motorcycle training in Oregon. They are the only small business that will be impacted by this change. Fewer people will take Team Oregon's course because the person already meets DMV's requirements.

(2)(b) and (c) None

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

DMV sent draft rules to 14 organizations representing small businesses. No responses were received.

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

There is no reduction in safety, and there is an increase in productivity by DMV.

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AMEND: 735-062-0080

RULE SUMMARY: DMV proposes to amend this rule to permit applicants from countries that have a reciprocal agreement with DMV to obtain motorcycle endorsements without taking a motorcycle knowledge or skills test if their current credential has an equivalent motorcycle endorsement.

CHANGES TO RULE:

735-062-0080

Waiving Drive Test Portion of Driver License Examination ¶¶

(1) DMV will waive the actual demonstration of an applicant's ability to drive a Class C vehicle required by ORS 807.070(3) if all of the following apply:¶¶

(a) The applicant surrenders to DMV a driver license issued to the applicant by another state, the District of Columbia, a United States Territory, a Canadian Province or a jurisdiction with whom DMV has a reciprocity agreement and the driver license has not been expired for more than one year or, if the person's driver license issued by a jurisdiction listed above, has been lost or stolen, the applicant submits a letter of clearance, as required in OAR 735-062-0007.¶¶

(b) The surrendered, lost or stolen license authorizes the driving of a vehicle other than a moped or motorcycle.¶¶

(c) The surrendered, lost or stolen license includes no restrictions other than a single restriction or a combination of restrictions comparable to restrictions imposed on an Oregon driver license.¶¶

(d) The applicant has no physical disabilities or impairments which may necessitate any restrictions other than:¶¶

(A) "With corrective lenses";¶¶

- (B) "Outside or side-view mirror(s)"; or¶¶
- (C) The restriction(s) imposed on the applicant's surrendered, lost or stolen driver license issued by another jurisdiction.¶¶
- (e) The applicant has no mental or physical condition or impairment that causes DMV to reasonably believe the applicant's condition or impairment affects the applicant's ability to operate a motor vehicle without endangering the safety of persons or property.¶¶
- (2) In addition to section (1) of this rule, DMV will waive the actual demonstration of an applicant's ability to drive a Class C non-commercial vehicle required by ORS 807.070(3) if:¶¶
- (a) The applicant passes a traffic safety education course approved by the Transportation Safety Division under ~~ORS 802.345, 336, 802;~~¶¶
- (b) The drive test administered during the traffic safety education course meets or exceeds the requirements of a Class C non-commercial drive test conducted by DMV; and¶¶
- (c) The applicant provides a Driver Education Certificate of Completion card, as described in OAR 735-062-0140, that was issued within two years prior to the submission of an application for a Class C non-commercial driver license.¶¶
- (3) DMV will waive the actual demonstration of an applicant's ability to operate a motorcycle if:¶¶
- (a) The applicant surrenders to DMV a motorcycle-endorsed driver license issued to the applicant by another state, the District of Columbia, a United States Territory, a Canadian Province, a jurisdiction with whom DMV has a reciprocity agreement, or submits a clearance letter as provided for in subsection (1)(a) of this rule; and¶¶
- (b) The applicant meets the qualifications in subsections (1)(c), (d) and (e) of this rule.¶¶
- (4) In addition to section (3) of this rule, DMV will waive the actual demonstration of an applicant's ability to operate a motorcycle if:¶¶
- (a) The applicant passes a motorcycle skills test given during a motorcycle rider education course established by the Transportation Safety Office under ORS 802.320; or¶¶
- (b) The applicant meets the qualifications in OAR 735-062-0078(1)(b).¶¶
- (5) Evidence of passing the motorcycle skills test identified in section (4) of this rule is as described in OAR 735-062-0140.¶¶
- (6) DMV will waive the actual demonstration of an applicant's ability to operate a motorcycle if the applicant applies for a restricted motorcycle endorsement that only authorizes the person to operate a motorcycle with more than two wheels and has successfully completed the motorcycle knowledge test as required in OAR 735-062-0040.¶¶
- (7) DMV may not waive the actual demonstration of an applicant's ability to operate a motor vehicle if the applicant has not met all requirements described in OAR chapter 735, divisions 74 or 76, including but not limited to an applicant who is:¶¶
- (a) A returning Oregon resident who was previously subject to requirements under OAR chapter 735, divisions 74 or 76, who did not complete all requirements prior to being issued a license in another jurisdiction; or¶¶
- (b) An individual reported to DMV under OAR chapter 735, divisions 74 or 76, while a resident of another jurisdiction and has not met the requirements established by DMV as a result of receiving the report.
- Statutory/Other Authority: ORS 184.619, 190.485, 802.010, 807.070, 807.072, 807.080, 807.170
- Statutes/Other Implemented: ORS 190.485, 807.070, 807.072, 807.080, 807.170