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

CHAPTER 735  
DEPARTMENT OF TRANSPORTATION  
DRIVER AND MOTOR VEHICLE SERVICES DIVISION

**FILED**  
05/30/2024 4:59 PM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: DMV-Approved Out-of-State Motorcycle Rider Education Course

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 06/21/2024 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)**

The proposed rule amendments to OAR 735-062-0078 are necessary to add an additional out-of-state motorcycle rider education course to the list of DMV-approved motorcycle rider education courses. The additional motorcycle rider education course will provide an additional pathway to obtain a motorcycle endorsement while the applicant is temporarily residing outside of this state, but domiciled in or a resident of this state.

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

None

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

Adding Washington Motorcycle Safety Training to the list of approved out-of-state courses will positively affect racial equity in this state by adding an additional motorcycle rider education course option for applicants, including people of marginalized communities, to take when temporarily residing in Washington but still domiciled in or a resident of Oregon.

**FISCAL AND ECONOMIC IMPACT:**

None

**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 for a motorcycle endorsement who are temporarily residing outside of this state, but domiciled in or a resident of this state, will have an additional pathway to obtain a motorcycle endorsement.

Sm. Businesses: Team Oregon currently administers all motorcycle rider education courses in this state. Team Oregon may lose some customers to Washington Motorcycle Safety Training as a result of DMV approving out-of-state motorcycle rider education courses. DMV is unable to quantify the number of applicants temporarily residing out-of-state, but domiciled in or a resident of this state, who will opt to take the motorcycle rider education course from Washington Motorcycle Safety Training instead of using Team Oregon. DMV anticipates minimal impact to Team Oregon revenue.

DMV has also approved other out-of-state motorcycle rider education courses. The addition of Washington Motorcycle Safety Training may reduce the number of applicants attending those rider education courses. DMV anticipates minimal impact to those motorcycle education courses, but DMV is unable to quantify the impact.

(2)(a), (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?

DMV is adding a qualified out-of-state motorcycle rider education course to the list of approved programs, which expands customer options.

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AMEND: 735-062-0078

RULE SUMMARY: The proposed rule amendment adds an additional out-of-state motorcycle rider education course to the list of DMV-approved motorcycle rider education courses.

CHANGES TO RULE:

735-062-0078

Waiving Knowledge Test for Motorcycle Endorsement ¶¶

(1) Pursuant to ORS 807.072, DMV will waive the knowledge test for a motorcycle endorsement required by ORS 807.070(2) and OAR 735-062-0040 if:¶¶

(a) DMV has determined that the knowledge test given as part of a motorcycle rider education course established under ORS 802.320 is, at least, equivalent to the test given by DMV, and proof of the applicant's course completion information is submitted as described in OAR 735-062-0140; or¶¶

(b) The applicant:¶¶

(A) Passes the knowledge test given as part of an approved motorcycle rider education course listed in section (2) of this rule from a provider outside of this state, effective on or after March 2, 2022;¶¶

(B) Is temporarily residing outside of this state, but is domiciled in Oregon as described in ORS 803.355 and in accordance with OAR 735-016-0030; and¶¶

(C) Applies and is issued a motorcycle endorsement within two years from the date of course completion, unless a shorter validity timeframe is listed on the course completion card provided by the applicant. When a shorter validity timeframe is provided on the course completion card, the applicant must apply and be issued a motorcycle endorsement within the timeframe provided on the course completion card.¶¶

(2) The following motorcycle rider education courses from a provider outside of this state are approved by DMV:¶¶

(a) Motorcycle Safety Foundation (MSF) motorcycle rider education course;¶¶

(b) Idaho Skills Training Advantage for Riders (STAR);¶¶

(c) California Motorcyclist Safety Program (CMSP) Motorcyclist Training Course;¶¶

(d) Total Control Riding Clinic;¶¶

- (e) Motorcycle Ohio Rider Enhancement (MORE); ~~and~~
  - (f) Puget Sound Safety - Motorcycle Education Program (PSS-MEP); ~~and~~
  - (g) Washington Motorcycle Safety Training (WMST).
- Statutory/Other Authority: ORS 184.619, 802.010, 802.012, 807.072  
Statutes/Other Implemented: ORS 802.012, 807.072