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TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION
DMV 10-2026
CHAPTER 735
DEPARTMENT OF TRANSPORTATION
DRIVER AND MOTOR VEHICLE SERVICES DIVISION

FILED
03/13/2026 1:30 PM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Non-Domiciled (Limited Term) CDLs and CLPs and FMCSA Final Rule Effective March 16, 2026

EFFECTIVE DATE: 04/11/2026 THROUGH 10/07/2026

AGENCY APPROVED DATE: 03/12/2026

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NEED FOR THE RULE(S):

The Oregon Department of Transportation, Driver and Motor Vehicle Services (DMV), adopted an emergency rule on October 13, 2025, in response to the Federal Motor Carrier Safety Administration's (FMCSA) Interim Final Rule (IFR), Restoring Integrity to the Issuance of Non-Domiciled Commercial Driver's Licenses (90 Fed. Reg. 46509-46526, published September 29, 2025). That IFR was later subject to a court-ordered stay, and the litigation was placed in abeyance by the U.S. Court of Appeals for the District of Columbia Circuit. At that time, DMV could not predict when the abeyance would end, how the litigation would resolve, or whether FMCSA would issue a subsequent rule altering eligibility requirements for non-domiciled (limited-term) CDL and CLP holders.

Due to this uncertainty, DMV initiated permanent rulemaking to limit issuance of limited-term CDLs and CLPs to applicants who either held an unexpired limited-term CDL or CLP as of September 29, 2025, or could obtain one without testing. DMV anticipated that any future federal update would allow sufficient time for new permanent or emergency rulemaking after those permanent rules took effect.

On January 20, 2026, FMCSA issued to DMV a preliminary determination of substantial noncompliance concerning DMV's Limited Term CDL program. To date, DMV's program is one of 25 states that have received a preliminary determination of substantial noncompliance related to the issuance of non-domiciled CDLs. As part of FMCSA's required corrective actions, Oregon must "[i]mmediately pause the issuance of all new, renewed, transferred, amended, corrected, reprinted, or upgraded non-domiciled CLPs and CDLs until FMCSA provides written confirmation that [Oregon's] corrective correction plan has been accepted and implemented[.]" FMCSA has indicated the potential penalties if its preliminary determination becomes a final determination of substantial noncompliance: potential loss of federal-aid highway funds and possible decertification of Oregon's CDL program.

On February 13, 2026, FMCSA published a final rule, <https://www.govinfo.gov/content/pkg/FR-2026-02-13/pdf/2026-02965.pdf>, that is similar to the IFR published on September 29, 2025. The final rule becomes effective March 16, 2026, and does not provide DMV the time previously anticipated to adjust through permanent rulemaking. This accelerated timeline requires DMV to withdraw the permanent rulemaking published in the February 2026 edition of the Oregon

Bulletin and initiate a new temporary rulemaking to comply with FMCSA's new final rule.

Because DMV's current temporary rules expire April 10, 2026, and the agency lacks sufficient time to complete permanent rulemaking before that date to reflect changing circumstances, DMV must adopt new temporary rules to align with FMCSA's preliminary determination and final rule. Without these updates, Oregon Administrative Rules would conflict with federal regulations, creating a legally inconsistent framework and risks noncompliance with FMCSA's requirements.

To comply, DMV must suspend OAR 735-063-0265 and 735-063-0268, which authorize issuance of limited-term CDLs and CLPs, amend OAR 735-063-0200, 735-063-0250 and 735-063-0260 to reflect the federal requirements and inform the public why DMV is ceasing to issue limited-term CDL and CLP credentials.

JUSTIFICATION OF TEMPORARY FILING:

FMCSA's preliminary determination requires DMV to immediately pause issuance of non-domiciled CDLs and CLPs until such time as FMCSA accepts DMV's corrective action plan. Additionally, FMCSA's final rule, published February 13, 2026, becomes effective March 16, 2026, and requires DMV to immediately align Oregon Administrative Rules with federal requirements. The accelerated timeline does not allow DMV to complete permanent rulemaking before the current temporary rules expire on April 11, 2026. Without prompt action, Oregon's rules would conflict with federal law, creating a legally inconsistent framework and exposing the state to significant penalties.

Oregon's failure to act promptly will result in serious prejudice to DMV and the public. DMV's failure to suspend and amend these rules could result in the loss of approximately 4% of the federal highway funds apportioned to the state in the first year (Federal Fiscal Year 2027, estimated at \$23,500,000) and 8% (\$47,000,000) for any subsequent year of noncompliance, under 49 USC § 31314. Additionally, FMCSA may decertify Oregon's CDL program, which would result in the State of Oregon being unable to issue or renew any CLPs and CDLs. Decertification of the CDL program would result in significant impacts to the approximately 90,000 commercial driving privilege holders and an unquantifiable amount to Oregon's economy.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

Interim Final Rule - <https://www.govinfo.gov/content/pkg/FR-2025-09-29/pdf/2025-18869.pdf>

Final Rule - <https://www.govinfo.gov/content/pkg/FR-2026-02-13/pdf/2026-02965.pdf>

FMCSA's preliminary determination of substantial noncompliance - <https://www.regulations.gov/document/FMCSA-2025-0622-8095>

RULES:

735-063-0200, 735-063-0250, 735-063-0260, 735-063-0265, 735-063-0268

AMEND: 735-063-0200

RULE TITLE: Purpose

RULE SUMMARY: DMV is amending OAR 735-063-0200 to reflect the federal requirements and inform the public why DMV is ceasing to issue limited-term CDL and CLP credentials.

RULE TEXT:

(1) Chapter 735, division 63 establishes rules for those requirements and processes that are specific to the granting of commercial driving privileges, the retention of those privileges and DMV's sanctioning of those privileges. A person

applying for commercial driving privileges must already have a Class C non-commercial license issued by the State of Oregon, or must meet all qualifications for the license. The administrative rules in OAR 735, division 62, regarding the procedures related to the issuance, renewal or replacement of a Class C non-commercial driver license or driver permit also apply to a non-Real ID CDL or a CLP except as specified in these rules. The administrative rules in OAR 735, division 62, regarding the procedures related to the issuance, renewal or replacement of a Real ID Class C non-commercial driver license also apply to a Real ID CDL except as specified in these rules.

(2) The following rules in OAR 735, division 62 do not apply to a CDL or a CLP:

- (a) OAR 735-062-0002;
- (b) OAR 735-062-0005;
- (c) OAR 735-062-0010;
- (d) OAR 735-062-0035;
- (e) OAR 735-062-0080;
- (f) OAR 735-062-0085; and
- (g) OAR 735-062-300 to 735-062-0390.

(3) The other rules in OAR 735, division 62, are applicable to commercial driving privileges either in whole or as specified in the rules below.

(4) Due to FMCSA's Final Rule, "Restoring Integrity to the Issuance of Non-Domiciled Commercial Drivers Licenses (CDL)" (effective March 16, 2026), and FMCSA's Preliminary Determination of Noncompliance (January 20, 2026) issued to the State of Oregon, DMV is ceasing the issuance of an original, renewal, or replacement limited-term CLP or CDL. This cessation is effective as of March 16, 2026, and includes amending, correcting, reprinting, reinstating or otherwise duplicating a previously issued limited-term CLP or CDL or completing any transaction that results in the production of a card or interim card.

STATUTORY/OTHER AUTHORITY: ORS 184.619, 802.010, 807.455

STATUTES/OTHER IMPLEMENTED: ORS 807.018, 807.031, 807.035, 807.045, 807.120, 807.173, 807.285, 809.510, 809.515, 809.520, 809.525, 809.530, 809.535, 809.540, 809.545, 49 CFR Parts 383-384, Final Rule, 91 Fed Reg 7044 (February 13, 2026)

AMEND: 735-063-0250

RULE TITLE: Knowledge Testing and Requirements for Issuance of CLP

RULE SUMMARY: DMV is amending OAR 735-063-0250 remove a reference to a suspended rule.

RULE TEXT:

- (1) An applicant for commercial driving privileges must first apply for a CLP, except as specified in OAR 735-063-0260(1).
- (2) The class of CLP that DMV will issue, and the endorsements and restrictions that DMV will place on the CLP, are dependent on the knowledge tests that the applicant takes and passes and current CDL that the applicant possesses, or, if the applicant is applying for a replacement CLP, on the current CLP that the applicant possesses.
- (3) The provisions of OAR 735-062-0040 also apply to the knowledge tests given to an applicant for a CLP.
- (4) For purposes of the issuance of a CLP, a passing score for a knowledge test is valid for six months. Test scores have validity as specified in OAR 735-063-0260(8).
- (5) Except as provided for in section (6) of this rule, all applicants for a CLP must have a valid score for the CDL general knowledge test and additional knowledge test(s) as follows:
 - (a) An applicant for a Class A CLP must have a valid score for the combination vehicles knowledge test.
 - (b) An applicant for a CLP with a passenger endorsement must have a valid score for the passenger endorsement test.
 - (c) An applicant for a CLP with a school bus endorsement must have a valid score for the passenger endorsement knowledge test and for the school bus endorsement test.
 - (d) An applicant for a CLP with a tank endorsement must have a valid score for the tank endorsement knowledge test.
 - (e) An applicant for a CLP who wants to operate a CMV with air brakes must have a passing score for the air brake knowledge test.
- (6) For purposes of this rule, an applicant who previously completed a knowledge test for the issuance of a CDL, as demonstrated by the applicant's current unexpired CDL, or the applicant's CDL that has been expired no more than one year, is not required to retake that knowledge test for DMV to issue a CLP. In the case of a replacement CLP, an applicant who previously completed a knowledge test for the issuance of a CLP, as demonstrated by the person's current unexpired CLP, is not required to retake that knowledge test.
- (7) All knowledge tests are administered in English. DMV does not allow the use of an interpreter or language aid.
- (8) In addition to all requirements of OAR 735-062-0007(1) listed in subsections (e) through (i), an applicant for a CLP must:
 - (a) Provide the applicant's Social Security number on the application. DMV will verify the Social Security number as described in OAR 735-062-0005;
 - (b) Except as provided in section (9) of this rule, provide proof of United States citizenship or lawful permanent residence in the United States.
 - (A) Proof of United States citizenship is:
 - (i) A certified copy of a birth certificate issued by a U.S. Territorial government, the District of Columbia or the government of a state or political subdivision of a state of the United States. DMV will not accept a hospital-issued birth certificate, hospital card or birth registration, or baptismal certificate.
 - (ii) U.S. Consular Report of Birth Abroad (FS-240).
 - (iii) U.S. government-issued Certification of Report of Birth (DS-1350 or FS-545).
 - (iv) A valid, unexpired United States passport.
 - (v) A valid, unexpired United States passport card.
 - (vi) A valid, unexpired United States Territory passport.
 - (vii) Certificate of Citizenship (N560 and N561).
 - (viii) Certificate of Naturalization (N550, N570 and N578).
 - (B) Proof of lawful permanent residence in the United States is a valid, unexpired Permanent Resident card (I-551).
 - (c) Certify driving type;

- (d) Provide proof of medical qualification as described in OAR 735-063-0220; and
- (e) Satisfy all requirements set forth in ORS 807.285.
- (9) A citizen of a nation with a Compact of Free Association (COFA) with the United States may apply for full-term commercial driving privileges. COFA nations are the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau. An applicant from a COFA nation may present as proof of lawful status in the United States:
 - (a) A valid, unexpired passport issued by a COFA nation, and
 - (b) An Arrival/Departure Record (I-94 or CBP I-94A).
- (10) An applicant for a CLP is subject to the provisions of OAR 735-062-0007(2) to (9).
- (11) DMV shall issue a CLP only as a non-REAL ID CLP.

STATUTORY/OTHER AUTHORITY: ORS 184.619, 802.010

STATUTES/OTHER IMPLEMENTED: ORS 807.018, 807.031, 807.035, 807.070, 807.285

AMEND: 735-063-0260

RULE TITLE: CDL Testing and Requirements for Issuance of CDL

RULE SUMMARY: DMV is amending OAR 735-063-0260 to reflect the federal requirements and inform the public why DMV is ceasing to issue limited-term CDL and CLP credentials.

RULE TEXT:

(1) An applicant for a CDL must first be issued a CLP and pass a CDL skills test unless the applicant qualifies for one of the following exceptions:

(a) The applicant currently holds an Oregon CDL and is applying to renew or replace a CDL granting the exact same privileges.

(b) The applicant currently holds an Oregon CDL, is qualified for and has passed the knowledge test to add one or more of the following endorsements:

(A) Tank;

(B) Hazardous Materials;

(C) Doubles/Triples.

(c) The applicant surrenders a CDL that is valid or expired less than one year and was issued by another state or the District of Columbia and the applicant:

(A) Meets the qualifications set forth in OAR 735-062-0080 subsections (1)(a) - (e);

(B) Surrenders a CDL that is the same class as the CDL for which the application is made;

(C) Passes the vision screening; and

(D) Complies with OAR 735-063-0250(8)(a) to (d).

(d) The applicant meets the requirements of OAR 735-063-0280 to be issued an Oregon CDL based on the applicant's military training and experience operating CMVs.

(e) The applicant surrenders a valid, unexpired Licencia Federal de Conductor issued by the United Mexican States or a valid, unexpired CDL issued by a Canadian Province or Territory in conformity with the Canadian National Safety Code and meets the requirements described in OAR 735-063-0263.

(2) For a DMV examiner or CDL Third Party Examiner to administer a CDL skills test to an applicant, the applicant must:

(a) Have an unexpired Oregon driver license;

(b) Except as described in section (16) of this rule, have an unexpired Oregon CLP that was issued not less than 14 days prior to the test;

(c) Have driving privileges that are not suspended, revoked, cancelled or otherwise withdrawn;

(d) Complete all required ELDT;

(e) Be ready to take the test in a class of vehicle or combination of vehicles that corresponds to or is lesser than the CLP, class, endorsements, and restrictions, possessed by the applicant and that corresponds to the CDL for which the person is applying;

(f) Have proof of insurance coverage on the vehicle as required by Oregon law;

(g) Complete all segments of the CDL skills test on the same calendar day unless the applicant fails or is unable to complete all three parts of the CDL skills test during a previous attempt; and

(h) Communicate with the examiner in English. All examiner instructions are given in English and the applicant must respond in English.

(3) In addition to the applicants described in section (2) of this rule, a CDL Third Party Examiner may administer a CDL skills test to an applicant who:

(a) Has a valid non-commercial driver license issued by another state;

(b) Has a valid CLP issued by the same state as the non-commercial driver license described in subsection (a) of this section, that was issued not less than 14 days prior to the test;

(c) Meets the requirements provided in subsections (c) through (h) of section (2) of this rule;

(d) Is employed by an organization that provides employer-based training in Oregon and is an Oregon DMV approved

employer-based testing organization;

(e) Has completed the employer provided ELDT in Oregon; and

(f) Is being tested by the same organization that provided ELDT.

(4) DMV adopts the following FMSCA regulations in effect as of April 1, 2025, as the standards that must be followed by an examiner in the administration of an approved CDL skills test described in section (15) of this rule:

(a) 49 CFR 383.71, Driver Applicant and Certification Procedures;

(b) 49 CFR 383.110 through 383.123, Required Knowledge and Skills; and

(c) 49 CFR 383.131 through 383.135, Tests.

(5) The CDL skills test must be administered in accordance with the federal regulations adopted by section (4) of this rule and the methods and procedures set forth in the Oregon CDL Examiner's Manual. The CDL skills test consists of three parts:

(a) A pre-trip vehicle inspection test. This part of the CDL skills test must be the first test administered by the examiner. It is designed to evaluate the applicant's ability to identify and operate the equipment on the vehicle in which the applicant is being tested and to detect and identify unsafe vehicle equipment items as described in the Oregon Commercial Driver Manual.

(b) A basic control skills test. This part of the CDL skills test must be administered after the applicant has successfully completed the pre-trip vehicle inspection test and prior to the on-road drive test. It is designed to evaluate the applicant's ability to control the vehicle and judge the position of the vehicle in relation to other objects through basic starting, stopping, backing and parking maneuvers.

(c) An on-road drive test. This part of the CDL skills test, which must be administered after successful completion of the basic control skills test, is designed to evaluate the applicant's competency to safely operate a vehicle or combination of vehicles under actual driving conditions. The applicant must demonstrate safe and proper driving methods and procedures and knowledge of the traffic laws. The following apply to an on-road drive test:

(A) The vehicle or combination of vehicles used for the CDL skills test must be of the class for which the applicant seeks a license or endorsement and must have the proper equipment in safe working order so that the vehicle(s) can be operated safely and legally. DMV will not administer the test if the examiner concludes the vehicle cannot be operated safely and legally; and

(B) The vehicle or combination of vehicles must not be loaded.

(6) If the applicant fails any part of the CDL skills test, DMV or a CDL Third Party Tester may administer the failed parts of the test on a subsequent day on which DMV or the CDL Third Party Tester does business. CDL Third Party Examiners must conform to the scheduling requirements in OAR 735-060-0105(1)(n).

(7) If an applicant fails any part of the CDL skills test, DMV or an approved Third Party Tester may accept the score for the part of the CDL skills test that the applicant passed. An applicant must pass all segments of the CDL skills test using a single CDL test version, described under section (15) of this rule. Scores for parts of the CDL skills test that the applicant passed may not be accepted for subsequent CDL skills test after the applicant's CLP expires.

(8) All CDL skills test results must be recorded in CSTIMS.

(9) A passing score for a completed CDL skills test is valid for six months. Once an applicant uses a CDL skills test score to have DMV issue commercial driving privileges, the test score is void and DMV may not use the test score for a subsequent issuance.

(10) If a CDL skills test administered by DMV is not completed because of vehicle equipment failure due to the vehicle not having the necessary safety equipment or not being in proper working order, the required test fee will remain on the DMV customer record to serve as payment for a postponed test. If an applicant must postpone a CDL skills test three times due to equipment failure, it is a test failure and the test fee is forfeited. DMV will require an additional test fee for subsequent tests.

(11) An applicant for a CDL with a hazardous materials endorsement must meet the requirements described in OAR 735-063-0290.

(12) If an applicant is applying for a Real ID CDL, the applicant is not required to comply with the provisions in section

(1)(c)(D) of this rule.

(13) An applicant for a Real ID CDL must first be issued a non-Real ID CLP and pass a CDL skills test unless the applicant surrenders a valid CDL issued by another state or the District of Columbia and the applicant:

(a) Meets social security number verification requirements set forth in OAR 735-062-0006;

(b) Provides proof of:

(A) United States citizenship as described in OAR 735-062-0022(3);

(B) Permanent Legal residence in the United States as described in OAR 735-062-0022(4); or

(C) Lawful status in the United States as a citizen of the Federated States of Micronesia, the Republic of the Marshall Islands or the Republic of Palau under a Compact of Free Association (COFA) with the United States, as described in OAR 735-062-0022(5);

(c) Certifies driving type;

(d) Provides proof of medical qualification as described in OAR 735-063-0220; and

(e) Satisfies all requirements set forth in ORS 807.285.

(14) The expiration date of Real ID commercial driving privileges issued to a COFA citizen is described in OAR 735-062-0008(12).

(15) A CDL Examiner must use one of the following approved CDL skills test versions to test an applicant:

(a) AAMVA CDL skills test version March 2025, along with the corresponding examiner policy manual, in effect on June 1, 2025; or

(b) The ODOT CDL Skills Test in effect on March 1, 2022, which is approved for use by a CDL examiner through May 31, 2026.

(16) Due to FMCSA's Final Rule, "Restoring Integrity to the Issuance of Non-Domiciled Commercial Drivers Licenses (CDL)" (effective March 16, 2026), and FMCSA's Preliminary Determination of Noncompliance (January 20, 2026) issued to the State of Oregon, DMV is ceasing the issuance, renewal, reinstatement or replacement of limited-term CLPs or CDLs, March 16, 2026. As a result, an individual holding a valid limited-term CLP may not take a CDL skills test, unless the person qualifies for a CDL under this rule.

STATUTORY/OTHER AUTHORITY: ORS 184.619, 802.010, 807.085, 807.455, 807.480

STATUTES/OTHER IMPLEMENTED: ORS 807.018, 807.031, 807.035, 807.045, 807.085, 807.173, 807.285, 807.455, 807.480, 49 CFR §383.71, 49 CFR §§383.110 – 383.123, 49 CFR §§383.131-383.135, 49 CFR § 383.5, 91 Fed Reg 7044 (February 13, 2026)

SUSPEND: 735-063-0265

RULE TITLE: Issuance of Limited Term Non-Real ID CLP or CDL

RULE SUMMARY: DMV must suspend OAR 735-063-0265 remove DMV's authority to issue limited term CDL and CLP.

RULE TEXT:

(1) An applicant who is lawfully present in the United States on a temporary basis may qualify for a limited term non-Real ID CLP or limited term non-Real ID CDL by providing one of the following documents:

(a) Arrival/Departure Record (I-94 or CBI I94-A) issued by the United States Department of Homeland Security or Custom and Border Protection presented with or within a valid unexpired foreign passport.

(b) Employment Authorization Document(I-766), unexpired.

(2) DMV will not accept any document issued by the United States Immigration and Customs Enforcement Agency containing the statement:

(a) Under Docket Control;

(b) Under the Order of Supervision; or

(c) Notice of Immigration Bond Cancelled.

(3) DMV will not accept as the proof required by section (1) of this rule a document that is not verified through the Systematic Alien Verification for Entitlements (SAVE) system.

(4) DMV will not accept any document as proof of lawful status in the United States that is:

(a) Stamped cancelled;

(b) Hole-punched;

(c) Marked with clipped corners;

(d) Altered; or

(e) Amended, unless the amendments were completed by the issuing authority.

(5) After determining that an applicant has met all requirements for a non-Real ID CLP or non-Real ID CDL and has provided proof of lawful status in the United States on a temporary basis, as described in this rule, DMV will issue a limited term non-Real ID CDL or limited term non-Real ID CLP and mail it to the address provided by the applicant at the time of the application. The expiration date of a limited term CLP or limited term CDL is a described in ORS 807.130(3).

STATUTORY/OTHER AUTHORITY: ORS 184.619, 802.010, 807.730, 49 CFR §§ 383.21, 383.23, 383.71

STATUTES/OTHER IMPLEMENTED: ORS 807.730

SUSPEND: 735-063-0268

RULE TITLE: Issuance of Limited Term Real ID CDL

RULE SUMMARY: DMV must suspend this rule to remove DMV's authority to issue limited term CDL and CLP.

RULE TEXT:

(1) An applicant who is lawfully present in the United States on a temporary basis may qualify for a limited term Real ID CDL by providing one of the following documents:

(a) Unexpired foreign passport with a valid, unexpired U.S. visa affixed accompanied by an Arrival/Departure Record (I-94 or CBI I94-A) or a valid I-797A Notice of Action issued by the United States Department of Homeland Security or Custom and Border Protection documenting the applicants most recent admittance into the United States.

(b) Employment Authorization Document (I-766), unexpired.

(2) DMV will not accept any document issued by the United States Immigration and Customs Enforcement Agency containing the statement:

(a) Under Docket Control;

(b) Under the Order of Supervision; or

(c) Notice of Immigration Bond Cancelled.

(3) DMV will not accept as the proof required by section (1) of this rule a document that is not verified through the Systematic Alien Verification for Entitlements (SAVE) system.

(4) DMV will not accept any document as proof of lawful status in the United States that is:

(a) Stamped cancelled;

(b) Hole-punched;

(c) Marked with clipped corners;

(d) Altered; or

(e) Amended, unless the amendments were completed by the issuing authority.

(5) After determining that an applicant has met all requirements for a limited term Real ID CDL and has provided proof of lawful status in the United States on a temporary basis, as described in this rule, DMV will issue a limited term Real ID CDL and mail it to the address provided by the applicant at the time of the application. The expiration date of a limited term Real ID CDL is described in OAR 735-062-0008(11).

STATUTORY/OTHER AUTHORITY: ORS 184.619, 802.010, 807.730, 49 CFR §§ 383.21, 383.23, 383.71

STATUTES/OTHER IMPLEMENTED: ORS 807.110, 807.730