



PERMANENT ADMINISTRATIVE ORDER

DMV 19-2025

CHAPTER 735

DEPARTMENT OF TRANSPORTATION

DRIVER AND MOTOR VEHICLE SERVICES DIVISION

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RULES:

735-063-0320, 735-063-0330

REPEAL: 735-063-0320

RULE TITLE: Report of Positive Drug Test Result from Medical Review Officer

NOTICE FILED DATE: 08/28/2025

RULE SUMMARY: The DMV needs to repeal Oregon Administrative Rules (OARs) 735-063-0320 and 735-063-0330 due to the passage of Oregon Laws 2025, Chapter 415, Section 10.

RULE TEXT:

- (1) A report submitted by a medical review officer under ORS 825.410 or 825.415 must include a Report of Positive Drug Test Under ORS 825.410 or 825.415 (DMV form 735-7200) and:
- (a) A legible copy of a completed Federal Custody and Control Form, Copy 2 – Medical Review Officer Copy; or
 - (b) Either an original or legible copy of a document that contains, at a minimum, the following information:
 - (A) Full name of the person tested;
 - (B) Specimen ID number;
 - (C) Place of Specimen Collection;
 - (D) Date of Specimen Collection;
 - (E) Collector's name;
 - (F) Whether a split specimen was collected;
 - (G) The signature of the person tested, certifying that: he or she provided an unadulterated specimen to the collector; the specimen bottle was sealed with a tamper evident seal in the person's presence; and the information on the label affixed to the specimen bottle was correct;
 - (H) The date the medical review officer verified the test result; and
 - (I) Signature of the medical review officer.
- (2) DMV will send notice as required by ORS 825.412 or 825.418 when a report as described in section (1) of this rule is received by the agency.

STATUTORY/OTHER AUTHORITY: ORS 184.616, 184.619, 802.010

STATUTES/OTHER IMPLEMENTED: ORS 825.410, 825.412, 825.415, 825.418

REPEAL: 735-063-0330

RULE TITLE: Hearing Request for Entry of Positive Drug Test Result on Employment Driving Record

NOTICE FILED DATE: 08/28/2025

RULE SUMMARY: The DMV needs to repeal Oregon Administrative Rules (OARs) 735-063-0320 and 735-063-0330 due to the passage of Oregon Laws 2025, Chapter 415, Section 10.

RULE TEXT:

- (1) When DMV receives a report described in OAR 735-063-0320, DMV will notify the person who is the subject of the report that the person has a right to request a hearing to determine whether a positive drug test result will be placed on the person's employment driving record.
- (2) A hearing request must be in writing and must include:
 - (a) The person's full name;
 - (b) The person's complete mailing address;
 - (c) The person's Oregon driver license number; and
 - (d) A brief statement of the issues the person proposes to raise at the hearing. The issues are limited to those set forth in ORS 825.412(3) or 825.418(3).
- (3) The hearing request must be postmarked within 30 days of the date of the notice. If the hearing request is not postmarked or a postmark date cannot be determined, it must be received by DMV within 30 days of the date of the notice. The time period for requesting a hearing is computed as set forth in OAR 137-003-0520(11).
- (4) A person may submit a hearing request by mail or personal delivery to DMV Headquarters, 1905 Lana Avenue NE, Salem, OR 97314. If the person submits a hearing request by facsimile machine (FAX), it must be received by DMV at FAX number (503) 945-5521. A person may submit a hearing request through the form available on www.OregonDMV.com.
- (5) A hearing request may also include:
 - (a) The person's date of birth;
 - (b) The telephone number where the person can be reached between 8 a.m. and 5 p.m.; and
 - (c) The dates and times the person or the person's attorney cannot appear at a hearing.
- (6) Except for good cause shown any factual or legal defense not set forth in the hearing request is considered waived. No evidence offered by a person who requests a hearing will be admitted into the hearing record on any factual or legal defense that is waived.
- (7) If good cause is shown under section (6) of this rule, the administrative law judge must provide DMV sufficient opportunity to obtain and present any evidence in the contested case hearing deemed necessary by DMV to respond to evidence offered by the person on any factual or legal defense.
- (8) Except as provided in OAR 137-003-0528, the person's right to a hearing is waived if a hearing is not requested within the time period specified in section (3) of this rule and the notice becomes the final order by default. The test results will be posted to the person's employment driving record.

STATUTORY/OTHER AUTHORITY: ORS 184.616, 184.619, 802.010

STATUTES/OTHER IMPLEMENTED: ORS 825.410, 825.412, 824.415, 825.418