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TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

DMV 4-2025

CHAPTER 735

DEPARTMENT OF TRANSPORTATION

DRIVER AND MOTOR VEHICLE SERVICES DIVISION

FILED

05/08/2025 10:31 AM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Issuance of non-Real ID CDLs and Commercial Learner Permits to COFA nation citizens.

EFFECTIVE DATE: 05/08/2025 THROUGH 11/03/2025

AGENCY APPROVED DATE: 05/08/2025

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NEED FOR THE RULE(S):

The Oregon Department of Transportation, Driver and Motor Vehicle Services (DMV) must amend Oregon Administrative Rule (OAR) 735-063-0250 to establish a clear and comprehensive list of documents acceptable for the issuance of non-Real ID commercial driver license (CDL) and Commercial Learner Permit (CLP) credentials (collectively, "CDL credentials"). Currently, the rule references the document list in OAR 735-062-0020. While the list in OAR 735-062-0020 serves its intended purpose for noncommercial credentials, it does not align with the specific requirements for non-Real ID CDL credentials as it includes documents that are not valid for non-Real ID CDL issuance. Therefore, the DMV intends to add a dedicated list of acceptable documents in OAR 735-063-0250, rather than referring to or modifying the list in OAR 735-062-0020.

This rulemaking also updates OAR 735-063-0250 and 735-063-0260 to remove reference to "FMCSA guidance" that has been replaced with a formal United States Federal Motor Carrier Safety Administration (FMCSA) exemption to issue non-limited-term CDLs to citizens of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau under the Compact of Free Association, (collectively, "COFA nations"). As a result, the DMV may continue to issue eight-year CDL credentials to citizens of COFA nations.

JUSTIFICATION OF TEMPORARY FILING:

DMV's failure to act promptly will result in significant harm to the affected parties. Without timely action, DMV will continue issuing non-Real ID CDL credentials to unqualified applicants who have not provided acceptable proof of United States citizenship or lawful permanent resident status. Additionally, FMCSA guidance has been replaced by the FMCSA exemption that allows citizens of COFA nations to continue to receive CDL credentials that are valid for eight years.

The FMCSA exemption aligns with Oregon statute and continues to ensure fair and consistent treatment for COFA citizens.

Timely implementation of this change will allow OAR 735-063-0250 and 735-063-0260 to accurately reflect the

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

Commercial Driver's License: Oregon Department of Transportation; Application for Exemption, 89 Fed Reg 78428 (FMCSA Sep 25, 2024) (final disposition), available at <https://www.govinfo.gov/content/pkg/FR-2024-09-25/pdf/2024-21926.pdf>.

RULES:

735-063-0250, 735-063-0260

AMEND: 735-063-0250

RULE TITLE: Knowledge Testing and Requirements for Issuance of CLP

RULE SUMMARY: DMV is amending this rule to establish a clear and comprehensive list of documents acceptable for the issuance of non-Real ID commercial driver license (CDL) and Commercial Learner Permit (CLP) credentials.

This rulemaking also removes reference to "FMCSA guidance" that has been replaced with a formal United States Federal Motor Carrier Safety Administration (FMCSA) exemption to issue non-limited-term CDLs to citizens of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau under the Compact of Free Association, (collectively, "COFA nations"). As a result, the DMV may continue to issue eight-year CDL credentials to citizens of COFA nations.

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 and OAR 735-063-0265, provide proof of United States citizenship or lawful status as a lawful permanent resident in the United States, as described in 49 CFR § 383.71, Table 1, in effect on June 23, 2025.
 - (A) Proof of United States citizenship is:
 - (i) 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) United States passport, unexpired.
 - (v) United States passport card, unexpired.
 - (vi) U.S. Territory passport, unexpired.
 - (vii) Certificate of Citizenship (N560 and N561).
 - (viii) Certificate of Naturalization (N550, N570 and N578).
 - (B) Proof of lawful status for a lawful permanent resident in the U.S. 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) As proof of lawful status in the United States, DMV will issue commercial driving privileges to an applicant who is a citizen of the Federated States of Micronesia, the Republic of the Marshall Islands or the Republic of Palau under the Compact of Free Association (COFA) with the United States and who provides:
 - (a) An 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 may 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 updating this rule to remove reference to "FMCSA guidance" that has been replaced with a formal United States Federal Motor Carrier Safety Administration (FMCSA) exemption to issue non-limited-term CDLs to citizens of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau under the Compact of Free Association, (collectively, "COFA nations"). As a result, the DMV may continue to issue eight-year CDL credentials to citizens of COFA nations.

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) 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 portions 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 January 1, 2020, as the standards that must be followed by an examiner in the administration of a CDL skills test:
- (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. 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) Except as provided in OAR 735-063-0268, provides proof of:

(A) U.S. citizenship as described in OAR 735-062-0022(3);

(B) Permanent legal residency in the U.S. as described in OAR 735-062-0022(4); or

(C) Lawful status in the U.S. as a citizen of the Federated States of Micronesia, the Republic of the Marshall Islands or the Republic of Palau under the Compact of Free Association (COFA) with the U.S., 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 a Real ID issued to a COFA citizen is described in OAR 735-062-0008(12).

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