

OFFICE OF THE SECRETARY OF STATE  
TOBIAS READ  
SECRETARY OF STATE  
  
MICHAEL KAPLAN  
DEPUTY SECRETARY OF STATE



ARCHIVES DIVISION  
STEPHANIE CLARK  
DIRECTOR  
  
800 SUMMER STREET NE  
SALEM, OR 97310  
503-373-0701

**TEMPORARY ADMINISTRATIVE ORDER**  
INCLUDING STATEMENT OF NEED & JUSTIFICATION  
**DMV 7-2026**  
CHAPTER 735  
**DEPARTMENT OF TRANSPORTATION**  
**DRIVER AND MOTOR VEHICLE SERVICES DIVISION**

**FILED**  
03/12/2026 2:50 PM  
ARCHIVES DIVISION  
SECRETARY OF STATE  
& LEGISLATIVE COUNSEL

FILING CAPTION: Reinstatement of Non-Domiciled (Limited Term) CDLs and CLPs and FMCSA Final Rule

EFFECTIVE DATE: 03/16/2026 THROUGH 09/11/2026

AGENCY APPROVED DATE: 03/12/2026

CONTACT: Ty Yoder  
503-945-5256  
Ty.M.YODER@odot.oregon.gov

1905 Lana Ave NE  
Salem, OR 97314

Filed By:  
Winnie Dawn  
Rules Coordinator

**NEED FOR THE RULE(S):**

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>. The final rule, which becomes effective on March 16, 2026, prohibits reinstatement of a limited term CDL or CLP. This short timeframe does not provide DMV enough time to conduct a permanent rulemaking to comply with the new federal prohibition.

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 with federal requirements, DMV must amend OAR 735-063-0290, 735-063-0315 and 735-063-0340 and adopt OAR 735-063-0269 to prevent reinstatement of a limited term CDL or CLP after a person's limited term CDP is suspended, cancelled, revoked or otherwise withdrawn.

**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 enough time to complete a permanent rulemaking before the final rule is effective. 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:**

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:**

735-063-0269, 735-063-0290, 735-063-0315, 735-063-0340

**ADOPT:** 735-063-0269

**RULE TITLE:** Limited Term Commercial Driving Privileges

**RULE SUMMARY:** DMV is adopting OAR 735-063-0269 to prevent reinstatement of a CDL or CLP after a person's limited term CDP is suspended, cancelled, revoked or otherwise withdrawn.

**RULE TEXT:**

(1) If a person holds a limited term commercial driver license or limited term commercial driver permit, and on or after March 16, 2026, the limited term commercial driving privilege status in DMV records shows the person is suspended, cancelled, revoked or otherwise withdrawn, the person is not entitled to a commercial driving privilege under the Federal Motor Carrier Safety Administration's final rule, published in 91 Fed Reg 7044 (February 13, 2026), and this rule. DMV shall add to the person's customer record a cancellation for not being entitled to CDP.

(2) A person whose limited term commercial driving privileges are cancelled under section (1) of this rule may regain their commercial driving privileges if the person qualifies for a commercial driving privilege under OAR 735-063-0250 and 735-063-0260, including providing proof of citizenship or lawful permanent residence.

**STATUTORY/OTHER AUTHORITY:** ORS 184.619, 802.010, 807.168

**STATUTES/OTHER IMPLEMENTED:** ORS 807.168, 91 Fed Reg 7044 (February 13, 2026)

AMEND: 735-063-0290

RULE TITLE: Requirements for Issuance and Retention of a Hazardous Materials Endorsement

RULE SUMMARY: DMV is adding a section to inform the public that a person whose limited-term CDL or CLP is cancelled under section (3) of this rule is also cancelled under OAR 735-063-0269.

RULE TEXT:

(1) To obtain, retain or renew a CDL with a hazardous materials endorsement, a person must be qualified. To qualify for a hazardous materials endorsement a person must:

- (a) Qualify for commercial driving privileges or have a valid Oregon CDL.
- (b) Pass a hazardous materials endorsement knowledge test for an original endorsement or a renewal.
- (c) Pass a security threat assessment (security check) from the Transportation Security Administration (TSA) in accordance with 49 CFR Part 1572, including receipt by DMV of a notice from TSA showing the person does not pose a security threat. A person must pass a TSA security check:
  - (A) Within four years and nine months prior to the date DMV issues an original hazardous materials endorsement;
  - (B) At intervals of not more than five years from the date of the person's most recent TSA security check; and
  - (C) Any other time required by DMV.
- (d) Pay all required fees, which include, but may not be limited to, any applicable issuance fee and hazardous materials knowledge test fee.
- (e) Successfully complete the hazardous materials endorsement ELDT in accordance with OAR 735-063-0262.

(2) A person is no longer qualified for a hazardous materials endorsement if:

- (a) DMV receives a notice of threat assessment from TSA requiring cancellation of the hazardous materials endorsement;
  - (b) DMV receives notice from TSA indicating the person did not pass the security threat assessment; or
  - (c) The person fails to complete and pass a TSA security check as described in section (1) of this rule.
- (3) If DMV determines a person is no longer qualified for a hazardous materials endorsement under this rule, DMV will cancel the person's commercial driving privileges. Upon cancellation the person must immediately surrender to DMV the CDL showing the hazardous materials endorsement. If the person otherwise qualifies and pays a replacement fee, DMV will issue a CDL without a hazardous materials endorsement or a class C non-commercial driver license.
- (4) The person may request an administrative review of the cancellation of the person's CDL. The issues for the administrative review are limited to whether:
- (a) When required, the person completed and passed a TSA security check as described in section (1) of this rule.
  - (b) DMV received a notice from TSA showing the person does not qualify for a hazardous materials endorsement.
  - (c) The person is the same person named on the notice.
- (5) An applicant for an Oregon CDL with a hazardous materials endorsement who presents a valid CDL with a hazardous materials endorsement issued by another state must still qualify for an original hazardous materials endorsement as set forth in section (1) of this rule.
- (6) If the person passes a TSA security check within one year from the date the person's CDL with a hazardous materials endorsement was canceled under section (3) of this rule and otherwise qualifies for the CDL and endorsement, DMV will reissue the CDL with a hazardous materials endorsement after payment of a replacement fee. If the cancellation has been in effect for more than one year, the person must reapply for the hazardous materials endorsement as an original endorsement and must take all required tests, pay all required fees and pass the required TSA security check.
- (7) A person whose limited term CDP is cancelled under section (3) of this rule is also cancelled under OAR 735-063-0269.

STATUTORY/OTHER AUTHORITY: ORS 184.619, 802.010, 807.085, 807.173, 49 USC sec. 5103a

STATUTES/OTHER IMPLEMENTED: ORS 807.085, 807.170, 807.173, 807.350, 809.310, 91 Fed Reg 7044 (February 13, 2026)



AMEND: 735-063-0315

RULE TITLE: Commercial Driving Privileges; Federal Drug and Alcohol Clearinghouse; Cancellations

RULE SUMMARY: DMV is adding a section to inform the public that a person whose limited-term CDL or CLP is cancelled under section (4) of this rule is also cancelled under OAR 735-063-0269.

RULE TEXT:

- (1) In accordance with ORS 807.166, DMV shall query DACH prior to issuance, renewal or replacement of commercial driving privileges, including upgrading, adding restrictions and transferring a person's CDL privileges.
- (2) DMV may not issue CDP to an applicant or renew an applicant's CDL when the query described in section (1) of this rule indicates the driver is prohibited from operating a CMV due to a violation of 49 CFR part 382, subpart B.
- (3) DMV may initiate a query with DACH, or receive information from DACH without initiating a query, regarding an Oregon CDP holder.
- (4) DMV shall cancel a person's CDP if DMV determines information from DACH indicates the CDP holder is prohibited from operating a CMV.
- (5) After DMV cancels a person's CDP under section (4) of this rule, the person may apply to regain an Oregon CDP. When the person applies for CDP, DMV will query DACH as described in section (1) of this rule. DMV will issue CDP to the person only if DACH indicates the person is not prohibited from operating a CMV and all other requirements for issuance of CDP are met.
- (6) A person whose CDP has been cancelled under section (4) of this rule may be issued a Class C noncommercial driver license described in ORS 807.031(5) or an identification card described in ORS 807.400, if all other requirements for issuance are met.
- (7) If FMCSA notifies DMV that a CDP driver was erroneously placed in a prohibited status in DACH, DMV shall remove any reference to the driver's prohibited status from the CDLIS driver history and terminate the cancellation imposed under this rule. DMV will remove the cancellation from the driver record and restore the record to the status as it existed before the erroneous notification.
- (8) Notwithstanding section (9) of this rule, DMV shall record a new sanction added to a CDLIS driver record during the period when DMV records show the driver had a prohibited status.
- (9) DMV may not include any details of a DACH cancellation in the CDLIS driver history record for the CDP driver, including: a State-to-State Status request, State-to-State History request, and a Change State of Record request.
- (10) A person whose limited term CDP is cancelled under section (4) of this rule is also cancelled under OAR 735-063-0269.

STATUTORY/OTHER AUTHORITY: ORS 184.619, 802.010, 807.166, 809.310

STATUTES/OTHER IMPLEMENTED: ORS 807.166, 49 CFR Part 382, 91 Fed Reg 7044 (February 13, 2026)

AMEND: 735-063-0340

RULE TITLE: Cancellation or Suspension of CDP Due to No Valid Proof of Medical Qualification or Failure to Have Restriction on the CDL or CLP when Required

RULE SUMMARY: DMV is amending this rule to inform the public that a person whose limited term CDP is cancelled under sections (1) or (2) of this rule is also cancelled under OAR 735-063-0269.

RULE TEXT:

- (1) DMV shall cancel a person's CDP when the person's proof of medical qualification, as described in OAR 735-063-0220, is denied, rescinded, voided or revoked.
- (2) DMV shall cancel a person's CDP when the person's proof of medical qualification, as described in OAR 735-063-0220, is not updated through the National Registry when requested by DMV.
- (3) After DMV cancels a person's CDP under sections (1) or (2) of this rule, the person may apply to regain Oregon CDP. When the person applies for CDP, DMV must receive proof of medical certification as described in OAR 735-063-0220. DMV will issue CDP to the person only if the CDLIS driver record indicates the person is medically certified to operate a CMV and all other requirements for issuance of CDP are met.
- (4) Failure of a person to obtain a "V" restriction, as required by OAR 735-063-0300(8), within the time period specified by DMV will result in cancellation of the person's CDP, in accordance with ORS 807.010(1) and 809.310(1).
- (5) After DMV cancels a person's CDP under sections (4) of this rule, the person may apply to regain an Oregon CDP. DMV will issue CDP to the person only if the CDLIS driver record indicates a "V" restriction has been added to the CDP credential or the person no longer requires a federal variance to be medically certified for a CDP and all other requirements for issuance of CDP are met.
- (6) Failure of a person to obtain a "K" restriction, as required by OAR 735-063-0300(5), within the time period specified by DMV will result in cancellation of the person's CDP, in accordance with ORS 807.010(1) and 809.310(1).
- (7) After DMV cancels a person's CDP under sections (6) of this rule, the person may apply to regain an Oregon CDP. DMV will issue CDP to the person only if the CDLIS driver record indicates a "K" restriction has been added to the CDP credential or the intrastate only restriction is no longer required and all other requirements for issuance of CDP are met.
- (8) A person whose limited term CDP is cancelled under sections (1) or (2) of this rule is also cancelled under OAR 735-063-0269.
- (9) A person whose CDP has been cancelled under sections (1) (2) (4) or (6) of this rule may be issued a Class C noncommercial driver license described in ORS 807.031(5) or an identification card described in ORS 807.400, if all other requirements for issuance are met.

STATUTORY/OTHER AUTHORITY: ORS 184.619, 802.010, 807.040, 807.100

STATUTES/OTHER IMPLEMENTED: ORS 807.040, 807.100, 91 Fed Reg 7044 (February 13, 2026)