

**Department of Transportation**

**Annual Report Regarding Temporary Rules  
(ORS 183.403)**

Chapter 731

Report contains rules filed during calendar year January 01, 2025 through December 31, 2025

**Rules Adopted, Amended, or Repealed [ORS 183.335(2) and (3)]**

Adopted	8
Amended	8
Repealed	0

**Temporary Rules Adopted, Amended, or Suspended [ORS 183.335(5)]**

Adopted	0
Amended	0
Suspended	0

Department of Transportation, Public Transportation Division

# Annual Report Regarding Temporary Rules (ORS 183.403)

Chapter 732

Report contains rules filed during calendar year January 01, 2025 through December 31, 2025

## Rules Adopted, Amended, or Repealed [ORS 183.335(2) and (3)]

Adopted	0
Amended	0
Repealed	0

## Temporary Rules Adopted, Amended, or Suspended [ORS 183.335(5)]

Adopted	0
Amended	2
Suspended	0

PTD 1-2025 Filed: 05/12/2025 3:12 PM

732-040-0015 Amend

732-042-0010 Amend

## Statement of Need

2020 Or Laws chapter 15 section 7 amended ORS 184.766 to add subsection (2) requiring OTC to establish rules requiring ODOT to enter into agreements with qualified entities prior to the entity's receipt of STIF funds under ORS 184.758(2). ORS 184.766(2) further provides that each agreement must include a condition requiring the qualified entity to repay distributed STIF funds if it fails to perform under the contract. The requirement in ORS 184.766(2) for rulemaking applies to "distributions made on or after July 1, 2023." 2020 Or Laws c 17, section 8.

Currently, OAR 732 Division 042 does not satisfy the legislative mandate in ORS 184.766(2). While there are references to agreements throughout division 40, for example the definition of “recipient” includes a qualified entity with an approved STIF Plan or an agreement with the Agency to receive STIF funds, OAR 732-040-0005(29), these general references do not speak directly to the making of the agreement for the formula funds. Rather, they likely capture the discretionary fund agreements, which are provided for in OAR Chapter 732, division 44, specifically OAR 732-044-0035.

An agreement between a qualified entity and ODOT will contain all rights and remedies relating to the qualified entity's failure to perform an obligation in the agreement, including ODOT's enforcement if necessary. Accordingly, the qualified entity will be entitled to remedies as provided by the agreement and required by the legislature in ORS 184.766(2) and not through the contested case process, as currently provided in OAR 732-042-0015(6).

## Justification

These rules require immediate action to ensure that ODOT's distribution of funds under ORS 184.758 for the current fiscal year is made consistent with the mandate in ORS 184.766(2) requiring OTC to adopt rules requiring an agreement between the state and the qualified entity for all funds distributed after July 1, 2023. The removal of the contested case hearing process is also necessary to ensure the enforceability of any agreements entered into pursuant to these amendments. If these rules are not adopted prior to the next round of STIF plan submittals and approvals in 2025, ODOT and OTC are concerned that the distribution of funds pursuant to those plans may not be consistent with 184.766(2). OTC finds that this constitutes a serious prejudice to the public interest because the STIF funds are for

public transportation projects and operations that may not operate or operate safely without STIF formula funds.

**Department of Transportation, Delivery and Operations Division**

**Annual Report Regarding Temporary Rules**

**(ORS 183.403)**

**Chapter 734**

Report contains rules filed during calendar year January 01, 2025 through December 31, 2025

**Rules Adopted, Amended, or Repealed [ORS 183.335(2) and (3)]**

Adopted	9
Amended	103
Repealed	7

**Temporary Rules Adopted, Amended, or Suspended [ORS 183.335(5)]**

Adopted	0
Amended	0
Suspended	0

Department of Transportation, Driver and Motor Vehicle Services Division

## Annual Report Regarding Temporary Rules

(ORS 183.403)

## Chapter 735

Report contains rules filed during calendar year January 01, 2025 through December 31, 2025

## Rules Adopted, Amended, or Repealed [ORS 183.335(2) and (3)]

Adopted	3
Amended	44
Repealed	3

## Temporary Rules Adopted, Amended, or Suspended [ORS 183.335(5)]

Adopted	0
Amended	5
Suspended	2

DMV 4-2025 Filed: 05/08/2025 10:31 AM

735-063-0250 Amend

735-063-0260 Amend

## Statement of Need

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

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 FMCSA exemption approval.

**DMV 13-2025**                   **Filed: 10/13/2025 2:29 PM**

735-063-0200	Amend
735-063-0250	Amend
735-063-0260	Amend
735-063-0265	Suspend
735-063-0268	Suspend

### **Statement of Need**

The United States Department of Transportation, Federal Motor Carrier Safety Administration (FMCSA), announced a new federal interim final rule (IFR) on September 29, 2025, <https://www.govinfo.gov/content/pkg/FR-2025-09-29/pdf/2025-18869.pdf>, effective immediately (September 29, 2025). The IFR amends federal regulations that apply to states issuing non-domiciled commercial driver licenses (CDLs) and commercial learner permits (CLPs). FMCSA's amendments include, but are not limited to, adding the definition of "evidence of lawful immigration status" to 49 CFR § 383.5, deleting "employment authorization document" from 49 CFR § 383.71(f) and requiring evidence of lawful immigration status for non-domiciled CDLs and CDPs, and other changes as described in the IFR. Under the IFR, a state must immediately pause the issuance of non-domiciled CLPs and CDLs until the state can ensure compliance with the updated requirements.

Oregon is authorized to issue non-domiciled CDLs and CDPs under ORS 807.730 and uses the name "limited term" rather than "non-domiciled." Currently, Oregon administrative rules (OAR) 735-063-0265 and 735-063-0268 set out the requirements for issuance of limited term CLPs and CDLs, pursuant to FMCSA's rules in effect prior to September 29, 2025. Driver and Motor Vehicle Services (DMV) is therefore unable to issue these credentials in compliance with the IFR and must move quickly to amend and suspend Oregon administrative rules, which will pause DMV's authority to issue limited-term CDLs and CLPs and prevent noncompliance.

Although FMCSA's IFR was effective immediately, agency rules remain in effect until they are formally amended, repealed, or suspended. Without these updates, the OAR will conflict with federal regulations, resulting in a legally inconsistent framework. DMV must also be able to cancel a person's limited term CLP or CDL when the person obtained a CLP or CDL on or after the effective date of the IFR, but before DMV amended and suspended its rules pertaining to limited term CLPs and CDLs.

### **Justification**

On September 29, 2025, FMCSA published an IFR that changes the eligibility requirements for limited term CLPs and CDLs. The IFR was effective immediately upon publication and requires states to pause issuance of limited term CLPs and CDLs until they can ensure compliance with the updated regulations. 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 and 8% for any subsequent year of noncompliance under 49 USC 31314. Additionally, Oregon's CDL program could be decertified, 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.

**Department of Transportation, Transportation Safety Office**

**Annual Report Regarding Temporary Rules**

**(ORS 183.403)**

Chapter 737

Report contains rules filed during calendar year January 01, 2025 through December 31, 2025

**Rules Adopted, Amended, or Repealed [ORS 183.335(2) and (3)]**

Adopted	0
Amended	0
Repealed	0

**Temporary Rules Adopted, Amended, or Suspended [ORS 183.335(5)]**

Adopted	0
Amended	0
Suspended	0

**Department of Transportation, Commerce and Compliance Division**

**Annual Report Regarding Temporary Rules**

**(ORS 183.403)**

Chapter 740

Report contains rules filed during calendar year January 01, 2025 through December 31, 2025

**Rules Adopted, Amended, or Repealed [ORS 183.335(2) and (3)]**

Adopted	1
Amended	34
Repealed	2

**Temporary Rules Adopted, Amended, or Suspended [ORS 183.335(5)]**

Adopted	0
Amended	0
Suspended	0

**Department of Transportation, Rail Division**

**Annual Report Regarding Temporary Rules**

**(ORS 183.403)**

**Chapter 741**

Report contains rules filed during calendar year January 01, 2025 through December 31, 2025

**Rules Adopted, Amended, or Repealed [ORS 183.335(2) and (3)]**

Adopted	0
Amended	3
Repealed	13

**Temporary Rules Adopted, Amended, or Suspended [ORS 183.335(5)]**

Adopted	0
Amended	0
Suspended	0