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STATUTORY MINOR CORRECTION

DMV 34-2026

CHAPTER 735
DEPARTMENT OF TRANSPORTATION
DRIVER AND MOTOR VEHICLE SERVICES DIVISION

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ARCHIVES DIVISION SECRETARY OF STATE & LEGISLATIVE COUNSEL

FILING CAPTION: Correcting rule reference

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AGENCY ATTESTS THE FOLLOWING CHANGES HAVE BEEN MADE, ACCORDING TO ORS 183.335(7):

Correcting statutory or rule references

AMEND: 735-060-0090

RULE TITLE: Qualifications for CDL Third Party Examiner Certificate

RULE SUMMARY: Corrected (1)(c) and (1)(d) to refer to "OAR 735-060-0003(28)" instead of "OAR 735-060-0003(27)."

RULE TEXT:
(1) To be eligible for a CDL Third Party Examiner Certificate, or to be allowed to maintain a CDL Third Party Examiner Certificate, an individual must meet the following qualifications:
(a) Be at least 21 years of age.
(b) Be an employee of or associated with a CDL Third Party Tester or an applicant for a CDL Third Party Tester Certificate.
(c) Except as provided in subsection (d) of this section, have and maintain a valid Oregon CDL as defined in OAR 735-060-0003(28).
(d) If the individual does not have a valid Oregon CDL, the individual must have a valid CDL issued by another jurisdiction, as defined in OAR 735-060-0003(28). An individual who has not held an Oregon CDL for the required three-year period may be required to submit a certified driving record from any jurisdiction that issued the CDL during that period.

(e) Have the skills and abilities necessary to administer CDL skills tests as described in OAR 735-060-0120.
(f) Not have been convicted of a felony within the last 10 years.
(g) Not have been convicted of a crime involving fraud, false swearing or misrepresentation.
(h) Have successfully completed the CDL Third Party Examiner training course as required in OAR 735-060-0095.
(i) Provide documentation satisfactory to DMV, including a recommendation from a previous employer, of at least one of the following:
(A) At least three years of CMV driving experience;
(B) At least two years of experience training CMV drivers for a private business or government agency; or
(C) At least two years of experience providing testing of CDL drivers for a governmental licensing agency.
(2) An individual is not eligible for a CDL Third Party Examiner Certificate, or will not be allowed to maintain a CDL Third Party Examiner Certificate, if:
(a) The individual is enrolled or participating in a DUII diversion program, or has restricted or suspended driving privileges under a driver improvement program, including an equivalent diversion or driver improvement program in another jurisdiction. This section will apply if the individual was enrolled or participating in a diversion program or his or her driving privileges were restricted or suspended under a driver improvement program anytime within the three years preceding the date an application for a CDL Third Party Examiner Certificate is submitted to DMV.
(b) The individual has been convicted of any traffic crime. This subsection does not apply if the conviction occurred more than five years preceding the date an application for a Third Party Examiner Certificate is submitted to DMV if the traffic crime is a misdemeanor or ten years if the traffic crime is a felony.
(c) The individual has been issued a CDL Third Party Tester or CDL Third Party Examiner Certificate by DMV that is currently revoked or suspended.
(d) The individual has been issued a CDL Third Party Tester Certificate or CDL Third Party Examiner Certificate by another jurisdiction, that is currently revoked or suspended, or that was revoked, involuntarily canceled or suspended within the five years preceding the date an application for a CDL Third Party Examiner Certificate is submitted to DMV.
(e) The individual has been terminated from employment with a state driver licensing agency, CDL Third Party Tester or equivalent, a Driver Training School or equivalent in any jurisdiction, for a cause related to fraud or any other reason if DMV determines from the facts and circumstances of the termination that the individual is not fit to perform the duties of an Examiner or poses a risk to the safety of others while performing those duties.
(f) The individual has engaged in conduct that is substantially related to the person's fitness to hold a CDL Third Party Examiner Certificate and which demonstrates unfitness and inability to perform the duties of an Examiner.

STATUTORY/OTHER AUTHORITY: ORS 184.619, 802.010, 807.080

STATUTES/OTHER IMPLEMENTED: ORS 807.040, 807.070