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PERMANENT ADMINISTRATIVE ORDER

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CHAPTER 735
DEPARTMENT OF TRANSPORTATION
DRIVER AND MOTOR VEHICLE SERVICES DIVISION

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FILING CAPTION: Drive Test Waiver for Restricted Motorcycle Endorsement

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RULES:

735-062-0080, 735-062-0087

AMEND: 735-062-0080

RULE TITLE: Waiving Drive Test Portion of Driver License Examination

NOTICE FILED DATE: 09/14/2017

RULE SUMMARY: Chapter 807, Oregon Laws 2017 (SB 36) amended ORS 807.072 so that the department may waive the actual demonstration required under ORS 807.070(3) for a person who is applying for a restricted motorcycle endorsement that only authorized the person to operate a motorcycle with more than two wheels. Because of the amendment to ORS 807.072, DMV has amended OAR 735-062-0080 and 735-062-0087 to align with statute. DMV removed the restricted motorcycle endorsement testing requirements listed in OAR 735-062-0087(5)(d). DMV also amended OAR 735-062-0080 by inserting a provision stating the department will waive the drive test demonstration if the person is applying for a restricted motorcycle endorsement.

RULE TEXT:

(1) DMV will waive the actual demonstration of an applicant's ability to drive a Class C vehicle required by ORS 807.070(3) if all of the following apply:

(a) The applicant surrenders to DMV a driver license issued to the applicant by another state, the District of Columbia, a United States Territory, a Canadian Province or a jurisdiction with whom DMV has a reciprocity agreement and the driver license has not been expired for more than one year, or if the person's driver license issued by a jurisdiction listed above, has been lost or stolen, the applicant submits a letter of clearance, as required in OAR 735-062-0007.

(b) The surrendered, lost or stolen license authorizes the driving of a vehicle other than a moped or motorcycle.

(c) The surrendered, lost or stolen license includes no restrictions other than a single restriction or a combination of restrictions comparable to restrictions imposed on an Oregon driver license.

(d) The applicant has no physical disabilities or impairments which may necessitate any restrictions other than:

(A) "With corrective lenses";

(B) "Outside or side-view mirror(s)"; or

(C) The restriction(s) imposed on the applicant's surrendered, lost or stolen driver license issued by another jurisdiction.

(e) The applicant has no physical or mental condition that provides DMV with reason to question the applicant's ability to drive a motor vehicle without endangering the safety of persons or property.

(2) In addition to section (1) of this rule, DMV will waive the actual demonstration of an applicant's ability to drive a Class C non-commercial vehicle required by ORS 807.070(3) if:

(a) The applicant passes a traffic safety education course approved by the Transportation Safety Division under ORS 802.345;

(b) The drive test administered during the traffic safety education course meets or exceeds the requirements of a Class C non-commercial drive test conducted by DMV; and

(c) The applicant provides a Driver Education Certificate of Completion card, as described in OAR 735-062-0140, that was issued within two years prior to the submission of an application for a Class C non-commercial driver license.

(3) DMV will waive the actual demonstration of an applicant's ability to operate a motorcycle if:

(a) The applicant surrenders to DMV a motorcycle-endorsed driver license issued to the applicant by another state, the District of Columbia, a United States Territory or a Canadian Province, or submits a clearance letter as provided for in subsection (1)(a) of this rule; and

(b) The applicant meets the qualifications in subsections (1)(c), (d) and (e) of this rule.

(4) In addition to section (3) of this rule, DMV will waive the actual demonstration of an applicant's ability to operate a motorcycle if:

(a) The applicant passes a motorcycle skills test given during a motorcycle rider education course established by the Transportation Safety Division under ORS 802.320; and

(b) The motorcycle skills test administered during the motorcycle education course meets or exceeds the motorcycle skills test administered by DMV.

(5) Evidence of passing the motorcycle skills test identified in section (4) of this rule is a motorcycle education course completion card as provided for in OAR 735-062-0140. The completion card must have been issued within two years of application to be considered valid for waiver of the skills test.

(6) DMV will waive the actual demonstration of an applicant's ability to operate a motorcycle if the applicant applies for a restricted motorcycle endorsement that only authorizes the person to operate a motorcycle with more than two wheels and has successfully completed the motorcycle knowledge test as required in OAR 735-062-0040.

STATUTORY/OTHER AUTHORITY: ORS 184.616, 184.619, 802.010, 807.070, 807.072, 807.080, 807.170

STATUTES/OTHER IMPLEMENTED: ORS 807.070, 807.072, 807.080, 807.170

AMEND: 735-062-0087

RULE TITLE: Restrictions on Driving Privileges

NOTICE FILED DATE: 09/14/2017

RULE SUMMARY: Chapter 807, Oregon Laws 2017 (SB 36) amended ORS 807.072 so that the department may waive the actual demonstration required under ORS 807.070(3) for a person who is applying for a restricted motorcycle endorsement that only authorized the person to operate a motorcycle with more than two wheels. Because of the amendment to ORS 807.072, DMV has amended OAR 735-062-0080 and 735-062-0087 to align with statute. DMV removed the restricted motorcycle endorsement testing requirements listed in OAR 735-062-0087(5)(d). DMV also amended OAR 735-062-0080 by inserting a provision stating the department will waive the drive test demonstration if the person is applying for a restricted motorcycle endorsement.

RULE TEXT:

ORS 807.120 authorizes DMV to restrict driving privileges upon determining that there is good cause for a restriction. DMV finds good cause for a restriction of Class C non-commercial driving privileges in the following circumstances:

- (1) A Restriction — Auto Trans non-CMV — When a person is unable to operate the foot controls or shift lever on a standard transmission equipped vehicle due to a physical impairment.
- (2) B Restriction — Corrective Lenses — When a person uses corrective lenses to meet the vision standards as set forth in OAR 735-062-0050.
- (3) F Restriction — Outside Mirror — When a person is deaf or has extremely limited hearing or when a person has no usable vision in the person's left eye.
- (4) G Restriction — Daylight Driving Only — When a person's visual acuity is between 20/40 and 20/70 or if the person's vision specialist indicates of a Certificate of Vision form that the person should be restricted to daylight hours only.
- (5) J Restriction — Variable — When at least one of the following restricted driving privileges applies to a person:
 - (a) When a person is restricted to specific routes, times and purposes of driving under a special permit. The special permit includes a hardship permit that allows limited driving during certain types of suspensions, a probationary permit that allows limited driving during a revocation as a habitual offender, or a student or emergency permit that allows driving for specific purposes to a limited number of eligible applicants.
 - (b) When a person is restricted to specific routes under a limited route restriction. A person's driver license may be restricted to specific limited routes when the person has demonstrated that the person can safely operate a motor vehicle on specific routes but is unable to demonstrate that the person is qualified for an unrestricted license.
 - (c) When a person is authorized by DMV's Driver Safety Case Management Unit to receive special instruction only. DMV may authorize a restricted privilege to take driving lessons under certain circumstances. A person may not drive a motor vehicle unless the person is driving with an instructor approved by DMV.
 - (d) When a person's motorcycle driving privileges are restricted to a three-wheeled motorcycle or a motorcycle with a side-car. DMV will restrict the driving privileges granted under a motorcycle endorsement if the person applies for a restricted motorcycle endorsement and has successfully completed the motorcycle knowledge test as required in OAR 735-062-0040.
 - (e) When DMV authorizes the person to operate only a motor vehicle equipped with specific equipment that does not have its own restriction code.
- (6) R — Hand and Controls — When a person uses hand controls to operate a motor vehicle. The motor vehicle must be equipped with a hand-operated accelerator, foot brake, dimmer switch and emergency brake.
- (7) S — Turn Signals — When a person is incapable of using arm signals. The motor vehicle must be equipped with mechanical or electrical turn signals.
- (8) U — Prosthetic Aid — When a person must use a prosthetic aid to operate the motor vehicle.

STATUTORY/OTHER AUTHORITY: ORS 184.616, 184.619, 802.010, 807.120

STATUTES/OTHER IMPLEMENTED: ORS 807.120

