

**Table 1**  
**Tester Sanctions**  
(OAR 735-060-0065)

**Tester Record Keeping and Business Practices**

<b>Violations</b>	<b>Reference</b>	<b>First Offense</b>	<b>Second Offense</b>	<b>Third or Subsequent Offense</b>	<b>Code</b>
Tester does not maintain proper general business liability and/or auto liability insurance as required	OAR 735-060-0060(3)(g)	Immediate suspension until receipt of valid insurance certificate	Immediate 30 day suspension and until receipt of valid insurance certificate.	Immediate suspension and revocation for 5 years.	① ③
Tester fails to respond to messages by the following business day	OAR 735-060-0055(1)(j)	Written warning.	5-day suspension	30-day suspension	② ④
Tester knowingly uses non-certified, suspended or decertified examiner.	OAR 735-060-0055 (2)(b)	Immediate suspension and revocation for 5 years.	N/A	N/A	① ④
Tester uses unsafe vehicle(s) (when using organization's vehicles) for skills test.	OAR 735-060-0055(1)(g)	Immediate suspension until vehicles are repaired.	Immediate 30 day suspension and no reinstatement until vehicle(s) are repaired.	Immediate suspension and revocation for 5 years.	① ③
Tester fails to provide access to pertinent records during inspections or audits.	OAR 735-060-0055(1)(e)	Immediate suspension until compliance. Revocation after 30 days without compliance.	Revocation for 5 years.	N/A	① ③
Tester does not allow inspections by DMV or Federal Motor Carrier Administration	OAR 735-060-0040(2)	Immediate suspension until compliance. Revocation after 30 days without compliance.	Revocation for 5 years.	N/A	① ③
Tester fails to notify Oregon DMV of changes to tester or examiner information as required.	OAR 735-060-0055 (1)(b) & (c)	Written warning.	5-day suspension	30-day suspension	② ④
Tester fails to report scheduled drive tests with at least 48 hours advance notice.	OAR 735-060-0055 (1)(n)(A)	Written warning	30-day suspension	60-day suspension	② ④
Tester fails to report the drive test results within 48 hours of conducting.	OAR 735-060-0055 (1)(n)(B)	Written warning	30-day suspension	60-day suspension	② ④
Tester records not maintained or not completed as required. This includes not being able to account for all the inventoried Certificate of Test	OAR 735-060-0057	Written warning.	5-day suspension	30-day suspension	② ④

### Tester Record Keeping and Business Practices

Violations	Reference	First Offense	Second Offense	Third or Subsequent Offense	Code
Completion Forms received by tester.					
Tester knowingly allows examiners to test students who have been enrolled in their own training program if the tester is a private commercial truck driver training school.	OAR 735-060-0055 (2)(i)	30-day suspension	Revocation for 5 years.	N/A	② ④
Tester knowingly allows examiners to test those who have not applied for a school bus driver certificate if the tester is the Oregon Department of Education.	OAR 735-060-0055 (2)(e)	30-day suspension	Revocation for 5 years	N/A	② ④
Tester violates any terms of the third party tester agreement not otherwise specified in this table.	OAR 735-060-0030 (1)(a)	Written warning	30-day suspension	60-day suspension	② ④
Tester fails to maintain certification qualifications or to fulfill responsibilities not otherwise specified in this table.	OAR 735-060-0030, 0055 through 0057	Written warning	30-day suspension	60-day suspension	② ④
Tester attempts to bribe or collude with DMV representative to influence results of inspection.	OAR 735-060-0115(4)	Immediate suspension and permanent revocation	N/A	N/A	① ③
Tester encourages or accepts bribe, or other financial gratuity or benefit for issuance of CDL Certificate of Test Completion.	OAR 735-060-0115(3)	Immediate suspension and permanent revocation	N/A	N/A	① ③

### Skills Test Administration

Violations	Reference	First Offense	Second Offense	Third or Subsequent Offense	Code
Tester knowingly falsifies records or information or misrepresents by omission any test requirement or	OAR 735-060-0115(8)	Immediate suspension and permanent revocation	N/A	N/A	① ③

procedure or encourages/ requires examiner to do the same.					
Tester assists or encourages examiner to assist the CDL applicant to fraudulently obtain driving privileges.	OAR 735-060-0115(1)	Immediate suspension and permanent revocation	N/A	N/A	① ③
Tester discriminates against an applicant for CDL privileges.	OAR 735-060-0115(2)	Immediate suspension for 1 year	Revocation for 5 years	N/A	① ③
Tester unjustifiably uses force or threatens applicant.	OAR 735-060-0115(6)	Immediate suspension for 1 year	Revocation for 5 years	N/A	① ③
Tester has or threatens sexual relations with an applicant for CDL privileges.	OAR 735-060-0115(5)	Immediate suspension for 1 year	Revocation for 5 years	N/A	① ③
Tester fails to notify Oregon DMV concerning civil, criminal or skills testing complaints.	OAR 735-060-0055 (1)(h)	Written warning	30-day suspension	60-day suspension	② ④

- ① Suspension or revocation order is effective 5 days after the date of the order.
- ② Suspension or revocation order is effective 30 days after the date of the order.
- ③ Hearing conducted by the Office of Administrative Hearings under the Administrative Procedures Act. Action is not withdrawn pending outcome of the hearing.
- ④ Hearing conducted by the Office of Administrative Hearings under the Administrative Procedures Act. Action is withdrawn pending outcome of the hearing.