

Table 2
Examiner Sanctions
(OAR 735-060-0110)

Examiner Record Keeping and Business Practices

Violations	Reference	First Offense	Second Offense	Third or Subsequent Offense	Code
Examiner knowingly conducts tests while non-certified or certificate suspended/revoked.	OAR 735-060-0105 (3)(c)	Revocation & Right to Apply Revoked for 5 years	N/A	N/A	② ④
Examiner conducts tests without Oregon DMV approval or conducts tests for more than one organization when not authorized by DMV.	OAR 735-060-0105 (1)(l)	30-day suspension	Revocation for 5 years	N/A	② ④
Examiner uses unsafe or illegal vehicle for road test. (Vehicle doesn't pass equipment check or tester-provided vehicle is used when the examiner knows it is unsafe or illegal.)	OAR 735-060-0120 (4)(b)(B)	Written warning	60-day suspension	Revocation for 5 years	② ④
Examiner fails to file reports or complete forms as required.	OAR 735-060-0105 (1)(b), (n) or (o)	Written warning	30-day suspension	60-day suspension	② ④
Examiner conducts drive test scheduled less than 48 hours before it is administered.	OAR 735-060-0105 (1)(m)	Written warning	30-day suspension	60-day suspension	② ④
Examiner fails to report the results of a drive test within 48 hours	OAR 735-060-0105 (1)(o)	Written warning	30-day suspension	60-day suspension	② ④
Examiner fails to attend scheduled inspection when requested.	OAR 735-060-0105(1)(j)	5-day suspension	30-day suspension	Revocation for 5 years	② ④
Examiner fails to conduct the required number of drive tests within a year.	OAR 735-060-0105 (1)(i)	Written warning at or about 6 months if not meeting quota.	Revocation for 1 year.	N/A	② ④
Examiner knowingly falsifies records including submission of fraudulent information on the Examiner Application.	OAR 735-060-0105 (3)(b) & 735-060-0115 (8)	Immediate suspension and permanent revocation	N/A	N/A	① ③
Examiner attempts to bribe or collude with DMV representative to influence	OAR 735-060-0115(4)	Immediate suspension and permanent revocation	N/A	N/A	① ③

Examiner Record Keeping and Business Practices

Violations	Reference	First Offense	Second Offense	Third or Subsequent Offense	Code
results of inspection or evaluation.					

Driving Records

Violations	Reference	First Offense	Second Offense	Third or Subsequent Offense	Code
Driving privileges revoked for conviction of traffic crime.	OAR 735-060-0105 (1)(a)	Immediate suspension and revocation for 5 years	N/A	N/A	① ④
Driving privileges suspended for conviction of traffic crime.	OAR 735-060-0105 (1)(a)	Immediate suspension and revocation for 5 years	N/A	N/A	① ④
Conviction for Fleeing or attempting to elude police. (ORS 811.540)	OAR 735-060-0090 (3)(b) & 735-060-0105(1)(a)	Immediate suspension and revocation for 5 years	N/A	N/A	① ④
Conviction for Failure to perform the duties of a driver in an accident after a personal injury. (ORS 811.705)	OAR 735-060-0090 (3)(b) & 735-060-0105(1)(a)	Immediate suspension and revocation for 5 years	N/A	N/A	① ④
Conviction for DUII (ORS 813.010)	OAR 735-060-0090(3)(b) & 735-060-0105(1)(a)	Immediate suspension and revocation for 5 years	N/A	N/A	① ④

Examiner Qualifications

Violations	Reference	First Offense	Second Offense	Third or Subsequent Offense	Code
Examiner fails to successfully complete any training required by DMV.	OAR 735-060-0105 (1)(g)	Revocation for two years	N/A	N/A	② ④
Examiner's driving privileges are suspended, revoked or cancelled.	OAR 735-060-0090(3)(a) & 735-060-0105 (1)(a)	Immediate suspension and revocation until end of suspension or for 2 years after conviction for the offense that led to the suspension, whichever is greater.	N/A	N/A	① ③
Examiner is sanctioned under DMV's driver improvement program.	OAR 735-060-0090(3)(a) & 735-060-0105 (1)(a)	Revocation for 1 year from date of conviction for the offense that put the driver in the program	N/A	N/A	② ④

Skills Test Administration

Violations	Reference	First Offense	Second Offense	Third or Subsequent Offense	Code
Examiner possesses; consumes; or is under the influence of controlled substances during certification drive test.	OAR 735-060-0105 (3)(f) & 735-060-0115 (7)	Immediate suspension and revocation for 5 years	N/A	N/A	① ③
Examiner consumes alcohol within (6) hours before certification drive test.	OAR 735-060-0105 (3)(f) & 735-060-0115 (7)	60-day suspension	N/A	N/A	② ④
Examiner encourages or accepts bribe or gratuity.	OAR 735-060-0105 (3)(f) & 735-060-0115 (3)	Immediate suspension and revocation for 5 years	N/A	N/A	① ③
Examiner discriminates against a CDL applicant.	OAR 735-060-0105 (3)(f) & 735-060-0115 (2)	Immediate suspension for 1 year	Revocation for 5 years	N/A	① ③
Examiner has or threatens sexual relations with CDL applicant.	OAR 735-060-0105(3)(f) & 735-060-0115(5)	Immediate suspension for 1 year	Revocation for 5 years	N/A	① ③
Examiner assists a CDL applicant to fraudulently obtain driving privileges.	OAR 735-060-0105 (3)(f) & 735-060-0115 (1)	Immediate suspension and permanent revocation	N/A	N/A	① ③
Examiner unjustifiably uses force or threatens a CDL applicant.	OAR 735-060-0105 (3)(f) & 735-060-0115 (6)	Immediate suspension for 1 year	Revocation for 5 years	N/A	② ④
Examiner administers road test without valid license or endorsement.	OAR 735-060-0090(2)(d) or (e) & 735-060-0105 (1)(a)	30-day suspension	Revocation for 1 year	N/A	② ④
Examiner conducts any portion of a test outside the state of Oregon.	OAR 735-060-0105 (1)(c) & 735-060-0120 (2)(d)	30-day suspension	Revocation for 1 year	N/A	② ④
Examiner administers drive test without checking driver documents.	OAR 735-060-0105 (1)(c) & 735-060-0120 (3)(a) &(b)	Written warning	5-day suspension	30-day suspension	② ④
Examiner administers drive test to applicant with CDL instruction permit who does not have an Oregon license issued at least 21 days prior to test.	OAR 735-060-0105 (3)(i) & 735-060-0120(3)(a)	30-day suspension	Revocation for 1 year	N/A	② ④
Examiner conducts pre-trip test and drive test on different calendar days or in dissimilar vehicles.	OAR 735-060-0105 (1)(c) & 735-060-0120 (2)(e)	Written warning	5-day suspension	30-day suspension	② ④

Skills Test Administration

Violations	Reference	First Offense	Second Offense	Third or Subsequent Offense	Code
Examiner administers over the maximum (8) tests per day or conducts tests during non-daylight hours.	OAR 735-060-0105 (1)(c) & 735-060-0120 (2)(b) or (c)	30-day suspension	Revocation for 1 year	N/A	② ④
Examiner re-tests failed applicant prior to the wait times defined in OAR 735-062-0070.	OAR 735-060-0105 (1)(c) & 735-060-0120 (2)(f)	Written warning	5-day suspension	30-day suspension	② ④
Examiner uses an unapproved drive test route.	OAR 735-060-0105 (1)(c) & 735-060-0120 (4)(b)(A)	Suspended until route is submitted and approved.	30-day suspension	60-day suspension	② ④
Examiner fails to conduct the drive test according to the procedures in the ODOT CDL Examiner Manual.	OAR 735-060-0105(1)(c) & 735-060-0120 (4)	Written warning	30-day suspension	Revocation for 1 year	② ④
Examiner allows unauthorized passengers in the test vehicle during skills testing.	OAR 735-060-0105 (1)(c) & 735-060-0120 (2)(h)	Written warning	5-day suspension	30-day suspension	② ④
Examiner fails to notify tester of civil, criminal or skills testing complaints	OAR 735-060-0105 (1)(L)	Written warning	30-day suspension	Revocation for 1 year	② ④
Examiner fails to maintain eligibility requirements, or fails to fulfill responsibilities not otherwise specified in this table.	OAR 735-060-0090 through 735-060-0120	Written warning	30-day suspension	60-day suspension	② ④
Examiner conducts tests in a language other than English	OAR 735-060-0105(1)(c) & 735-060-0120 (2)(i)	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.