

735-160-0125

Sanctions

DMV adopts the following matrix of sanctions for Commercial Driver Training School Operator and Instructor violations. As used in this rule, a sanctionable violation will be considered a second or subsequent offense if it is for the same or a substantially similar violation in Oregon or in another jurisdiction. A violation will be considered the same or similar offense if it is under the same subsection under this rule, such as 735-160- 0015 (1) (a) and – 0015 (1) (d). The same or similar offense must have occurred within three years from the date of the Operator or Instructor’s first offense for that violation.

Definitions:

A suspension is a temporary withdrawal of the School Certificate or Instructor Certificate. The suspension is for a specified period of one year or less. The Operator or Instructor must comply with any suspension requirements before DMV will reinstate the certificate. In addition, the Instructor must take all tests if the Instructor Certificate is suspended and has been expired more than one-year.

A revocation is a five-year withdrawal of the School Certificate or Instructor Certificate. A person must apply and re-qualify to obtain a new Operator or Instructor Certificate, including all required tests.

Description	Violations (3-yr period)	First Offense	Second Offense	Third /Subsequent Offense	Code
Operator					
Operator has a conviction for specified criminal offenses, or a conviction for a defined traffic crime	OAR 735-160-0010(2) (a) – (f)	Revoked for five years	N/A	N/A	② ④
Operator fails to maintain fitness to operate and perform responsibilities, or poses a risk to the safety of others	OAR 735-160-0010 (4)	Immediately suspended – Only reinstated if Operator shows fitness.	Revoked for five years	N/A	① ③
Operator fails to meet qualifications concerning suspended, revoked, or cancelled certificate in another jurisdiction	OAR 735-160-0010(6)	Immediately suspended – Only reinstated if Operator meets qualifications.	Revoked for five years	N/A	① ③

- ① Suspension, cancellation, or revocation order is effective 5 days after the date of the order.
- ② Suspension, cancellation, 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 Action is not withdrawn pending outcome of the hearing.
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Description	Violations (3-yr period)	First Offense	Second Offense	Third /Subsequent Offense	Code
Operator fails to maintain a bond as required	OAR 735-160-0011 (1) (d) and 735-160-0015 (1) (a) (D)	Immediately suspended. Only reinstated if requirement is met	Suspended for 30 days. Only reinstated if requirement is met	Revoked for five years	① ③
Operator fails to maintain insurance as required	OAR 735-160-0011 (1) (e) and 735-160-0015 (1) (a) (D)	Immediately suspended. Only reinstated if requirement is met	Suspended for 30 days. Only reinstated if requirement is met	Revoked for five years	① ③
Operator submits false information on a School's:					
• Original or renewal application	OAR 735-160-0011 (5) (b)	Suspended for one year	Revoked for five years	N/A	② ④
• Supplemental application	OAR 735-160-0011 (5) (b); 735-160-0015 (1) (b)				
• Corrected application	OAR 735-160-0011 (5) (b); 735-160-0020 (5)				
Operator fails to notify DMV:					
• within 10 days of a change of business address or name	OAR 735-160-0015 (1) (b)	Receives a written warning	Suspended for 30 days	Revoked for five years	② ④
• within 10 days of loss of an Instructor's qualifications, or change in an Instructor's employment status	OAR 735-160-0015 (1) (a) (E) (F)				
• within 24 hours of notice of a legal action or criminal investigation, arrest or conviction	OAR 735-160-0015 (1) (i) (A) (B)				
Operator fails to allow only DMV-certified Instructors to train for School	OAR 735-160-0015 (1) (h)	Suspended for one year	Revoked for five years	N/A	② ④

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Operator fails to establish procedures:					
<ul style="list-style-type: none"> to ensure Instructors or students are no under the influence of any intoxicant during instruction 	OAR 735-160-0015(1) (d)	Receives a written warning	Suspended for 30 days	Revoked for five years	② ④
<ul style="list-style-type: none"> for student complaints, including DMV contact information, that is readily available or displayed prominently 	OAR 735-160-0015(1) (e)				
Operator:					
<ul style="list-style-type: none"> falsifies or tampers with records 	OAR 735-160-0015 (2) (a)	Suspended for one year	Revoked for five years	N/A	② ④
<ul style="list-style-type: none"> acts as an Instructor when the Operator is not a DMV-certified Instructor 	OAR 735-160-0015 (2) (b)	Suspended for one year	Revoked for five years	N/A	② ④
<ul style="list-style-type: none"> transfers to or allows the use of a School Certificate by other School or Operator 	OAR 735-160-0015 (2) (c)	Immediately suspended for five days	Suspended for 30 days	Revoked for five years	① ③
<ul style="list-style-type: none"> assists persons to fraudulently obtain driving privileges 	OAR 735-160-0015 (2) (d)	Suspended for one year	Revoked for five years	N/A	② ④
<ul style="list-style-type: none"> allows instruction to a student who is not enrolled in School 	OAR 735-160-0015 (2) (e) (A)	Immediately suspended for five days	Suspended for 30 days	Revoked for five years	① ③
<ul style="list-style-type: none"> allows behind-the-wheel instruction with a student who does not possess a valid driver license or instruction permit 	OAR 735-160-0015 (2) (e) (B)	Suspended for one year	Revoked for five years	N/A	② ④
<ul style="list-style-type: none"> uses a drive test route specifically used by DMV 	OAR 735-160-0015 (2) (e) (C)	Immediately suspended for five days	Suspended for 30 days	Revoked for five years	① ③

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Description	Violations (3-yr period)	First Offense	Second Offense	Third /Subsequent Offense	Code
<ul style="list-style-type: none"> provides questions and answers in classroom that are identical to those on a DMV knowledge test 	OAR 735-160-0015 (2) (e) (D)	Immediately suspended for five days	Suspended for 30 days	Revoked for five years	① ③
<ul style="list-style-type: none"> allows an Instructor without a valid Oregon driver license to train behind-the-wheel or allows an Instructor without a valid driver license to conduct classroom training 	OAR 735-160-0015 (2) (e) (E)	Suspended for one year	Revoked for five years	N/A	② ④
<ul style="list-style-type: none"> allows a person under 19 to teach, or under 21 to train behind-the-wheel. 	OAR 735-160-0015(2)(f)	Suspended for one year	Revoked for five years	N/A	① ③ ④
The Operator's business:					
<ul style="list-style-type: none"> location is within 1500 feet of a DMV office 	OAR 735-160-0020 (1)	Immediately suspended for five days	Suspended for 30 days. If they do not comply within 30 days, revoked for five years.	Revoked for five years	① ③
<ul style="list-style-type: none"> operates from a liquor store, bar, tent, temporary stand, temporary address, mailing address or telephone answering service 	OAR 735-160-0020 (2)				
<ul style="list-style-type: none"> does not have at least one permanent structure where records are kept 	OAR 735-160-0020 (3)				
Operator fails to:					
<ul style="list-style-type: none"> obtain a Supplemental School Certificate, if has more than one business location 	OAR 735-160-0020 (4)	Receives a written warning	Suspended for 30 days	Revoked for five years	② ④
<ul style="list-style-type: none"> obtain a Corrected Certificate, if business location changes 	OAR 735-160-0020 (5)				
<ul style="list-style-type: none"> conform to advertising practices 	OAR 735-160-0020 (7)				

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Description	Violations (3-yr period)	First Offense	Second Offense	Third /Subsequent Offense	Code
<ul style="list-style-type: none"> maintain copies of Oregon Vehicle Code and Oregon Administrative rules at their business location(s) and make them available for public to view upon request 	OAR 735-160-0020 (6)				
Operator fails to maintain required records	OAR 735-160-0030	Immediately suspended for five days	Suspended for 30 days. If they do not comply within 30 days, revoked for five years.	Revoked for five years	① ③
Operator fails to make available for DMV inspection:					
<ul style="list-style-type: none"> business records 	OAR 735-160-0015 (1) (c) and 735-160-0035 (2),(4)	Immediately suspended for five days	Suspended for 30 days. If they do not comply within 30 days, revoked for five years.	Revoked for five years	① ③
<ul style="list-style-type: none"> motor vehicles 	OAR 735-160-0015 (1) (c) and 735-160-0035 (3) (c), (4)				
<ul style="list-style-type: none"> facilities 	OAR 735-160-0015 (1) (c) and 735-160-0035 (3) (e), (4)				
Operator fails to cooperate or respond to DMV request within 10 days regarding complaint	OAR 735-160-0035 (5)	Immediately suspended for five days	Suspended for 30 days. If they do not comply within 30 days, revoked for five years.	Revoked for five years	① ③
Operator fails to correct deficiencies identified during DMV inspection within 30 days	OAR 735-160-0035 (7)	Immediately suspended for five days	Suspended for 30 days. If they do not comply within 30 days, revoked for five years.	Revoked for five years	① ③

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Description	Violations (3-yr period)	First Offense	Second Offense	Third /Subsequent Offense	Code
On their vehicles, Operator fails to:					
<ul style="list-style-type: none"> equip with dual controls, including foot brake, and clutch if manual transmission 	OAR 735-160-0040 (1) (a)	Immediately suspended for five days	Suspended for 30 days. If they do not comply within 30 days, revoked for five years.	Revoked for five years	① ③
<ul style="list-style-type: none"> maintain in safe mechanical and physical condition, and insure equipment is functioning properly 	OAR 735-160-0040 (1) (b) (e)				
<ul style="list-style-type: none"> meet safety equipment standards in Oregon Vehicle Code 	OAR 735-160-0040 (1) (c), ORS Chapter 815				
<ul style="list-style-type: none"> keep equipped with safety belts 	OAR 735-160-0040 (1) (d) and 735-102-0000				
<ul style="list-style-type: none"> keep properly registered 	OAR 735-160-0040 (1) (f)				
<ul style="list-style-type: none"> be covered by minimum insurance requirements 	OAR 735-160-0040 (1) (g) and ORS 822.510				
<ul style="list-style-type: none"> equip with emergency equipment, including first aid kit, fire extinguisher, and three flares or triangles 	OAR 735-160-0040 (1) (h)				
Operator fails to maintain curriculum standards for classroom and/or behind-the-wheel training	OAR 735-160-0050	Receives a written warning	Suspended for 30 days	Revoked for five years	② ④
Instructor					
Instructor fails to maintain qualifications:					
<ul style="list-style-type: none"> is not an employee of a currently certified School 	OAR 735-160-0075 (2) (b)	Immediately suspended for five days	Revoked for five years	N/A	① ③
<ul style="list-style-type: none"> does not have valid driving privileges or instructs without a license 	OAR 735-160-0080 (1) (f) and 735-160-0095 (2) (j)				

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Description	Violations (3-yr period)	First Offense	Second Offense	Third /Subsequent Offense	Code
<ul style="list-style-type: none"> has a physical or mental impairment that affects their ability to teach 	OAR 735-160-0075 (3) (a)				
<ul style="list-style-type: none"> has vision, with or without corrective lenses, that does not meet the requirements 	OAR 735-160-0075 (3) (b)				
Instructor has a conviction for specified criminal offenses, or a conviction for a defined traffic crime	OAR 735-160-0075 (2) (d)	Revoked for five years	N/A	N/A	② ④
Instructor engages in conduct related to their fitness and ability to perform the responsibilities of an Instructor or poses a risk to the safety of others	OAR 735-160-0075 (2) (e)	Suspended for one year	Revoked for five years	N/A	② ④
Instructor:					
<ul style="list-style-type: none"> is revoked as a habitual offender 	OAR 735-160-0075 (3) (c)	Revoked for five years	N/A	N/A	② ④
<ul style="list-style-type: none"> is enrolled or participates in a DUII diversion program 	OAR 735-160-0075 (3) (d)				
<ul style="list-style-type: none"> has driving privileges suspended under driver improvement program 	OAR 735-160-0075 (3)(e)				
<ul style="list-style-type: none"> refuses to take a breath or blood test 	OAR 735-160-0075 (3) (f)				
<ul style="list-style-type: none"> fails a breath or blood test 	OAR 735-160-0075 (3) (g)				
<ul style="list-style-type: none"> works at a School whose Certificate is revoked, suspended, or withdrawn 	OAR 735-160-0075 (3) (h)				

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Description	Violations (3-yr period)	First Offense	Second Offense	Third /Subsequent Offense	Code
<ul style="list-style-type: none"> provides instruction while Certificate is suspended, revoked or withdrawn 	OAR 735-160-0075 (3) (i)				
Instructor submits false information on an original or renewal application	OAR 735-160-0080 (3) (b)	Suspended for one year	Revoked for five years	N/A	② ④
Instructor fails to notify DMV within 24 hours of notice of civil action or criminal investigation, arrest or conviction, or fails to respond to DMV regarding any complaint received within 10 days	OAR 735-160-0095 (1) (h)	Immediately suspended for 5 days	Suspended for 30 days. If they do not comply within 30 days, revoked for five years.	Revoked for five years	① ③
Instructor:					
<ul style="list-style-type: none"> fails to provide training that meets curriculum requirements 	OAR 735-160-0095 (1) (b)	Immediately suspended for 5 days	Suspended for 30 days. If they do not comply within 30 days, revoked for five years.	Revoked for five years	① ③
<ul style="list-style-type: none"> fails to complete student records 	OAR 735-160-0095 (1) (c)	Immediately suspended for 5 days	Suspended for 30 days. If they do not comply within 30 days, revoked for five years.	Revoked for five years	① ③
<ul style="list-style-type: none"> fails to keep Instructor Certificate at the School and make available upon request 	OAR 735-160-0095 (1) (f)	Receives a written warning	Suspended for 30 days	Revoked for five years	② ④
<ul style="list-style-type: none"> fails to carry Instructor Card while providing instruction 	OAR 735-160-0095 (1) (g)	Receives a written warning	Suspended for 30 days	Revoked for five years	② ④
<ul style="list-style-type: none"> teaches student who is not enrolled in School 	OAR 735-160-0095 (2) (d)	Suspended for one year	Revoked for five years	N/A	② ④
<ul style="list-style-type: none"> allows student driver to operate a motor vehicle without valid 	OAR 735-160-0095 (2) (e)	Suspended for one year	Revoked for five years	N/A	② ④

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driving privileges					
Instructor:					
• falsifies records	OAR 735-160-0095 (2) (a)	Suspended for one year	Revoked for five years	N/A	② ④
• transfers or allows other person to use Instructor Certificate or Instructor Card	OAR 735-160-0095 (2) (b)	Immediately suspended for five days	Revoked for five years	N/A	① ③
• assists a person to obtain driving privileges fraudulently	OAR 735-160-0095 (2) (c) and 735-160- 0130 (3) (a)	Suspended for one year	Revoked for five years	N/A	② ④
• uses a drive test route specifically used by DMV	OAR 735-160-0095 (2) (f)	Receives a written warning	Suspended for 30 days	Revoked for five years	② ④
• provides questions and answers from a DMV knowledge test	OAR 735-160-0095 (2) (g)	Receives a written warning	Suspended for 30 days	Revoked for five years	② ④
• fails to prohibit intoxicated student from participating in training	OAR 735-160-0095 (2) (h)	Immediately suspended for five days	Revoked for five years	N/A	① ③
• provides instruction while intoxicated	OAR 735-160-0095 (2) (i)	Revoked for five years	N/A	N/A	② ④
• provides behind-the-wheel instruction without a valid Oregon driver license or classroom instruction without a valid driver license	OAR 735-160-0095 (2) (j)	Suspended for one year	Revoked for five years	N/A	② ④
Instructor fails to:					
• apply for a corrected Instructor Certificate, if needed	OAR 735-160-0110 (3)	Receives a written warning	Suspended for 30 days	Revoked for five years	② ④
• return Instructor Certificate and Instructor Card to School within 10 days of employment separation	OAR 735-160-0110 (4)				

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Instructor prohibited conduct:					
<ul style="list-style-type: none"> Instructor also third-party tester tests own students. 	OAR 735-160-0130 (3) (i)	Immediately suspended for 5 days	Suspended for 30 days. If they do not comply within 30 days, revoked for five years.	Revoked for five years	① ③
<ul style="list-style-type: none"> commits act(s) of fraud 	OAR 735-160-0130 (3) (a)	Suspended for one year	Revoked for five years	N/A	② ④
<ul style="list-style-type: none"> discrimination, sexual contact, physical and verbal abuse 	OAR 735-160-0130 (3) (b), (c), (e)	Suspended for one year	Revoked for five years	N/A	② ④
<ul style="list-style-type: none"> making sexual advances to or requesting sexual contact from student 	OAR 735-160-0130 (3)(d)	Suspended for one year	Revoked for five years	N/A	② ④
<ul style="list-style-type: none"> possess or use unlawful controlled substances or intoxicating beverages while training 	OAR 735-160-0130 (3) (f)	Revoked for five years	N/A	N/A	② ④
<ul style="list-style-type: none"> be under the influence of an intoxicating beverage, drug or unlawful controlled substance while training 	OAR 735-160-0130(3)(f)	Revoked for five years	N/A	N/A	② ④

Stat. Auth.: ORS 184.616, 814.619, 802.010, 822.515 and 822.530.

Stat. Imp.: ORS 822.515 through 822.530

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