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DEPARTMENT OF TRANSPORTATION
DRIVER AND MOTOR VEHICLE SERVICES DIVISION

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RULES:

735-001-0062, 735-018-0160, 735-018-0165, 735-062-0007, 735-062-0008, 735-064-0005, 735-074-0180, 735-076-0000, 735-076-0020

AMEND: 735-001-0062

NOTICE FILED DATE: 09/27/2023

RULE SUMMARY: DMV amended this rule to use the term "intoxicant," as defined in HB 2316, instead of "alcohol, cannabis, psilocybin, controlled substance or inhalants."

CHANGES TO RULE:

735-001-0062

DMV/DOC Program for an Adult in Custody Obtaining a Driver License or Identification Card Prior to Release ¶¶

(1) The Oregon Department of Transportation, Driver and Motor Vehicle Services Division (DMV) and the Oregon Department of Corrections (DOC) have established, through interagency agreement, the following program to help an adult in custody obtain a driver license or identification card prior to the adult in custody's release from custody.¶¶

(2) For purposes of this rule, the term "adult in custody" means any person under the supervision of the DOC and who is not on parole, probation or post-prison supervision status.¶¶

(3) Notwithstanding OAR 735-062-0016, DMV may issue a renewal or replacement driver license or an identification card containing the last photograph of the adult in custody on file with DMV. The photograph on file must not be older than nine years. DMV will issue as follows:¶¶

(a) A replacement driver license to an adult in custody whose driving privileges are valid or are reinstated at the time of issuance;¶¶

(b) A renewal driver license to an adult in custody whose driving privileges are valid or are reinstated at the time of issuance and whose driver license is within the allotted time for early renewal as described in OAR 735-062-0090(8) or has been expired for less than two years; or¶¶

(c) An original, renewal or replacement identification card to an adult in custody:¶¶

(A) Who is not eligible for driving privileges under sections (4) or (7) of this rule;¶¶

(B) Whose previous driver license has been expired for more than two years;¶¶

(C) Whose driving privileges are suspended, revoked or cancelled; or¶¶

- (D) Who has never been issued or does not currently qualify for a driver license under ORS 807.040.¶
- (4) DMV will make an inquiry to the National Driver Register/Problem Driver Pointer System and the State Pointer Exchange Service to determine if the adult in custody's driving privileges are suspended, revoked, cancelled or otherwise not valid in any other jurisdiction. An adult in custody whose driving privileges are not valid in any other jurisdiction is not eligible to replace or renew driving privileges in Oregon.¶
- (5) DOC may complete an application packet for each eligible adult in custody within 180 days prior to the adult in custody's date of release from DOC custody. The application packet must include:¶
- (a) A completed Valid with Previous Photo DL/ID Card (VWPP) Application, DMV Form 735-171C, signed by the adult in custody. The application must include the adult in custody's Social Security Number (SSN) or a written statement that the person has not been assigned a SSN. DMV must verify, or have previously verified, the SSN with the Social Security Administration, as required by OAR 735-062-0005;¶
- (b) Proof of legal name as required by OAR 735-062-0014;¶
- (c) Proof of date of birth and identity as required under ORS 807.040(1)(k) by OAR 735-062-0020; and¶
- (d) In addition to the certifications described in OAR 735-018-0040, the adult in custody applying for replacement of any driver license or driver permit must certify to all of the following:¶
- (A) Does not have a vision condition or impairment that impacts the applicant's ability to drive safely, which has not been corrected by the use of glasses or contact lenses;¶
- (B) Does not have a mental or physical condition or impairment that affects the applicant's ability to drive safely; and¶
- (C) Does not have a problem condition with ~~alcohol, cannabis, psilocybin, controlled substances or inhalants~~ intoxicant, as defined in Oregon Laws 2023, Chapter 498 that affects the applicant's ability to drive safely.¶
- (6) On the application DOC must certify:¶
- (a) That the copies of the documents submitted to meet the requirements of section (5) of this rule are true copies of the original documents and that the documents pertain to the adult in custody for whom DOC is submitting the VWPP application; and¶
- (b) That the adult in custody will be living in Oregon when released and the address provided on the application meets the requirements for residence or mailing address as outlined in the interagency agreement.¶
- (7) An adult in custody who is eligible to renew their driving privileges, and is or will be 65 years of age or older at the time their driving privileges expire, must meet the requirements of OAR 735-062-0060. As the adult in custody will not be at a DMV field office for the vision screening, DOC must provide a vision examination form, Certificate of Vision, DMV Form 735-24, completed by a licensed ophthalmologist or optometrist with the VWPP application. If no Certificate of Vision form is included or the adult in custody does not meet the vision standards set forth in 735-062-0050, the adult in custody is only eligible for an identification card.¶
- (8) When an adult in custody's driving privileges are valid (not suspended, revoked, cancelled or expired more than two years) the adult in custody must surrender driving privileges in order to be eligible for an identification card. A completed Surrender of Driving Privilege(s), DMV Form 735-7206, must be included with the VWPP application of any adult in custody who is surrendering driving privileges. A person who surrenders driving privileges must pass all tests and pay all fees associated with an original driver license to regain driving privileges at a later date.¶
- (9) DOC will pay the fee listed in ORS 807.370 or 807.410, as appropriate, for each adult in custody issued a driver license or identification card in a manner outlined in the interagency agreement.

Statutory/Other Authority: ORS 184.619, 802.010, 802.087, 807.110

Statutes/Other Implemented: ORS 802.087

AMEND: 735-018-0160

NOTICE FILED DATE: 09/27/2023

RULE SUMMARY: DMV amended this rule to use the term "intoxicant," as defined in HB 2316, instead of "alcohol, cannabis, psilocybin, controlled substance or inhalants."

CHANGES TO RULE:

735-018-0160

Replacement of Real ID or Non-Real ID Driver License, Driver Permit or Identification Card by Electronic Means at DMV's Website

(1) DMV may issue a replacement driver permit, driver license or identification card applied for online for one of the reasons listed in section (2) of this rule if the applicant meets all eligibility requirements set forth in this rule.¶

(2) DMV may issue a replacement driver license, driver permit or identification card applied for online if an applicant:¶

(a) Certifies the driver license, driver permit, or identification card was lost, destroyed or mutilated;¶

(b) Has updated their DMV record with a change of residence or mailing address or by adding a mailing address by submitting a Change of Address as prescribed in OAR 735-010-0070; or¶

(c) Has not received the applicant's driver license, driver permit or identification card in the mail after applying online or in person at a DMV office and the applicant does not meet the requirements under OAR 735-062-0092(3) for a reissued driver license, driver permit or identification card.¶

(3) A person may apply to replace, by means of an electronic transaction through DMV's website, a Real ID or non-Real ID driver license, driver permit or identification card by submitting:¶

(a) A completed online replacement driver license, driver permit or identification card application that:¶

(A) Contains the last six digits of the applicant's social security number (SSN); or¶

(B) If the applicant is not eligible for SSN and is applying for non-commercial driving privileges or an identification card the applicant must certify they are ineligible for a SSN; and¶

(b) The fee required to be paid for replacement of driver license or driver permit card under ORS 807.370 under the method prescribed in OAR 735-018-0070; or¶

(c) The fee required to be paid for replacement identification card under ORS 807.410 under the method prescribed in OAR 735-018-0070.¶

(4) In addition to the certifications described in OAR 735-018-0040, the applicant applying for replacement of any driver license, driver permit or identification card submitted by means of an electronic transaction shall constitute a certification by the applicant to all of the following:¶

(a) Is, at the time of application, a resident of or domiciled in Oregon as described in ORS 807.062;¶

(b) Does not have a vision condition or impairment that impacts the applicant's ability to drive safely, which has not been corrected by the use of glasses or contact lenses;¶

(c) Does not have a mental or physical condition or impairment that affects the applicant's ability to drive safely; and¶

(d) Does not have a problem condition with ~~alcohol, cannabis, psilocybin, controlled substances or inhalants~~ intoxicant, as defined in Oregon Laws 2023, Chapter 498 that affects the applicant's ability to drive safely.¶

(e) To the best of the applicant's knowledge is not suspended, canceled or revoked in Oregon or any other jurisdiction;¶

(f) Qualifies for the driving privilege or identification card being applied for;¶

(g) Understands that it is a crime under ORS 807.520 and 807.530 to knowingly make a false application for driving privileges or identification;¶

(h) Understands that once the application for the replacement driver license, driver permit or identification card is submitted, the current driver license, driver permit or identification card is invalid; and¶

(i) Understands that if the applicant obtains a replacement driver license, driver permit, or identification card, the applicant must return to DMV the invalidated driver license, driver permit, or identification card to DMV if it is later found, has been updated with a new address or was replaced due to damage.¶

(5) An applicant applying for a replacement driver license, driver permit, or identification card online may not change any information on the card.¶

(6) A driver license, driver permit, or identification card being replaced online will contain the last photograph on file with DMV.¶

(7) DMV may not issue a replacement driver license, driver permit, or identification card under this rule if the applicant's most recent photograph on file with DMV is more than nine years old.¶

(8) Before issuing a replacement driver license or driver permit, DMV will make an inquiry to the National Driver Registry (NDR)/Problem Driver Pointer System (PDPS), Commercial Driver License Information System (CDLIS)

and State Pointer Exchange System (SPEXS)/State to State (S2S) services to determine if the applicant's driving privileges are suspended, revoked, canceled or otherwise not valid in any other jurisdiction.¶

(9) Before issuing a replacement driver license, driver permit or identification card online DMV will make an inquiry using the S2S service to determine if the applicant holds a driver license, driver permit or identification card issued by another jurisdiction.¶

(10) A replacement driver license, driver permit, or identification card is mailed to the address in DMV's record at the time the applicant applies for the replacement online.¶

(11) An applicant applying for a replacement online may not request another replacement, either online or in a field office for 20 days after the date the applicant submits the online replacement application.¶

(12) An applicant in the United States for a temporary length of stay is not eligible to replace the applicant's limited term driver license, limited driver permit or limited term Identification card using the online application process.

Statutory/Other Authority: ORS 184.619, 802.010, 802.012

Statutes/Other Implemented: ORS 802.012, 807.040, 807.050, 807.060, 807.062, 807.160, 807.370, 807.400, 807.410, 807.530

AMEND: 735-018-0165

NOTICE FILED DATE: 09/27/2023

RULE SUMMARY: DMV amended this rule to use the term "intoxicant," as defined in HB 2316, instead of "alcohol, cannabis, psilocybin, controlled substance or inhalants."

CHANGES TO RULE:

735-018-0165

Renewal of Real ID or Non-Real ID Driver License, Driver Permit or Identification Card by Electronic Transaction at DMV's Website

- (1) DMV may issue a renewed driver license, driver permit or identification card applied for by electronic transaction with the previous photograph on file if the applicant meets all eligibility requirements set forth in this rule and is not ineligible as provided in this rule.¶
- (2) An applicant may renew a Real ID or non-Real ID driver license, driver permit or identification card by electronic transaction at DMV's website, in accordance with this rule. To be eligible for renewal by electronic transaction at DMV's website, the applicant must qualify for the driver license, driver permit or identification card for which the applicant is applying, meet all requirements provided in this rule and satisfy the requirements set forth in ORS 807.150.¶
- (3) DMV may renew a driver license, driver permit or identification card applied for by electronic transaction at DMV's website if an applicant submits a completed electronic transaction renewal driver license, driver permit or identification card application, which must include:¶
 - (a) For a non-Real ID driver license, driver permit or identification card, the last six digits of the applicant's social security number (SSN) or a certification that the applicant has not been assigned a SSN;¶
 - (b) For a Real ID compliant driver license, driver permit or identification card, the last six digits of the applicant's social security number (SSN) or a certification that the applicant has not been assigned a SSN;¶
 - (c) An indication as to whether or not the applicant wants to make an anatomical gift, as defined in ORS 97.953; and¶
 - (d) Pays the required fee:¶
 - (A) As described in ORS 807.370 for renewing a driver license or driver permit, using the method prescribed in OAR 735-018-0070; or¶
 - (B) As described in ORS 807.410 for renewing an identification card, using the method prescribed in OAR 735-018-0070.¶
- (4) An applicant who updates their residence address as part of the electronic transaction renewal application must upload proof of current residence address, as defined in OAR 735-062-0030.¶
- (5) In addition to the certifications described in OAR 735-018-0040, an applicant who submits an application by electronic transaction for renewal of any driver license, driver permit or identification card is certifying that the applicant:¶
 - (a) Is, at the time of application, a resident of or domiciled in Oregon as described in ORS 807.062;¶
 - (b) Does not have a vision condition or impairment that impacts the applicant's ability to drive safely, which has not been corrected by the use of glasses or contact lenses;¶
 - (c) Does not have a mental or physical condition or impairment that affects the applicant's ability to drive safely; and¶
 - (d) Does not have a problem condition with ~~alcohol, cannabis, psilocybin, controlled substances or inhalants~~ intoxicant, as defined in Oregon Laws 2023, Chapter 498 that affects the applicant's ability to drive safely.¶
 - (e) Is, to the best of the applicant's knowledge, not suspended, canceled or revoked in Oregon or any other jurisdiction;¶
 - (f) Qualifies for the driving privilege or identification card being applied for;¶
 - (g) Understands that it is a crime under ORS 807.520 and 807.530 to knowingly make a false application for driving privileges or identification; and¶
 - (h) Understands that once the applicant submits the application for renewal of a driver license, driver permit or identification card, the current driver license, driver permit or identification card is invalid and must be destroyed by the applicant, as described in ORS 807.150.¶
- (6) An applicant applying for a renewed driver license, driver permit or identification card by electronic transaction may not change or add any restrictions or endorsements contained on the driver license, driver permit or identification card.¶
- (7) DMV may not issue a renewed driver license, driver permit or identification card under this rule if:¶
 - (a) The applicant's most recent photograph on file with DMV is more than nine years old.¶
 - (b) The applicant is a commercial driver license holder who has certified a driving type of excepted interstate and

the commercial driver license contains a K restriction.¶¶

(c) The applicant's driver license contains a farm endorsement.¶¶

(d) The applicant's commercial driver license contains a hazardous materials endorsement.¶¶

(e) The applicant's previous driver license or driver permit was issued using the valid without photograph process provided in OAR 735-062-0120.¶¶

(f) The applicant is applying for a REAL ID driver license or identification card and during the previous issuance the applicant was not eligible for an SSN.¶¶

(8) Before issuing a renewed driver license or driver permit, DMV will make an inquiry to the National Driver Registry (NDR)/Problem Driver Pointer System (PDPS), Commercial Driver License Information System (CDLIS) and State Pointer Exchange System (SPEXS)/State to State (S2S) services to determine if the applicant's driving privileges are suspended, revoked, canceled or otherwise not valid in any other jurisdiction.¶¶

(9) Before issuing a renewed driver license, driver permit or identification card by electronic transaction, DMV will make an inquiry using the S2S service to determine if the applicant holds a driver license, driver permit or identification card issued by another jurisdiction.¶¶

(10) DMV will not renew a driver license, driver permit or identification card if the applicant holds a driver license, driver permit or identification card issued by another state that was issued after the previous Oregon driver license, driver permit or identification card was issued.¶¶

(11) A driver license, driver permit or identification card renewed by electronic transaction is mailed to the address in DMV's record at the time the applicant applies for the renewal by electronic transaction.¶¶

(12) An applicant applying for a renewal by electronic transaction may not request a re-issue or replacement driver license, driver permit or identification card, using either DMV's website or in a field office, for 20 days after the date the applicant submits the electronic transaction renewal application.¶¶

(13) An applicant in the United States for a temporary length of stay is not eligible to renew the applicant's limited term driver license, limited term driver permit or limited term identification card using the electronic transaction application process.

Statutory/Other Authority: ORS 184.619, 802.010, 802.012

Statutes/Other Implemented: ORS 802.012, 807.040, 807.050, 807.060, 807.062, 807.150, 807.370, 807.400, 807.410, 807.530

AMEND: 735-062-0007

NOTICE FILED DATE: 09/27/2023

RULE SUMMARY: DMV amended this rule to use the term "intoxicant," as defined in HB 2316, instead of "alcohol, cannabis, psilocybin, controlled substance or inhalants."

CHANGES TO RULE:

735-062-0007

Driver Permits or Driver Licenses ¶¶

(1) Before DMV will issue a driver permit or driver license, the applicant for the driver permit or driver license must:¶¶

(a) Satisfy all requirements set forth in ORS 807.040 and 807.060(2)(a) if under the age of 18. For purposes of ORS 807.060 and this subsection:¶¶

(A) "Mother" means the biological or adoptive mother of the applicant, whose parental rights have not been terminated;¶¶

(B) "Father" means the biological or adoptive father of the applicant, whose parental rights have not been terminated; and¶¶

(C) "Legal guardian" means an individual, or the authorized representative of an entity, private or public institution or agency appointed as guardian of the applicant by a court having jurisdiction.¶¶

(b) Satisfy all requirements set forth in ORS 807.065 and 807.066 to receive a driver license (provisional) if under 18 years of age;¶¶

(c) Provide a verifiable SSN or a statement that the applicant has not been assigned a SSN as provided in OAR 735-062-0005;(d) Submit to the collection of biometric data for the purpose of establishing identity as provided in ORS 807.024 and OAR 735-062-0016;¶¶

(d) Provide proof of the applicant's identity and date of birth as provided in OAR 735-062-0020;¶¶

(e) Provide proof of the applicant's residence address as provided in OAR 735-062-0030;¶¶

(f) Provide proof, as provided in OAR 735-016-0070, that the applicant is domiciled in or a resident of Oregon;¶¶

(g) Surrender all driver permits, driver licenses and identification cards in the applicant's possession issued outside of Oregon;¶¶

(h) Certify that the applicant does not have a vision condition or impairment that impacts the applicant's ability to drive safely, which has not been corrected by the use of glasses or contact lenses;¶¶

(i) Certify that the applicant does not have a mental or physical condition or impairment that affects the applicant's ability to drive safely; and¶¶

(j) Certify that the applicant does not have a problem condition with ~~alcohol, cannabis, psilocybin, controlled substances or inhalants~~ intoxicant, as defined in Oregon Laws 2023, Chapter 498 that affects the applicant's ability to drive safely.¶¶

(2) Once an applicant has applied for a driver license or driver permit, DMV will make an inquiry to NDR/PDPS, SPEXS and S2S to determine if the applicant's driving privileges are suspended, revoked, canceled or otherwise not valid in any other jurisdiction.¶¶

(3) DMV may require the applicant to provide a clearance letter in compliance with OAR 735-062-0160, indicating the applicant has valid driving privileges from any jurisdiction in which an inquiry to NDR/PDPS, SPEXS and S2S indicates the applicant's driving privilege is not fully valid.¶¶

(4) DMV will not issue driving privileges to an applicant until the applicant's driving privileges are reinstated in all jurisdictions, unless the only remaining reinstatement requirement in the other jurisdiction is proof of financial responsibility. Nothing in this section prohibits DMV from issuing a regular Class C driver license to an applicant whose commercial driving privileges are not valid as long as the applicant's regular Class C or equivalent driving privileges are valid.¶¶

(5) DMV will not issue a driver license or driver permit to an applicant with a current, valid Oregon identification card (ID card). To become eligible, the applicant must surrender the ID card before DMV may issue the Oregon driver license or driver permit. If the person's ID card is lost or destroyed, the person must make a statement that the card is lost or destroyed and that it will be returned to DMV if found.¶¶

(6) DMV will notify all jurisdictions in the United States identified as previously issuing a driver license, driver permit or identification card to the applicant when DMV issues an Oregon driver license or driver permit to the applicant.¶¶

(7) A driver license issued to an applicant with a February 29 birthdate expires:¶¶

(a) On February 29 if the expiration year is a leap year; or¶¶

(b) On February 28 if the expiration year is not a leap year.¶¶

(8) After determining that an applicant has met all requirements under this rule, DMV will issue the driver license or driver permit and mail it to the address provided by the applicant at the time of the application.¶

(9) An Oregon non-commercial driver license or driver permit becomes invalid when the holder of the Oregon driver license or driver permit is issued a driver license, driver permit or identification card in another jurisdiction.

Statutory/Other Authority: ORS 184.619, 802.010, 807.021, 807.040, 807.050, 807.060, 807.120, 809.310

Statutes/Other Implemented: ORS 802.540, 807.021, 807.040, 807.060, 807.066, 807.130, 807.455, 809.310

AMEND: 735-062-0008

NOTICE FILED DATE: 09/27/2023

RULE SUMMARY: DMV amended this rule to use the term "intoxicant," as defined in HB 2316, instead of "alcohol, cannabis, psilocybin, controlled substance or inhalants."

CHANGES TO RULE:

735-062-0008

Real ID Driver Licenses or Driver Permits

(1) Before DMV will issue a first-time Real ID driver license or driver permit, the applicant applying for the Real ID driver permit or driver license must:¶

(a) Satisfy all requirements set forth in ORS 807.040 and, if under the age of 18, 807.060(2)(a). For purposes of ORS 807.060 and this subsection:¶

(A) "Mother" means the biological or adoptive mother of the applicant, whose parental rights have not been terminated;¶

(B) "Father" means the biological or adoptive father of the applicant, whose parental rights have not been terminated; and¶

(C) "Legal guardian" means an individual, or the authorized representative of an entity, private or public institution or agency appointed as guardian of the applicant by a court having jurisdiction.¶

(b) Satisfy all requirements set forth in ORS 807.065 and 807.066 to receive a driver license (provisional) if under 18 years of age;¶

(c) Provide the applicant's SSN or proof of ineligibility of SSN as provided in OAR 735-062-0006;¶

(d) Provide proof of identity, date of birth and lawful status as provided in OAR 735-062-0022;¶

(e) Provide proof of legal name as provided in OAR 735-062-0023;¶

(f) Provide proof of the applicant's identity and date of birth as provided in OAR 735-062-0020; and¶

(g) Provide proof of the applicant's residence address as provided in OAR 735-062-0031.¶

(h) Provide proof, as provided in OAR 735-016-0070, that the applicant is domiciled in or a resident of Oregon;¶

(i) Submit to the collection of biometric data for the purpose of establishing identity as provided in ORS 807.024 and OAR 735-062-0016;¶

(j) Certify that the applicant does not have a vision condition or impairment that impacts the applicant's ability to drive safely, which has not been corrected by the use of glasses or contact lenses;¶

(k) Certify that the applicant does not have a mental or physical condition or impairment that affects the applicant's ability to drive safely; and¶

(L) Certify that the applicant does not have a problem condition with ~~alcohol, cannabis, psilocybin, controlled substances or inhalants~~ intoxicant, as defined in Oregon Laws 2023, Chapter 498 that affects the applicant's ability to drive safely.¶

(2) Before DMV will issue a replacement or renewal Real ID driver permit or driver license, the applicant applying must:¶

(a) Provide proof of identity and lawful status as provided in OAR 735-062-0022.¶

(b) If there has been any change to the applicant's name, the applicant must provide proof of the change as required by OAR 735-062-0023.¶

(c) If there has been any change to the applicant's date of birth, the applicant must provide proof of the change as required by OAR 735-062-0022.¶

(d) If there has been any change to the applicant's SSN, the applicant must provide the new SSN as required by OAR 735-062-0006.¶

(e) Certify that the applicant does not have a vision condition or impairment that impacts the applicant's ability to drive safely, which has not been corrected by the use of glasses or contact lenses;¶

(f) Certify that the applicant does not have a mental or physical condition or impairment that affects the applicant's ability to drive safely; and¶

(g) Certify that the applicant does not have a problem condition with ~~alcohol, cannabis, psilocybin, controlled substances or inhalants~~ intoxicant, as defined in Oregon Laws 2023, Chapter 498 that affects the applicant's ability to drive safely.¶

(3) All Real ID driver licenses and driver permits issued by the department must contain the current full legal name of the person.¶

(4) DMV will not issue a Real ID driver license or driver permit to a person who holds a current, valid Real ID or non-Real ID driver license, driver permit or identification card issued by this state or any other state. To become eligible, the person must surrender the Real ID or non-Real ID driver license, driver permit or identification card before DMV may issue the Oregon Real ID driver license or driver permit. If the person's Real ID or non-Real ID

driver license or driver permit is lost or destroyed, the person must make a statement that the card is lost or destroyed and that it will be returned to DMV if found.¶

(5) Upon receipt of an application for a Real ID driver license or driver permit, DMV will make an inquiry to NDR/PDPS, CDLIS and SPEXS/S2S to determine if the applicant's driving privileges are suspended, revoked, canceled or otherwise not valid in any other jurisdiction.¶

(6) DMV may require the applicant to provide a clearance letter in compliance with OAR 735-062-0160, indicating the applicant has valid driving privileges from any jurisdiction in which an inquiry with NDR/PDPS, CDLIS and SPEXS/S2S indicates the applicant's driving privilege is not fully valid.¶

(7) DMV will not issue driving privileges to a person until the person's driving privilege is reinstated in all jurisdictions, unless the only remaining reinstatement requirement in the other jurisdiction is proof of financial responsibility. Nothing in this section prohibits DMV from issuing a regular Class C non-commercial Real ID driver license to a person whose CDL driving privileges are not valid as long as the applicant is eligible for a regular Class C non-commercial or equivalent driving privilege.¶

(8) DMV will not issue a Real ID permit to a person who is applying for a Commercial Learners Permit, Motorcycle Instruction Permit, Emergency Permit, or Special Student Permit.¶

(9) A Real ID driver license issued to a person with a February 29 birth date expires:¶

(a) On February 29 if the expiration year is a leap year; or¶

(b) On February 28 if the expiration year is not a leap year.¶

(10) After determining that an applicant has met all requirements under this rule, DMV will issue the Real ID driver license or driver permit and mail it to the address provided by the applicant at the time of the application.¶

(11) DMV will issue to an applicant who has provided proof of lawful status in the United States on a temporary basis, as described in OAR 735-062-0022(6), a Real ID driver license expiring on the date the applicant is no longer authorized to stay in the United States, as indicated by the document the applicant presented as proof of lawful status, but no longer than eight years from the date of issuance, or if there is no definite end to the authorized stay, for a period of one year.¶

(12) DMV will issue an applicant who is a citizen of a country with a Compact of Free Association with the United States and who provides proof of lawful status as set forth in OAR 735-062-0022(5), a Real ID driver license with an expiration date as described in ORS 807.130(1) or (2).

Statutory/Other Authority: ORS 184.619, 802.010, 807.021, 807.040, 807.050, 807.060, 807.120, 807.455, 807.480, ~~Or Laws 2019, ch. 312 sec. 34~~, 6 CFR 237.11, 6 CFR 237.17, 6 CFR 237.21, 6 CFR 237.29

Statutes/Other Implemented: ORS 807.021, 807.040, 807.060, 807.066, 807.130, 807.455, 807.480, ~~PL 116-260 (2020)49 USC 30301 note~~

AMEND: 735-064-0005

NOTICE FILED DATE: 09/27/2023

RULE SUMMARY: DMV amended the definition of "intoxicant" to reflect the new statutory definition.

CHANGES TO RULE:

735-064-0005

Definitions ¶¶

As used in Division 64 rules, unless the context requires otherwise:¶¶

- (1) "DMV" means the Driver and Motor Vehicle Services Division of the Oregon Department of Transportation.¶¶
- (2) "DUII" means driving under the influence of intoxicants.¶¶
- (3) "Fee" means an amount described in ORS 807.370.¶¶
- (4) "IID" means ignition interlock device.¶¶
- (5) "Intoxicants" ~~means intoxicating liquor, cannabis, psilocybin, a controlled substance, an inhalant~~ has the meaning set for any combination of the fifth in Oregon Laws 2023, Chapter 498.¶¶
- (6) "Immediate family" means the applicant's spouse or partner in a domestic partnership, children, stepchildren, brother, sister, mother, father, mother-in-law, father-in-law, grandmother or grandfather.¶¶
- (7) "Family member" means any of the following relatives who live within the same household as the applicant: the applicant's spouse or partner in a domestic partnership, children, stepchildren, brother, sister, mother, father, mother-in-law, father-in-law, grandmother or grandfather.¶¶
- (8) "Necessary Services" means driving to and from grocery shopping, driving the applicant or the applicant's children to and from school, driving to and from childcare, driving to and from medical appointments and caring for elderly family members.¶¶
- (9) "Care for elderly family member" means driving to and from the residence of the elderly family member.¶¶
- (10) "Oregon resident" means a person who is domiciled in this state as defined by ORS 803.355 or is a resident of this state as defined by ORS 807.062(4) and (5).¶¶
- (11) "Private transportation" means family members, friends or fellow employees who are able to serve the applicant's transportation needs.¶¶
- (12) "Public transportation" means bus, shuttle or commuter service that is able to serve the applicant's transportation needs.

Statutory/Other Authority: ORS 184.619, 802.010, 807.240, 807.270

Statutes/Other Implemented: ORS 807.240, 813.520

AMEND: 735-074-0180

NOTICE FILED DATE: 09/27/2023

RULE SUMMARY: DMV amended this rule to use the term "intoxicant," as defined in HB 2316, instead of "alcohol, cannabis, psilocybin, controlled substance or inhalants."

CHANGES TO RULE:

735-074-0180

When a Suspension or Cancellation of Driving Privilege Occurs ¶¶

(1) DMV may issue an immediate suspension of driving privileges in the following situations:¶¶

(a) As set forth in OAR 735-074-0140, if DMV has reason to believe from the information provided in a mandatory report submitted under 735-074-0120 that the person may endanger people or property if not immediately suspended;¶¶

(b) The Medical Determination Officer, upon review of medical information on a driver, recommends an immediate suspension;¶¶

(c) Information contained in a required Driver Medical Report form (DMV form 735-6587) submitted as required under OAR 735-074-0140 indicates that the person has a mental or physical condition that makes it unsafe for the person to operate a motor vehicle and DMV has reason to believe the person may endanger people or property if not immediately suspended; or¶¶

(d) Information contained in a required Certificate of Vision form submitted as required under OAR 735-074-0140 indicates the person's vision does not meet minimum vision standards under OAR 735-062-0050 and DMV has reason to believe the person may endanger people or property if not immediately suspended.¶¶

(2) DMV will immediately cancel a person's driving privileges if DMV has reason to believe that the person may endanger people or property if not immediately canceled. If DMV has reason to believe a person is unable to safely operate a motor vehicle and may endanger people or property, DMV may immediately cancel driving privileges pursuant to ORS 807.350 and OAR 735-070-0010, 735-070-0020 and 735-074-0220.¶¶

(3) DMV may cancel driving privileges pursuant to ORS 807.350 and OAR 735-070-0010, 735-070-0020 and 735-074-0220 if:¶¶

(a) The person's vision does not meet the minimum vision standards set forth in OAR 735-062-0050;¶¶

(b) DMV determines the person no longer meets the qualifications for a driver license, driver permit or endorsement because of a physical or mental condition or impairment that affects the person's ability to safely operate a motor vehicle upon the highway or a problem condition involving ~~alcohol, cannabis, psilocybin, inhalants or controlled substances~~ intoxicant, as defined in Oregon Laws 2023, Chapter 498;¶¶

(c) The person is denied a drive test by DMV or the Medical Determination Officer because of a physical or mental condition or impairment that affects the person's ability to safely operate a motor vehicle upon the highway; or¶¶

(d) DMV requires the person to submit a Driver Medical Report (DMV form 735-6587) or Certificate of Vision form (DMV form 735-024) in accordance with OAR 735-074-0140(9) or (10) and the person fails to submit the required form within 60 days.¶¶

(4) DMV will cancel commercial driving privileges under ORS 809.310(1) if DMV suspends the base driving privilege of the holder of a commercial driving privilege under these rules.

Statutory/Other Authority: ORS 184.619, 802.010, 807.340, 807.350, 809.419

Statutes/Other Implemented: ORS 807.350, 809.310, 809.430

AMEND: 735-076-0000

NOTICE FILED DATE: 09/27/2023

RULE SUMMARY: DMV amended this rule to use the term "intoxicant," as defined in HB 2316, instead of "alcohol, cannabis, psilocybin, controlled substance or inhalants."

CHANGES TO RULE:

735-076-0000

Policy, Objective and Purpose of the At-Risk Program - Non-Mandatory Reporting ¶¶

(1) It is the policy of DMV to promote safety for all persons who travel or otherwise use the public highways of this state.¶¶

(2) The underlying policy of the Department's rules on at-risk drivers is to preserve the independence, dignity, and self-esteem that result from providing one's own mobility, so long as it is possible to do so without risk to oneself or to others.¶¶

(3) It is therefore an objective of these division 76 rules to establish a program for the non-mandatory reporting to DMV of those drivers who have a mental or physical condition or impairment that may affect driving ability, or drivers who have demonstrated unsafe or dangerous driving behaviors.¶¶

(4) DMV may receive information that indicates a person may no longer be qualified to hold a driver license, driver permit or endorsement or may no longer be able to drive safely. This information may come from many sources, including a report from any of the following:¶¶

(a) A physician or health care provider,¶¶

(b) A family member, friend or neighbor,¶¶

(c) A report from a police officer or a court,¶¶

(d) A DMV representative, or¶¶

(e) The person through a self-report on a driver license issuance, renewal or replacement application or a voluntary request to test.¶¶

(5) A report may describe:¶¶

(a) A possible mental or physical condition or impairment, a vision problem, or a possible problem condition involving ~~alcohol, cannabis, psilocybin, inhalants or controlled substances~~ intoxicant, as defined in Oregon Laws 2023, Chapter 498 that indicates the person is no longer qualified to hold a driver license, driver permit or endorsement;¶¶

(b) An unsafe or dangerous driving behavior that indicates the person is not able to drive safely;¶¶

(c) That the person no longer has the skills necessary to safely operate a motor vehicle; or¶¶

(d) That the person could have a loss of consciousness or control while driving, resulting in loss of control of a motor vehicle.¶¶

(6) These division 76 rules provide procedures for the review of non-mandatory reports, the obtaining of required information necessary to determine if a person remains qualified for driving privileges and the taking of necessary action when a determination is made that the person is no longer qualified for driving privileges.

Statutory/Other Authority: ORS 184.619, 802.010, 807.340, 809.419

Statutes/Other Implemented: ORS 807.340

AMEND: 735-076-0020

NOTICE FILED DATE: 09/27/2023

RULE SUMMARY: DMV amended this rule to use the term "intoxicant," as defined in HB 2316, instead of "alcohol, cannabis, psilocybin, controlled substance or inhalants."

CHANGES TO RULE:

735-076-0020

Suspension or Cancellation of Driving Privileges ¶¶

(1) DMV may issue an immediate suspension of driving privileges in the following situations:¶¶

(a) If DMV determines from a non-mandatory report that the person has a mental or physical condition that makes it unsafe for the person to operate a motor vehicle upon the highways and DMV has reason to believe the person may endanger people or property if not immediately suspended;¶¶

(b) If based upon information included in a police accident report or other law enforcement report, DMV has reason to believe that a person may endanger people or property if not immediately suspended due to a mental or physical condition that makes it unsafe for the person to operate a motor vehicle upon the highways;¶¶

(c) The Medical Determination Officer, upon review of medical information on a person, recommends an immediate suspension;¶¶

(d) Information contained in a required Driver Medical Report form (DMV form 735-6587) submitted as required under OAR 735-076-0035 indicates that the person has a mental or physical condition that makes it unsafe for the person to operate a motor vehicle and DMV has reason to believe the person may endanger people or property if not immediately suspended; or¶¶

(e) Information contained in a required Certificate of Vision form indicates the person's vision does not meet minimum vision standards under OAR 735-062-0050.¶¶

(2) DMV will suspend driving privileges or the right to apply for driving privileges as follows:¶¶

(a) Under ORS 809.419(1) if the person fails to successfully complete the required tests within 90 days of the date of the notice of suspension, or within the time period granted if an extension is granted under OAR 735-076-0010(2);¶¶

(b) Under ORS 809.419(2), for failure to obtain a medical clearance, if the Driver Medical Report form (DMV form 735-6587) required under OAR 35-076-0078 is not completed by the person and the person's physician, nurse practitioner, or physician assistant, submitted to and received by DMV within 60 days of the date on the notice sent from DMV, unless DMV has granted an extension under OAR 735-076-0018; and¶¶

(c) Under ORS 809.419(3), is incompetent to drive because of a mental or physical condition or impairment that makes it unsafe for the person operate a motor vehicle, because the Medical Determination Officer determines that a person is medically ineligible for driving privileges under ORS 807.090, and the person has valid driving privileges.¶¶

(3) If the person voluntarily surrenders driving privileges as set forth in OAR 735-062-0135(4), DMV will rescind any suspension or cancellation imposed under sections (1), (2) or (4) of this rule.¶¶

(4) DMV will cancel commercial driving privileges under ORS 809.310(1) if:¶¶

(a) DMV requires the holder of commercial driving privileges to pass tests in accordance with OAR 735-076-0007(2) and the person fails to pass the required tests;¶¶

(b) DMV requires the holder of commercial driving privileges to provide a Driver Medical Report form (DMV Form 735-6587), Certificate of Vision (DMV form 735-024) or both in accordance with OAR 735-076-0007(3) and (4); or¶¶

(c) DMV immediately suspends the base driving privilege of the holder of commercial driving privileges in accordance with OAR 735-076-0007(5).¶¶

(5) DMV may cancel driving privileges pursuant to ORS 807.350 and OAR 735-070-0010, 735-070-0020 and 735-074-0220 if:¶¶

(a) The person's vision does not meet the minimum vision standards set forth in OAR 735-062-0050;¶¶

(b) DMV determines the person no longer meets the qualifications for a driver license, driver permit or endorsement because of a physical or mental condition or impairment that affects the person's ability to safely operate a motor vehicle upon the highway or a problem condition involving ~~alcohol, cannabis, psilocybin, inhalants or controlled substances~~ intoxicant, as defined in Oregon Laws 2023, Chapter 498;¶¶

(c) The person fails to obtain a medical clearance by failing to submit a Driver Medical Report form (DMV form 735-6587), as required under OAR 735-076-0035 or within the time period granted if an extension is granted under OAR 735-076-0035; or¶¶

(d) The person fails to obtain a medical clearance by failing to submit a Certificate of Vision form (DMV form 735-

024) when the person is required to recertify the person's medical eligibility for driving privileges based on the recommendation of the person's vision specialist, in accordance with OAR 735-076-0035.

Statutory/Other Authority: ORS 184.619, 802.010, 807.340, 809.419

Statutes/Other Implemented: ORS 807.340, 809.419