

735-010-0008

Definitions

As used in Division 10 rules, the following definitions apply:

- (1) "Bulk distribution" means the distribution of surveys, marketing materials and solicitations, regardless of the medium used for distribution, including but not limited to:
 - (a) Material distributed to a targeted group of people to tell them about the suitability or quality of a product or service;
 - (b) Market research which involves contacting individuals;
 - (c) Nonprofit entities seeking donations of labor, products or money; or
 - (d) Political material designed to encourage membership in a political organization, or to gain support for individuals seeking election to public office, or solicit money or labor for a political campaign or election.
- (2) "Business entity" means a corporation, organization, firm, association, partnership, governmental agency, lawful commercial enterprise or other legal entity, other than an individual.
- (3) "Business address" means the physical address of the place in which or from which a business entity operates.
- (4) "Business name" is the name, including an abbreviation or acronym, by which a business is designated in official records and under which it conducts business.
- (5) "Conducting business with DMV" includes any business with DMV that results in the creation of a customer record or change to an existing customer record.
- (6) "County of use" means the county in which a vehicle is primarily used, when that county is:
 - (a) Other than the county of the owner's residence or business address; and
 - (b) Other than the county of the vehicle address provided to DMV.
- (7) "Customer number" means the distinguishing number assigned by DMV to each individual or business entity for which a customer record has been created.
- (8) "Customer record" means the computer record created by DMV at the time an individual or business entity first does business with DMV.
- (9) "Descriptive address" means information sufficient to identify the location of a residence or business entity if there is no actual street or rural route address, or to explain where a person lives if the person has no fixed residence.
- (10) "Disseminator" means a person whose primary business function is the sale or distribution of information, including personal information in response to an individual record inquiry from a person who is authorized by DMV to receive the information under ORS 802.179.
- (11) "DMV" means the Oregon Department of Transportation, Driver and Motor Vehicle Services Division.
- (12) "Employment address" means the address of the public agency employing a police officer or eligible public employee as provided in ORS 802.250.
- (13) "Full legal name" means an individual's first name, middle name(s), and last or surname, without use of initials or nicknames.
- (14) "Insurance support organization," as used in ORS 802.179(6), means a person who regularly engages in assembling or collecting information about a natural person for the primary purpose of providing the information to an insurer or insurance agent in connection with claims investigation activities, antifraud activities, underwriting or rating. "Insurance support organization" does not include an insurer, an insurance agent, a governmental institution, medical care institution or medical professional.

- (15) “Legitimate business” means a lawful business enterprise operating in compliance with federal, state and local law.
- (16) “Mailing address” means an address other than an actual residence or business address to which a person or business entity mail delivered, including a post office box or address of a service provider.
- (17) “Motor vehicle record” means any record that pertains to a grant of driving privileges, an identification card, vehicle title or vehicle registration issued by DMV. “Motor vehicle record” does not mean a record pertaining to a manufactured structure.
- (18) “Person” means an individual, an organization or an entity but does not include the State of Oregon or any agency thereof.
- (19) “Personal information” means the following information that identifies an individual:
- (a) Driver license, driver permit or identification card number;
 - (b) Name;
 - (c) Address (excluding five-digit zip code); and
 - (d) Telephone number.
- (20) “Primary residence” means the state, jurisdiction or physical location where an individual lives, during any 12-month period, more than he or she lives elsewhere during that period.
- (21) “Records list” means a list of driver or vehicle records compiled by selecting records that meet one or more general criteria, where the criteria is not specific to any one person or vehicle. Records lists would include such things as a list of vehicle records of a given manufacturer or a list of licensed drivers over the age of 65. A records list would not include records that were selected by a specific identifier, such as an individual's driver license number or a vehicle's registration plate number.
- (22) “Registration address” means the vehicle address, if one is provided or if a vehicle address is not provided:
- (a) The vehicle owner's residence address if the owner is an individual; or
 - (b) The vehicle owner's, business address if the owner is other than an individual. Some examples may include a business, school district, organization or church.
- (23) “Residence address” means the actual address at which an individual resides more than he or she lives elsewhere during a 12-month period. If an individual resides an equal amount of time at two or more addresses, the individual shall determine which address is his or her residence address and use that as the residence address in conducting business with DMV. A residence address shall not be that of a service provider, except for purposes of titling or registering a vehicle owned by the service provider or obtaining an Oregon driver license, driver permit or identification card by the service provider.
- (24) “Service Provider” means a business which facilitates the collection or delivery of mail, or businesses that provide vehicle registration services for another party. A mail service shall be considered to be a Service Provider.
- (25) “Vehicle address” means the residence or business address where the vehicle is primarily housed, or from where the vehicle is primarily dispatched when different than the actual residence or business address of the owner.

Stat. Auth.: ORS 184.616, 184.619, 192.440, 802.179, 802.183, 803.370 & 807.050

Stats. Implemented: ORS 802.175 - 802.270, 803.220, 803.370, 807.050, 807.420, 807.560, 821.080 & OL 2008, Ch 1

735-010-0100

Purpose

An applicant for a driver license, driver permit or vehicle registration is required by ORS 803.370 and 807.050 to provide full legal name and actual residence address to DMV. DMV has the authority to accept something other than an actual residence or post office address, if the applicant does not have one. This may occur if, for example, the applicant is homeless or travels continuously. The purpose of OAR 735-010-0110 through 735-010-0170 is to:

- (1) Specify how a customer establishes or changes a name;
- (2) Establish a consistent means for determining full legal name for individuals and business name on existing DMV records;
- (3) Define the different types of addresses and establish when DMV will require or accept each type of address; and
- (4) Establish how the name and address information on the customer record will be used in corresponding with customers.

Stat. Auth.: ORS 184.616, 184.619, 803.370 & 807.050

Stats. Implemented: ORS 802.200, 802.250, 802.260, 803.220, 803.370, 807.050, 807.420, 807.560, 821.080 & OL 2008, Ch 1

735-010-0130

Establishment and Use of Full Legal Name by an Individual

All of the following apply to establishment and use of a full legal name by an individual:

- (1) An applicant for an Oregon driver license, driver permit or identification card, shall establish his or her full legal name as supported by one or more documents proving identity and date of birth required under OAR 735-062-0020.
- (2) When conducting any business with DMV, including but not limited to obtaining driving privileges, an identification card, vehicle title and vehicle registration, an individual shall use only his/her full legal name.
- (3) If an individual has not established a full legal name as provided in section (1) of this rule, DMV will use the name on his or her customer record as his or her name for vehicle title and registration purposes. An individual who is shown on any application for title as provided in ORS 803.050, any application for salvage title as provided under ORS 803.140 or any transitional ownership record as defined in ORS 801.562, shall use his/her full legal name.
- (4) An individual shall use the same name in conducting all business with DMV. The individual must also provide the DMV-assigned customer number shown on the driver license, driver permit or identification card, if known.
- (5) An individual's full legal name shall not include a title or honorific such as, but not limited to, Mr., Mrs., Reverend or Doctor.

Stat. Auth.: ORS 184.616, 184.619, 802.010

Stats. Implemented: ORS 801.562, 803.015, 803.050, 803.140, 803.220, 803.370, 807.050, 807.420, 807.560, 809.135, 821.080, OL 2008, Ch 1

OAR 735-062-0002

Definitions

As used in this division the following definitions apply:

- (1) "Biometric data" means measurements of the physical characteristics of a person's face that can be used to authenticate the identity of the person.
- (2) "DMV" means the Oregon Department of Transportation, Driver and Motor Vehicle Services Division.

(3) “Legal presence” or “legal presence in the United States” means that a person is a citizen or permanent legal resident of the United States or is otherwise legally present in the United States under federal immigration laws.

(4) “SSA” means the Social Security Administration.

(5) “SSN” means Social Security Number.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.050, OL 2008, Ch. 1

Stats. Implemented: ORS 801.163, 802.200, 807.024, 807.050, OL 2008, Ch. 1

735-062-0005

SSN – Requirements for Proof of a Verifiable SSN or Ineligibility for a SSN and SSN Verification

(1) Except as provided in OAR 735-062-0032 and 732-062-0033, when a person who is eligible for a SSN applies for any original, renewal or replacement driver license, driver permit or identification card, the person must provide his or her SSN on the application form and, unless DMV previously has verified the SSN as provided in section (3) of this rule, the person must provide proof that the SSN is the one assigned to the person by the SSA. Proof that the SSN is the one assigned to the person by the SSA may include, but is not limited to, one or more of the following documents:

(a) Social Security Card or other SSA documentation;

(b) Income tax form filed with the Internal Revenue Service or a state tax agency;

(c) Employment document;

(d) Military document (DD214); or

(e) Any document containing full social security number acceptable as proof of legal presence or identity and date of birth as listed in OAR 735-062-0015 or OAR 735-062-0020.

(2) Except as provided in OAR 735-062-0032 and 735-062-0033, a person who applies for any original, renewal or replacement non-commercial driver license or driver permit or identification card and claims to be ineligible for a SSN must provide proof that he or she is not eligible for a SSN. A person may prove his or her ineligibility for a SSN by presenting documents issued by the SSA, the Department of Homeland Security or other federal agencies or federal courts, which demonstrate that the person is not eligible to be assigned a SSN by the SSA. The person must also certify that he or she is ineligible for a SSN.

(3) When an applicant provides a SSN and the proof required by section (1) of this rule, DMV will submit the SSN to the SSA for verification, unless the applicant is a citizen or permanent legal resident of the United States whose SSN previously has been verified under this rule. An applicant’s SSN is verified when SSA notifies DMV that the applicant’s SSN, name and date of birth are confirmed by SSA’s records.

(4) Except as provided in OAR 735-062-0032 and 735-062-0033, DMV will not issue, renew or replace any driver license, driver permit or identification card, unless:

(a) The applicant has proved his or her legal presence in the United States as provided in OAR 735-062-0015, and DMV has verified the applicant’s SSN as provided in section (3) of this rule; or

(b) If the applicant claims to be ineligible for a SSN, the applicant has proved his or her ineligibility for a SSN as provided in section (2) of this rule and his or her legal presence in the United States as provided in OAR 735-062-0015.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.050, OL 2008, Ch. 1

Stats. Implemented: ORS 802.200, 807.050, OL 2008, Ch. 1

735-062-0007

Driver Permits or Driver Licenses

(1) Before the Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) will issue a driver permit or driver license, the person applying 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;

(B) "Father" means the biological or adoptive father of the applicant; 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 proof of a verifiable SSN or proof that the person is not eligible for a SSN as provided in OAR 735-062-0005;

(d) Provide proof of legal presence as provided in OAR 735-062-0015;

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

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

(g) Provide proof of the person's residence address as provided in OAR 735-062-0030;

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

(i) Surrender all driver permits and driver licenses in the person's possession that have been issued by:

(A) Another state;

(B) A Canadian province or territory; or

(C) A U.S. territory.

(j) In addition to all requirements in subsections (a) through (i) of this section, a person who holds a commercial driver license from another jurisdiction must satisfy all requirements set forth in ORS 807.045 and OAR 735-062-0200.

(2) A person is not eligible for driving privileges under ORS 807.060(4) or (5) and DMV will not issue or renew driving privileges or replace a driver license or driver permit if on an application for driving privileges or a replacement license or permit a person:

(a) Answers yes to the question "Do you have a vision condition or impairment that has not been corrected by glasses, contacts or surgery that affects your ability to drive safely?" and the person is unable to pass a DMV vision screening;

(b) Answers yes to the question "Do you have any physical or mental conditions or impairments that affect your ability to drive safely?";

(c) Answers yes to the question "Do you use alcohol, inhalants, or controlled substances to a degree that affects your ability to drive safely?"

(3) A person who is denied issuance or renewal of driving privileges or replacement of a driver license or driver permit under section (2) of this rule will be allowed to establish or reestablish eligibility by passing DMV examinations under ORS 807.070, by getting a determination of eligibility from the Medical Determination Officer under ORS 807.090 or both, as determined by

DMV. The requirement may be waived if DMV determines the application was completed in error and the person is eligible for driving privileges.

(4) Upon receipt of an application for a driver license or driver permit, DMV will make an inquiry to the National Driver Register/Problem Driver Pointer System (NDR/PDPS) or the Commercial Driver License Information System (CDLIS) or both to determine if the applicant's driving privileges are suspended, revoked, canceled or otherwise not valid in any other jurisdiction. For issuance of a commercial driver license (CDL), DMV will also make an inquiry to CDLIS to determine if the applicant has been issued a CDL in another jurisdiction.

(5) 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 the National Driver Register/Problem Driver Pointer System (NDR/PDPS) or the Commercial Driver License Information System (CDLIS) or both indicates the applicant's driving privilege is not fully valid.

(6) DMV will not issue driving privileges to a person until his or her 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 driver license to a person whose CDL driving privileges are not valid as long as the person's regular Class C or equivalent driving privileges are valid.

(7) DMV will not issue a driver license or permit to a person with a current, valid Oregon identification card (ID card). To become eligible, the person must surrender the ID card before DMV may issue the Oregon driver license or 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.

(8) A driver license of an applicant with a February 29 birth date expires:

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

(b) On March 1 if the expiration year is not a leap year.

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

Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.040, 807.050, 807.060, 807.120, 809.310, OL 2008, Ch 1
Stats. Implemented: ORS 807.040, 807.060, 807.066, OL 2008, Ch 1

735-062-0010

Identification Cards

(1) Pursuant to ORS 807.400 and as provided in this rule, DMV will issue an identification card to a person who does not have a valid driver license.

(2) A person applying for an identification card must:

(a) Satisfy all identification card requirements set forth in ORS 807.400 and 807.410, except as described under section (7) of this rule;

(b) Provide proof of a verifiable SSN or proof that the person is not eligible for a SSN as provided in OAR 735-062-0005;

(c) Provide proof of legal presence as provided in OAR 735-062-0015;

(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.

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

- (f) Provide proof of the person's residence address as provided in OAR 735-016-0070 and 735-062-0030.
- (3) Identification cards issued to persons for whom DMV has created an Oregon driving record will reflect the same number as that on the existing record.
- (4) An applicant in possession of a driver license issued by another jurisdiction must surrender that license to DMV before an identification card will be issued. The person must provide a statement to DMV if the person's license is lost, destroyed or the person no longer has the license in his or her possession, and must agree that the license will be surrendered to DMV if found.
- (5) Applicants for an identification card must personally apply at a DMV office to receive an identification card.
- (6) All identification cards must include a photograph of the cardholder.
- (7) DMV will waive the fee requirements set forth in ORS 807.410 for those persons applying for an identification card when:
- (a) The person voluntarily surrenders an Oregon license or driver permit to DMV based upon the person's recognition that the person is no longer competent to drive; or
- (b) The person's driving privileges are suspended under ORS 809.419(1) and the person voluntarily surrenders the person's license or driver permit to DMV.
- (8) An identification card of an applicant with a February 29 birth date expires:
- (a) On February 29 if the expiration year is a leap year; or
- (b) On March 1 if the expiration year is not a leap year.
- (9) After determining that an applicant has met all requirements under this rule, DMV will issue the identification card and mail it to the address provided by the applicant at the time of application.
- (10) DMV may renew an identification card as provided in OAR 735-062-0090 or may do so using a previous photograph only as provided OAR 735-062-0125.
- (11) DMV may replace an identification card as provided in OAR 735-062-0110 or may do so using a previous photograph only as provided OAR 735-062-0125.
- Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.040, 807.050, 807.400 and OL 2008, Ch 1
Stats. Implemented: ORS 807.400, OL 2008, Ch 1

735-062-0015

Proof of Legal Presence

- (1) Except as provided in OAR 735-062-0032 and 735-062-0033, a person who applies for any original, renewal or replacement driver permit, driver license, or identification card must provide valid documentary proof that the person is a citizen or permanent legal resident of the United States or is otherwise legally present in the United States in accordance with federal immigration laws. The documents provided must be either original or certified copies.
- (2) If the applicant's full legal name is different from the name in the document(s) submitted to prove legal presence pursuant to section (1) of this rule, the applicant must provide valid documentary proof that the applicant's name has been legally changed and that the applicant is the person identified in the document(s) submitted to prove the applicant's legal presence. Documentary proof of an applicant's legal name change may include, but is not limited to: a marriage certificate, a divorce decree, a certificate of registered domestic partnership, a judgment of dissolution or annulment of marriage or domestic partnership, an adoption decree, and a court decree, order or judgment legally changing the applicant's name.
- (3) Documents acceptable as proof of U.S. citizenship include, but are not limited to:

- (a) A birth certificate issued by a U.S. Territorial government or the government of a state or political subdivision of a state of the United States. DMV will not accept a hospital-issued birth certificate, hospital card or birth registration or baptismal certificate.
- (b) U.S. Consular Report of Birth Abroad (FS-240).
- (c) U.S. government-issued Certification of Report of Birth (DS-1350 or FS-545).
- (d) Request for Verification of Birth (DD372).
- (e) United States passport, not expired more than five years.
- (f) United States passport card, not expired more than five years.
- (g) U.S. territory passport, not expired more than five years.
- (h) Tribal ID card from a federally recognized tribe located in Oregon or a federally recognized tribe with an Oregon affiliation, if DMV determines:
 - (A) The procedures used in issuing the card are sufficient to prove that a member is legally present in the United States; and
 - (B) The card contains security features that are sufficient to prevent alteration or counterfeiting of the card.
- (i) Certificate of Citizenship (N560 and N561).
- (j) Certificate of Naturalization (N550, N570 and N578).
- (4) Documents acceptable as proof of permanent legal residence in the U.S include, but are not limited to: Resident Alien card; Permanent Resident card (I-551); or a Permit to Re-Enter (I-327).
- (5) Documents acceptable as proof that a person who is not a citizen or permanent legal resident of the United States is legally present in the United States include, but are not limited to:
 - (a) Valid foreign passport, not expired, with appropriate Arrival/Departure Record (I-94 or CBP I-94A) or a valid I-797 Notice of Action issued by the Department of Homeland Security or Custom and Border Protection.
 - (b) Federated States of Micronesia (FSM) passport (containing I-94), not expired more than five years.
 - (c) U.S. Department of Homeland Security issued documents, not expired, including:
 - (A) Temporary Resident ID card (I-688);
 - (B) Employment Authorization card (I-688A, I-688B and I-766); or
 - (C) Refugee Travel Document Form I-571.
- (6) An applicant who must obtain a document in order to provide proof of legal presence may apply for an applicant temporary driver permit as described in OAR 735-062-0032 that will provide driving privileges for a limited time or an applicant temporary identification card as described in OAR 735-062-0033.

Stat. Auth.: ORS 184.616, 184.619, 802.010, OL 2008, Ch 1

Stats. Implemented: OL 2008, Ch 1

735-062-0016

Requirements for Establishing Identity Under ORS 807.024 and Consequences of Applicant's Failure to Establish Identity

- (1) Except as provided in OAR 735-062-0120 and OAR 735-062-0125, an applicant for an original, renewal or replacement driver license, driver permit or identification card must submit to the collection of biometric data, as provided in ORS 807.024, for the purpose of establishing identity.
- (2) Except as provided in OAR 735-062-0120 and OAR 735-062-0125, if an applicant's identity is not established by the biometric data submitted pursuant to subsection (1) of this rule, the

applicant must provide documentation or other evidence sufficient to establish the applicant's identity to the satisfaction of DMV. The documents or other evidence may include, but are not limited to, one or more of the following:

(a) Documents listed in OAR 735-062-0020 that provide proof of the applicant's identity and date of birth to the satisfaction of DMV.

(b) The applicant's SSN and proof and verification of the SSN as provided in OAR 735-062-0005.

(c) A letter from a treating physician that identifies the person and states a medical reason for the person's change in appearance.

(d) A document or letter from a law enforcement agency verifying identity.

(e) A court document verifying identity.

(3) Except as provided in OAR 735-062-0120 and OAR 735-062-0125, DMV will not issue a driver license, driver permit or identification card, if the applicant's identity is not established under this rule.

(4) Pursuant to ORS 809.310(3) and OAR 735-070-0004, DMV will suspend an applicant's driving privileges or identification card and the person's right to apply for driving privileges and an identification card, if the person fails to establish his or her identity as required by this rule and the failure to establish identity is the result of the applicant's committing any of the acts identified in ORS 809.310(3) (a) through (h).

(5) Pursuant to ORS 809.310(1), ORS 807.400(14), and OAR 735-070-0004, DMV will cancel a driver license, driver permit or identification card issued to an applicant who fails to establish his or her identity as required by this rule when applying for the license, permit or identification card.

(6) Pursuant to ORS 809.310(2), ORS 807.400(14), and OAR 735-070-0004, DMV will cancel a driver license, driver permit or identification card issued to an applicant who fails to establish his or her identity as required by this rule when applying for the license, permit or identification card, and the failure to establish identity is the result of the applicant's providing false information to DMV.

(7) If, based on the identification procedures required under section (1) or section (2) of this rule, DMV determines that an applicant has used different names to identify himself or herself in different applications submitted to DMV and the different names are not the result of the applicant's having legally changed his or her name, DMV may take the actions authorized by ORS 809.135.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.024, OL 2008, Ch 1

Stats. Implemented: ORS 807.024, 807.400, 809.135, 809.310, 807.400, 809.411, OL 2008, Ch 1

735-062-0020

Proof of Identity and Date of Birth Requirements

(1) A person who applies for an original, renewal or replacement driver permit, driver license, or identification card must provide valid documentary proof of the person's identity and date of birth prior to the issuance of such driver permit, driver license, or identification card. Documents must be original or certified copies.

(2) If the applicant's full legal name is different from the name on the document(s) submitted to provide proof of identity and date of birth pursuant to section (1) of this rule, the applicant must provide valid documentary proof that the applicant's name has been legally changed and that the applicant is the person identified in the documents submitted to prove the applicant's identity and date of birth. Documentary proof of an applicant's legal name change may include, but is not

limited to: a marriage certificate, a divorce decree, a certificate of registered domestic partnership, a judgment of dissolution or annulment of marriage or domestic partnership, an adoption decree, and a court decree, order or judgment legally changing the applicant's name.

(3) Documents acceptable as proof of identity and date of birth include, but are not limited to:

- (a) Any document that provides proof of legal presence as provided in OAR 735-062-0015.
- (b) U.S. Military documents including:
 - (A) Military or Armed Forces ID card;
 - (B) Military Common Access Card; or
 - (C) U.S. Uniform Services ID and Privileges card (DD1173 and DD1173-1).
- (c) Tribal ID card from a federally recognized tribe located in Oregon or a federally recognized tribe with an Oregon affiliation if DMV determines:
 - (A) The procedures used in issuing the card are sufficient to prove a member's identity and date of birth; and
 - (B) The card contains security features that are sufficient to prevent alteration or counterfeiting of the card.
- (d) Canadian Government Issued Birth Certificate;
- (e) Out-of-state, District of Columbia, U.S. Territorial government or Canadian driver license, instruction permit or identification card, that contains the applicant's photograph, not expired more than one year unless hole-punched or marked "Not Valid as ID."
- (f) Oregon driver license, instruction permit, or identification card, not expired more than one year. For the purposes of this subsection, DMV will not accept a driver license that was issued without a photograph.
- (g) U.S. Department of State driver license or Non-driver ID card not expired more than one year.
- (h) Oregon Concealed Weapon Permit/Concealed Handgun License, not expired more than one year.
- (i) A letter verifying identity provided by an Oregon County Community Corrections agency if:
 - (A) DMV determines the procedures used in issuing the letter are reasonably equivalent to DMV standards for verification of a person's age and identity; and
 - (B) The letter contains security features that are sufficient to prevent alteration or counterfeiting of the letter.
- (j) A letter verifying identity provided by the U.S. Pretrial Services if:
 - (A) DMV determines the procedures used in issuing the letter are reasonably equivalent to DMV standards for verification of a person's age and identity; and
 - (B) The letter contains security features that are sufficient to prevent alteration or counterfeiting of the letter.
- (k) A letter verifying identity provided by the Oregon Youth Authority Agency if:
 - (A) DMV determines the procedures used in issuing the letter are reasonably equivalent to DMV standards for verification of a person's age and identity; and
 - (B) The letter contains security features that are sufficient to prevent alteration or counterfeiting of the letter.
- (L) A letter verifying identity provided by a U.S. District Court Probation Office if:
 - (A) DMV determines the procedures used in issuing the letter are reasonably equivalent to DMV standards for verification of a person's age and identity; and
 - (B) The letter contains security features that are sufficient to prevent alteration or counterfeiting of the letter.

(m) Oregon Department of Correction Release Identification card, issued after April 30, 2005.
(4) DMV will not accept a document as proof of identity and date of birth if DMV has reason to believe the document is not valid. DMV may request an applicant for a driver permit, driver license, or identification card to present additional documentary proof of identity and date of birth if the document presented does not establish the applicant's identity or date of birth to the satisfaction of DMV.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.050, 807.150 & 807.400

Stats. Implemented: ORS 807.050, 807.062, 807.150, 807.160, 807.220, 807.230 & 807.280

735-062-0030

Proof of Residence Address

(1) DMV requires all applicants for an original driver permit, driver license, or identification card to present at least one document showing the applicant's name and current residence address. Current residence address is the address where the applicant actually lives, and DMV will include this address on the permit, license, or identification card. Acceptable documents include any of the items listed in section (3) of this rule.

(2) DMV requires all applicants who apply for a renewal or replacement driver permit, driver license, or identification card to present at least one document showing the applicant's current residence address if the applicant's address has changed since the last time the driver permit, driver license or identification card was issued or renewed. Acceptable documents include any of the items listed in section (3) of this rule.

(3) Proof of residence address includes any of the following documents that show the applicant's current residence address:

(a) Any proof of identity and date of birth document listed in OAR 735-062-0020 containing the applicant's current residence address.

(b) Mortgage documents.

(c) A verbal statement from the parent, step-parent or guardian of an applicant attesting to the applicant's residence address. The parent, step-parent or guardian must reside at the same address as the applicant. In addition, the parent, step-parent or guardian must present one acceptable proof of address document as set forth in this rule that shows the current residence address of the applicant.

(d) A verbal statement of the applicant's spouse or partner in a domestic partnership. The spouse or partner must reside at the same address as the applicant. In addition, the spouse or partner must accompany the applicant and present one acceptable proof of residence address document as set forth in this rule.

(e) Utility hook-up order or account statement issued by the utility company.

(f) Payment booklet.

(g) Mail, sent to the current resident address, which is dated within 60 days of the application for the license, permit or identification card. DMV will accept mail from the following sources:

(A) U.S. Treasury;

(B) Social Security Administration;

(C) State or Federal Revenue Department;

(D) Government agencies. (Mail received from DMV containing only a residence address);

(E) Utility companies;

(F) Insurance companies; and

(G) Originators of out-of-state clearance letter.

- (h) Oregon vehicle title or registration documents belonging to the primary owner listed and may only contain the owner's residence address.
 - (i) Oregon manufactured structure ownership documents.
 - (j) Oregon voter notification card.
 - (k) Selective Service card.
 - (L) Medical or health benefits card.
 - (m) Educational institution transcript forms or other school documents showing enrollment for the current school year.
 - (n) An unexpired professional license issued by an agency in the United States.
 - (o) Form DS2019, Certificate of Eligibility for Exchange Visitor (J-1) Status.
 - (p) Letter from the Oregon State Hospital, Oregon Veteran Rehabilitation Center, a homeless shelter, a transitional service provider, nursing home, assisted/independent living care facility/home, adult care service provider/skill nursing facility, or halfway/group home certifying the applicant's residence address, approved by DMV.
- (4) If the applicant does not have a residence address, DMV may accept a descriptive address with a mailing address. DMV may require the applicant to provide proof that no residence address has been assigned to the property. Such proof may include, but is not limited to, a statement from the U.S. Postal Service or from the Assessor's office in the county in which the property is located.
- (5) An applicant who is homeless may use a descriptive address of the location where he/she actually resides, e.g., "under the west end of Burnside Bridge." The applicant must prove that he or she is a resident or domiciled in Oregon pursuant to OAR 735-016-0040. In addition to the descriptive address, the applicant must also provide a mailing address.
- (6) An applicant who travels continuously may use a residence address of "continuous traveler." The applicant must prove that he or she is a resident or domiciled in Oregon pursuant to OAR 735-016-0040. In addition to the use of "continuous traveler," the applicant must also provide a mailing address.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.050, 807.150 & 807.400

Stats. Implemented: ORS 807.110, 807.160 & 807.400

735-062-0032

Applicant Temporary Driver Permit Issued to Applicants Unable to Provide SSN and Legal Presence Documentation

- (1) When an applicant for a driver license or driver permit is unable to provide the documentation required by OAR 735-062-0005 to prove a verifiable SSN or ineligibility for a SSN, or is unable to provide the documentation required by OAR 735-062-0015 to prove legal presence, DMV may issue an applicant temporary driver permit to the applicant if:
- (a) The applicant is otherwise eligible and complied with all other requirements for a driver license or driver permit, including the requirements for proof of identity and date-of-birth under OAR 735-062-0020;
 - (b) The applicant certifies that to the best of his or her knowledge, the applicant is legally present in the United States; and
 - (c) DMV has not issued an applicant temporary driver permit to the applicant under this rule before, and the applicant so certifies.
- (2) A holder of an applicant temporary driver permit issued under this rule must have the permit on his or her person while operating a motor vehicle. The applicant temporary driver permit will

indicate the class of license granted and any endorsements granted and will list any restrictions placed on the driving privileges.

(3) Except as provided in sections (4) and (5) of this rule, an applicant temporary driver permit issued under this rule is valid for 90 days, or until the applicant is able to provide to DMV the documentation required by OAR 735-062-0005 and 735-062-0015 for issuance of a driver license or driver permit, whichever is sooner.

(4) DMV may extend the period of an applicant temporary driver permit's validity up to 60 days, but no more than one time, and only if:

(a) The applicant applies for an extension;

(b) The applicant provides evidence of efforts to obtain the documentation required by OAR 735-062-0005 and 735-062-0015 for issuance of a driver license or permit; and

(c) DMV determines that sufficient cause exists for the extension.

(5) An applicant temporary driver permit issued under this rule automatically becomes invalid if the applicant's driver license or permit is issued or is refused for good cause. If and when the applicant's driver license or permit is issued or refused for good cause, the applicant must surrender to DMV his or her applicant temporary driver permit.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.310

Stats. Implemented: 807.310, OL 2008, Ch 1

735-062-0033

Applicant Temporary Identification Cards Issued to Applicants Unable to Provide SSN and Legal Presence Documentation

(1) When an applicant for an identification card is unable to provide the documentation required by OAR 735-062-0005 to prove a verifiable SSN, or ineligibility for a SSN, or is unable to provide the documentation required by OAR 735-062-0015 to prove legal presence, DMV may issue an applicant temporary identification card to the applicant, if:

(a) The applicant is otherwise eligible and has complied with all other requirements for an identification card, including the requirements for proof of identity and date-of-birth under OAR 735-062-0020;

(b) The applicant certifies that, to the best of his or her knowledge, the applicant is legally present in the United States; and

(c) DMV has not issued an applicant temporary identification card to the applicant under this rule before, and the applicant so certifies.

(2) Except as provided in section (3) of this rule, an applicant temporary identification card issued under this rule is valid for 90 days or until the applicant is able to provide to DMV the documentation required by OAR 735-062-0005 and 735-062-0015 for issuance of an identification card, whichever is sooner.

(3) DMV may extend the period of the applicant temporary identification card's validity up to 60 days, but no more than one time, and only if:

(a) The applicant applies for an extension;

(b) The applicant provides evidence of efforts to obtain the documentation required by OAR 735-062-0005 and 735-062-0015 for issuance of an identification card; and

(c) DMV determines that sufficient cause exists for the extension.

(4) An applicant temporary identification card issued under this rule automatically becomes invalid if the applicant's identification card is issued or is refused for good cause. If and when the applicant's identification card is issued or is refused for good cause, the applicant must surrender to DMV his or her applicant temporary identification card.

735-062-0090

Renewal Driver Licenses and Identification Cards

- (1) DMV will renew the driver license of a person satisfying the requirements set forth in ORS 807.150.
- (2) An applicant for the renewal of a driver license or identification card must:
 - (a) Provide proof of a verifiable SSN or proof that the person is not eligible for a SSN as provided in OAR 735-062-0005(2);
 - (b) Provide proof of legal presence as provided in OAR 735-062-0015;
 - (c) Submit to the collection of biometric data for the purpose of establishing identity as provided in ORS 807.024 and 735-062-0016; and
 - (d) Provide proof of identity and date of birth as provided in OAR 735-062-0020.
- (3) An applicant for the renewal of a driver license or identification card that includes a change of residence address must present to DMV one of the proofs of residence address listed in OAR 735-062-0030 that shows the person's current residence address. (Current residence address is the residence address to be included on the license or identification card to be issued.)
- (4) DMV may renew an unexpired driver license or identification card up to four months prior to the expiration date.
- (5) Notwithstanding section (4) of this rule, DMV will renew an unexpired driver license or identification card of a person who is a member of the Oregon National Guard or a military reservist being deployed, up to 14 months prior to the expiration date on the license or identification card.
- (6) If a driver license has been expired more than one year, the applicant must re-apply for an original driver license and meet the requirements set forth in OAR 735-062-0007.
- (7) An applicant for a renewal of a commercial driver license with a hazardous materials endorsement must retake and pass the hazardous materials knowledge test and meet the requirements set forth in OAR 735-062-0190 to retain the hazardous materials endorsement on the commercial driver license.
- (8) An applicant for a renewal of a commercial driver license must meet the requirements set forth in OAR 735-063-0065.
- (9) Before processing a driver license renewal, DMV will make an inquiry to the National Driver Register/Problem Driver Pointer System (NDR/PDPS) or the Commercial Driver License Information System (CDLIS), or both, to determine if the applicant's driving privileges are suspended, revoked, canceled or otherwise not valid in any other jurisdiction. Before processing a commercial driver license (CDL) renewal, DMV will make an inquiry to CDLIS to determine if the applicant has been issued a CDL in any other jurisdiction.
- (10) If the applicant's driving privileges are suspended, revoked, canceled or otherwise not valid in any other jurisdiction, the applicant may not renew an Oregon driver license until the applicant submits a clearance letter that complies with OAR 735-062-0160 and shows the applicant's driving privileges are reinstated or otherwise valid in the other jurisdiction.
- (11) Notwithstanding section (10) of this rule, DMV will renew the driving privileges of an applicant whose driving privileges are suspended, revoked, canceled or otherwise not valid in another jurisdiction if the only remaining reinstatement requirement in the other jurisdiction is proof of future financial responsibility.

(12) DMV will not renew an Oregon driver license or permit if the applicant has a current, valid Oregon identification card. To become eligible, the person must surrender the Oregon identification card before DMV will renew the Oregon driver license or permit. If the person's identification card is lost or the person no longer has the identification card in his or her possession, the person must provide a statement attesting to this fact.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 802.012, 807.040 & OL 2008, Ch 1

Stats. Implemented: ORS 802.012, 802.540, 807.040 - 807.060, 807.100, 807.15, 807.400, OL 2008, Ch 1

735-062-0110

Replacement Driver Permits, Driver Licenses, and Identification Cards

(1) DMV will issue a replacement driver permit, driver license or identification card for one of the reasons listed in section (2) of this rule if the applicant meets the requirements set forth in ORS 807.160 and this rule and the person is eligible for the driver license, driver permit or identification card.

(2) DMV may issue a replacement driver license, driver permit or identification card when the applicant:

(a) Furnishes proof satisfactory to the department of the loss, destruction or mutilation of the person's driver license, driver permit or identification card.

(b) Changes residence address from the address noted on the person's driver license, driver permit or identification card.

(c) Is an officer or eligible employee who has requested, in accordance with ORS 802.250, that department records show the address of the person's employer.

(d) Changes names from the name noted on the person's driver license, driver permit or identification card.

(e) Is applying for or is required to add or remove a restriction on the person's driver license or driver permit.

(f) Is applying for or is required to add or remove an endorsement other than a motorcycle or farm endorsement on the person's driver license or driver permit.

(g) Furnishes proof satisfactory to the department or the department determines that the department made an error when issuing the person's driver license, driver permit or identification card.

(h) Surrenders the person's driver license that was issued without a photograph under OAR 735-062-0120 and requests a driver license with a photograph.

(i) Surrenders a driver license, driver permit or identification card to the department following a suspension and the person becomes eligible for driving privileges or an identification card.

(j) Has a driver license, driver permit or identification card that was confiscated by a police officer, a court or other agency and the person is eligible for a driver license, driver permit or an identification card.

(k) Requests to change any physical description, notation, photograph or signature on the driver license, driver permit, or identification card or to add or delete an anatomical donor designation.

(L) Surrendered an Oregon driver license or driver permit to the driver licensing agency of another state or jurisdiction and the person again becomes domiciled in or a resident of Oregon, as long as the person remains eligible for driving privileges and the driver license or permit has not been expired for longer than one year. This subsection does not apply if the person is requesting a commercial driver license.

(m) Has a reason satisfactory to DMV to be issued a driver license, driver permit or identification card with a different distinguishing number than the one being replaced.

- (n) Requests a downgrade from one license class to another (e.g., a Commercial Driver License to a non-commercial Class C driver license).
- (o) Requests restoration of a Commercial Driver License following a suspension of the Commercial Driver License or a downgrade to non-commercial driving privileges and the person is eligible for commercial driving privileges.
- (p) Requests to correct information on the driver license, driver permit or identification card that was provided to DMV in error.
- (3) An applicant for a replacement driver license, driver permit, or identification card must:
- (a) Provide proof of a verifiable SSN, or proof that the person is not eligible for a SSN, as provided in OAR 735-062-0005(2);
 - (b) Provide proof of legal presence as provided in OAR 735-062-0015;
 - (c) Submit to the collection of biometric data for the purpose of establishing identity as provided in ORS 807.024 and OAR 735-062-0016; and
 - (d) Provide proof of identity and date of birth as provided in OAR 735-062-0020.
- (4) An applicant for a replacement driver license, driver permit, or identification card that includes a change of residence address must also present to DMV one of the proofs of residence address listed in OAR 735-062-0030 that shows the person's current residence address. Current residence address is the address where the person actually lives and DMV will include that address on the license, permit, or identification card issued.
- (5) An applicant for a replacement driver license, driver permit, or identification card must surrender the license, driver permit or identification card replaced to DMV, if possible.
- (6) Before issuing a replacement driver license or driver permit, DMV will make an inquiry to the National Driver Register/Problem Driver Pointer System (NDR/PDPS) or the Commercial Driver License Information System (CDLIS), or both, to determine if the applicant's driving privileges are suspended, revoked, canceled or otherwise not valid in any other jurisdiction. Before processing a replacement commercial driver license or commercial driver permit, DMV will make an inquiry to CDLIS to determine if the applicant has been issued a CDL in another jurisdiction.
- (7) If the applicant's driving privileges are suspended, revoked, canceled or otherwise invalid in any other jurisdiction, DMV will not issue a replacement driver license or driver permit until the applicant submits a clearance letter that complies with OAR 735-062-0160 or a DMV inquiry to the NDR/PDPS or CDLIS, or both, shows that the applicant's driving privileges are reinstated or otherwise valid in the other jurisdiction.
- (8) Notwithstanding section (7) of this rule, DMV will issue a replacement license or driver permit to an applicant whose driving privileges are suspended, revoked, canceled or otherwise invalid if the only remaining reinstatement requirement in the other jurisdiction is proof of future financial responsibility.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.160 & OL 2008, Ch 1

Stats. Implemented: ORS 807.160, 807.220, 807.230, 807.280, 807.400, OL 2008, Ch 1

735-062-0120

Standards for Issuance of Driver's Licenses Without a Photograph

(1) DMV may, upon receipt of a written request, and for good cause, provide for issuance of a valid driver license without a photograph to any person qualified to hold an Oregon driver license:

- (a) Who is a member of a religious denomination that prohibits photographing of its members because it is contrary to its religious tenets; or

(b) Who has severe facial disfigurement.

(2) In addition to satisfying the requirements of section (1), an applicant for issuance of a driver license under this rule must:

(a) Provide proof of verifiable SSN, or proof of ineligibility for a SSN, as provided in OAR 735-062-0005(2);

(b) Provide proof of legal presence as provided in OAR 735-062-0015;

(c) Provide proof of identity and date of birth as provided in OAR 735-062-0020; and

(d) Provide proof of residence address as provided in OAR 735-062-0030(1).

Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.110, OL 2008, Ch 1

Stats. Implemented: ORS 807.110, OL 2008, Ch 1

735-062-0125

Standards for Issuance of a Renewal or Replacement Driver License or Identification Card Containing a Previous Photograph

(1) DMV may renew or replace a person's driver license or identification card by issuing a renewal or replacement license or identification card containing a photograph of the person already on file with DMV, if the applicant:

(a) Is an Oregon resident as described in OAR 735-016-0040 and previously has proven that he or she is a citizen or permanent resident of the United States as required by OAR 735-062-0015;

(b) Previously has provided proof of his or her Social Security number, and the number has been verified with the Social Security Administration as required by OAR 735-062-0005;

(c) Submits a written statement to DMV establishing good cause why he or she is not able to appear and apply for the renewal or replacement license or identification card at a DMV field office;

(d) Provides proof that he or she is, in fact, the person to whom the license or identification card to be renewed or replaced was issued; and

(e) Meets all other qualifications for the license or identification card sought and provides proof that he or she is domiciled in Oregon as described in OAR 735-016-0040.

(2) Circumstances constituting "good cause" for purposes of subsection (1)(c) of this rule include, but are not limited to, the following:

(a) The applicant is temporarily in another jurisdiction or country for business reasons, employment or education, will be returning to Oregon, and continues to satisfy Oregon's residency requirements.

(b) The applicant is traveling outside of Oregon and the applicant's Oregon driver license or identification card is lost, stolen or mutilated;

(c) The applicant is traveling outside of Oregon and the applicant's Oregon driver license or identification card has expired or will expire before the person returns to Oregon; or

(d) The applicant has a medical condition or health problems that prevent him or her from applying for a renewal or replacement license or identification card at a DMV field office and submits to DMV proof of the medical condition or health problems from the applicant's licensed treating physician.

(3) Notwithstanding section (1) of this rule, DMV may issue a renewal or replacement license or identification card containing a photograph of the applicant already on file with DMV, if the applicant is an Oregon licensed driver or identification card holder serving on active duty in the United States Armed Forces outside of Oregon who provides a copy of his or her:

(a) Most current Leave Earning Statement showing Oregon as his or her home on record;

(b) Federally-issued active duty Military identification card; and

(c) Social Security number to be verified with the Social Security Administration, if not previously provided.

(4) A spouse, partner in a domestic relationship or dependent of a military person on active duty in the United States Armed Forces outside of Oregon who qualifies under section (3) of this rule, who holds an Oregon driver license or identification card may qualify for a driver license or identification card using the previous photograph, if the spouse or dependent provides a copy of the following:

(a) The military member's most current Leave Earning Statement showing Oregon as his or her home on record;

(b) The military member's active duty Military identification card;

(c) The spouse, partner or dependent's Military identification card; and

(d) The spouse, partner or dependent's Social Security number to be verified with the Social Security Administration, if not previously provided.

(5) DMV will not replace or renew a driver license or identification card under this rule, if the applicant's most recent photograph on file with DMV is more than nine years and two months old.

Stat. Auth.: ORS 184.616, 184.619, 802.010, OL 2008, Ch 1

Stats. Implemented: ORS 807.400, OL 2008, Ch 1

735-062-0220

Additional Fee for Collection and Verification of Biometric Data

(1) As provided in ORS 807.375, a \$3 fee will be added to the motorcycle and farm endorsement fee imposed under ORS 807.370 if that endorsement is not added during the issuance or renewal of other privileges.

(2) The additional fee, along with fee increases in statute to begin July 1, 2008, covers the cost of purchasing equipment and establishing and maintaining a database used for collecting and verifying biometric data.

Stat. Auth.: ORS 184.616, ORS 184.619, 802.010, 807.375

Stat. Imp.: ORS 807.024, 807.370 and 807.410

735-070-0000

Driver License Cancellations -- Not Entitled to Driving Privileges

(1) DMV will, under the provisions of ORS 807.350 and 809.310(1), cancel a person's driving privileges if DMV determines the person is not entitled to or no longer qualified for a driver permit or driver license.

(2) A person is not entitled to a driver permit or driver license if the person does not meet the eligibility requirements of ORS 807.024, 807.040, 807.060, 807.062, 807.065, 807.066 and 807.070.

(3) A person is not entitled to a driver permit or driver license if the person's driving privileges are suspended or revoked in any jurisdiction.

Stat. Auth.: ORS 184.616, 184.619 and 802.010

Stats. Implemented: ORS 802.540, 807.040, 807.050, 807.060, 807.070, 807.120, 807.150, 807.400 and 809.310

735-070-0004

Cancellation and Suspension Actions Under ORS 809.310 and 809.320

(1) Pursuant to ORS 809.310(1) and (2) and 807.400(14), DMV will cancel any driver license, driver permit or identification card when DMV determines that it was issued on the basis of false

information given to DMV or determines that the person is not entitled to driving privileges or the identification card. The cancellation action may be taken in addition to the suspension actions authorized by section (3) of this rule.

(2) When DMV cancels a person's driver license, driver permit or identification card under section (1) of this rule, DMV may cancel any other driver license, driver permit or identification card issued to the person to which the person is not entitled or which was issued on the basis of false information given to DMV.

(3) When DMV suspends a person's driving privileges or identification card pursuant to ORS 809.411(9) because the person has been convicted of any of the acts identified in ORS 809.310(3) (a) through (h), or because DMV has determined the person knowingly committed any of the acts identified in ORS 809.310(3)(a) through (h), DMV will suspend any other identification card or driving privileges issued to the person and the person's right to apply for driving privileges and an identification card.

Stat. Auth.: ORS 184.616, 184.619 and 802.010

Stat. Imp.: ORS 809.310, 809.320

735-070-0010

Reinstatement Following Cancellation or Suspension Under ORS 807.220, 807.230, 807.350, 809.310 and 809.320

(1) DMV will reissue a driver permit, driver license or identification card to a person whose driving privileges or identification card is canceled under ORS 809.310(1) because the person is not entitled only if the person corrects the condition that caused the cancellation and otherwise meets all requirements for driving privileges or an identification card.

(2) DMV will reissue a driver permit, driver license or identification card canceled under ORS 809.310(2) because there is an error, i.e. wrong class of license or permit, incorrect endorsement; incorrect date of birth, name, expiration date or issue date once the person surrenders the driver permit, driver license or identification card with the error. If the information on the driver permit, driver license or identification card is wrong because of a DMV error, a no fee replacement will be issued.

(3) DMV will reissue a driver permit, driver license or identification card canceled under ORS 809.310(2) because the address is not the person's residence address as required by law once the person surrenders the driver permit, driver license or identification card with the incorrect information and the person provides DMV with acceptable documentary proof of residence address as described in OAR 735-062-0030(1) and pays all applicable fees.

(4) Notwithstanding sections (1), (2) and (3) of this rule, when a person whose driving privileges or identification card are canceled under ORS 809.310(1) or 809.310(2) is not a resident of Oregon, DMV will rescind the cancellation to allow the person to obtain driving privileges or an identification card in another jurisdiction but will not reissue an Oregon driver license, driver permit, or identification card. The person must:

(a) Request that DMV rescind the cancellation;

(b) Have corrected all applicable conditions that caused the cancellation except for the domicile or residency requirements under ORS 807.062; and

(c) Provide verification from another jurisdiction that:

(A) The person has applied and meets the requirements for driving privileges or an identification card in that jurisdiction;

- (B) The person has surrendered his or her Oregon driver license or identification card to the jurisdiction, or has stated that the card was surrendered to DMV or that it was lost, destroyed or mutilated; and
- (C) The cancellation must be rescinded in order for the person to qualify for driving privileges or an identification card in the other jurisdiction.
- (5) DMV will issue a driver license, driver permit or identification card when a person described in section (4) of this rule returns to Oregon and the person corrects the condition that caused the cancellation and meets all eligibility requirements for driving privileges or an identification card and pays all applicable fees.
- (6) DMV will reinstate the person's driving privileges or identification card, including his or her right to apply suspended under ORS 809.310(3)(b)-(h) when:
- (a) One year has elapsed since the effective date of the suspension; and
- (b) The person pays the reinstatement fee.
- (7) When a person's driving privileges or identification card, including the right to apply, is suspended under ORS 809.310(3)(a), DMV will reinstate the driving privileges or identification card one year from the effective date of the suspension if the person:
- (a) Provides proof of a verifiable SSN or proof that the person is not eligible for a SSN as provided in OAR 735-062-0005(2);
- (b) Provides proof of legal presence as provided in OAR 735-062-0015;
- (c) Submits to the collection of biometric data and establishes identity as provided in ORS 807.024 and OAR 735-062-0016;
- (d) Provides proof of identity and date of birth as provided in OAR 735-062-0020;
- (e) Submits proof of residence address as provided in OAR 735-062-0030(1);and
- (f) Pays the reinstatement fee.
- (8) Notwithstanding section (7) of this rule, when a person's driving privileges or identification card are suspended under ORS 809.310(3)(a) and is no longer a resident of Oregon, he or she may request to have his or her driving privileges, identification card or right to apply be reinstated in order to be issued in another jurisdiction. DMV will not issue an Oregon driver license, driver permit or identification card, but will reinstate the driving privileges, identification card or right to apply when:
- (a) One year has elapsed since the effective date of the suspension;
- (b) The person provides verification from another jurisdiction that:
- (A) The person has applied and meets the requirements for driving privileges or an identification card in that jurisdiction; and
- (B) The person has surrendered his or her Oregon driver license or identification card to that jurisdiction, or has stated that the card was surrendered to DMV or that it was lost, destroyed or mutilated; and
- (c) The person pays the reinstatement fee.
- (9) A person described in section (8) of this rule, who returns to Oregon, may be eligible for a driver license, driver permit or identification card. DMV will issue a driver license, driver permit or identification card when:
- (a) Provides proof of a verifiable SSN or proof that the person is not eligible for a SSN as provided in OAR 735-062-0005(2);
- (b) Provides proof of legal presence as provided in OAR 735-062-0015;
- (c) Submits to the collection of biometric data and establishes identity as provided in ORS 807.024 and OAR 735-062-0016;

- (d) Provides proof of identity and date of birth as provided in OAR 735-062-0020;
- (e) The person submits proof of residence address as provided in OAR 735-062-0030(1); and
- (f) The person meets all eligibility requirements for driving privileges or an identification card and pays all applicable fees.

(10) When DMV cancels a person's driver permit or driver license for withdrawal of consent under ORS 809.320, DMV will reinstate driving privileges when the person:

(a) Pays a replacement driver permit or driver license fee or a renewal fee, if applicable; and

(b) Submits one of the following if the person is under 18 years of age:

(A) An application for a driver permit or driver license that is signed by the person's mother, father or legal guardian;

(B) Court papers showing that the person is declared emancipated by the court; or

(C) Evidence that the person is married.

(11) When DMV cancels a person's driving privileges because the person is not qualified or does not meet the requirements under ORS 807.350, DMV will not grant driving privileges until the person meets the requirements and demonstrates qualification for a driver license under ORS 807.040, 807.050, 807.060, 807.062, 807.065, 807.066 and 807.070.

(12) When the special student driver permit of a person under 16 years of age is canceled under ORS 807.230(7), DMV will only issue driving privileges when the person has reached 16 years of age and if the person is eligible and meets all applicable requirements in ORS 807.040, 807.065 and 807.066 and OAR 735-062-0000 to obtain a driver permit or driver license. When the special student driver permit of a person over 16 years of age is canceled, DMV will not reissue a special student driver permit however the person may apply for a driver license if eligible and if the person meets all applicable requirements in ORS 807.040, 807.065, 807.066 and OAR 735-062-0000.

(13) When an emergency driver permit is canceled under ORS 807.220(3)(g), DMV will:

(a) Reissue an emergency driver permit after one year has elapsed from the effective date of the cancellation if the person is eligible and meets the requirements in OAR 735-064-0230; or

(b) Issue a driver permit or a driver license if the person is eligible and meets all applicable requirements in ORS 807.040, 807.065 and 807.066 and OAR 735-062-0000.

Stat. Auth.: ORS 184.616, 184.619 and 802.010

Stats. Implemented: ORS 807.220, 807.230, 807.400, 809.310, 809.320, Ch 1, OL 2008

735-070-0020

Hearing Following a Cancellation

(1) The Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) will grant a contested case hearing for cancellation actions in accordance with sections (5) and (6) of this rule.

(2) A request for a hearing on the cancellation of a driver permit, driver license or identification card must comply with the requirements established in OAR 735-070-0110.

(3) When DMV receives a timely request for a hearing on the cancellation of a driver permit, driver license, or identification card, the cancellation will not go into effect pending the outcome of the hearing, except in the following situations:

(a) When DMV determines that there is a serious danger to the public health, safety, or welfare;

(b) When the cancellation is due to a person's inability to establish identity as required in ORS 807.024 and OAR 735-062-0016;

(c) When the cancellation is for withdrawal of parent's consent; or

(d) When the cancellation has gone into effect.

(4) For the purposes of this rule, a serious danger to the public health, safety or welfare includes, but is not limited to, the following:

(a) A false or fraudulent driver permit, driver license or identification card has been issued and it could be used to facilitate:

(A) A minor's acquisition of alcoholic beverages;

(B) The cashing of forged checks;

(C) The acquisition of property under false pretenses; or

(D) Any other unlawful activity.

(b) A driver permit or driver license is issued to a person whose driving privileges are suspended or revoked at the time the driver permit or driver license is issued. This applies to a situation where DMV would not have issued the driver permit or driver license had it known at the time that the person's driving privileges were suspended or revoked.

(c) A person determined by DMV to be an endangerment to persons or property and denied further testing through cancellation of driving privileges under ORS 807.350 and OAR 735-062-0073(5).

(5) The Office of Administrative Hearings will conduct hearings held on identification card cancellations under ORS 807.400 as contested cases in accordance with ORS 183.310 to 183.550.

(6) The Office of Administrative Hearings will conduct hearings held on driver permit or driver license cancellations under ORS 809.310 not based on a conviction as contested cases in accordance with ORS 183.310 to 183.550.

Stat. Auth.: ORS 183.415, 184.616, 802.010, 807.173 809.440 and 814.619

Stats. Implemented: ORS 807.173 and 809.310