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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] **United States citizen or permanent legal resident** 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.

(10) After determining that an applicant has met all requirements under this rule and has provided proof of legal presence in the United States on a temporary basis, as described in OAR 735-062-0015(4), DMV will issue a limited term driver license or limited term driver 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 & 2008 OL Ch1
Stats. Implemented: ORS 807.040, 807.060, 807.066 & 2008 OL 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] **United States citizen or permanent legal resident** 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) After determining that an applicant has met all requirements under this rule and has provided proof legal presence in the United States on a temporary basis, as described in OAR 735-062-0015(4), DMV will issue a limited term identification card and mail it to the address provided by the applicant at the time of the application.

[(10)] **(11)** DMV may renew an identification card as provided in OAR 735-062-0090 or may do so using a previous photograph only as provided 735-062-0125.

[(11)] **(12)** DMV may replace an identification card as provided in OAR 735-062-0110 or may do so using a previous photograph only as provided 735-062-0125.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.040, 807.050, 807.400 & 2008 OL Ch 1
Stats. Implemented: ORS 807.400& 2008 OL 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, unless the person's DMV record shows DMV has previously verified the person's SSN and shows that the person is a citizen or permanent legal resident of the United States. The documents provided must be either original or certified copies.

(2) 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, **the District of Columbia** 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*] **a citizen or permanent resident of** 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).

(k) U.S. Citizen Identification Card (I-197 and I-179).

(3) 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).

(4) Documents acceptable as proof that a person [*who*] is not a citizen or permanent legal resident of the United States **but** is legally present in the United States **on a temporary basis** 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 **with a valid unexpired foreign passport**.

(b) [*Passport*] **Arrival/Departure Record (I-94, CBP I-94A) with a passport** issued by the Federated States of Micronesia (FSM), Republic of the Marshall Islands (RMI) or Republic of Palau, 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)] **(d)** Employment Authorization card (I-688A, I-688B and I-766); or

[(C)] **(e)** Refugee Travel Document Form I-571.

(5) DMV will not accept as the proof required by sections (3) and (4) of this rule a document that is not verified through the Systematic Alien Verification for Entitlements (SAVE) system.

(6) Notwithstanding section (5) of this rule, DMV may accept a document described in sections (3) and (4) of this rule that is not verified through the SAVE system if:

(a) DMV is able to determine through other means that the document is valid; **or**

(b) The document is presented for the replacement of a limited term driver license, limited term driver permit, or limited term identification card under OAR 735-062-0110.

(7) 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 735-062-0033.

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) **Except as provided in section (3) of this rule, [D]**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 **or identification card** that was issued without a photograph, **or issued with a previous photograph as described in OAR 735-062-0125.**

(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.

(n) The applicant's DMV record, including the applicant's digital photo, if the applicant has previously been issued an Oregon driver license, driver permit or identification card.

(3) A person who is renewing or replacing a driver license or identification card issued pursuant to OAR 735-062-0125 must provide an original or certified copy of one of the following documents as proof of identity and date of birth:

(a) A birth certificate issued by a U.S. Territorial government, the District of Columbia, 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 a citizen or permanent resident of 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).

(k) U.S. Citizen Identification Card (I-197 and I-179).

(L) Resident Alien card.

(m) Permanent Resident card (I-551).

(n) Permit to Re-Enter (I327).

[(3)] **(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

735-062-0090

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] **14** 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)] **(5)** 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)] **(6)** 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)] **(7)** An applicant for a renewal of a commercial driver license must meet the requirements set forth in OAR 735-063-0065.

[(9)] **(8)** 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)] **(9)** 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)] **(10)** Notwithstanding section [(10)] **(9)** 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)] **(11)** 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.

(12) Notwithstanding subsection (2)(b) of this rule, DMV will renew a limited term driver license, limited term driver permit or limited term identification card to an applicant who otherwise qualifies for renewal under this rule and has provided proof of temporary legal presence in the United States as described in OAR 735-062-0015(4) that has been extended or is still in effect.

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

Stats. Implemented: ORS 802.012, 802.540, 807.040 - 807.060, 807.100, 807.15, 807.400 & 2008 OL 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] Provides proof that he or she is a resident of or domiciled in Oregon** as described in OAR 735-016-0040; **[and]**

(b) Provides proof or previously has proven that he or she is a citizen or permanent resident of the United States as required by **OAR 735-062-0015**. **An applicant who has not previously provided proof to DMV of citizenship or permanent legal residency in the U.S. may provide**

a copy, satisfactory to DMV, of one or more documents required by OAR 735-062-0015(2) or (3).

[(b)] **(c) Provides proof or [P]**previously has provided proof of his or her Social Security number, and the number *[has been]* **is** verified with the Social Security Administration as required by OAR 735-062-0005;

[(c)] **(d)** 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 **and certifying that he or she will not be returning to Oregon within 150 days from the date of application;**

[(d)] **(e)** 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)] **(f)** 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)]**(d)** 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 & 2008 OL Ch 1
Stats. Implemented: ORS 807.400 & 2008 OL Ch 1