

Secretary of State
Certificate and Order for Filing
PERMANENT ADMINISTRATIVE RULES

I certify that the attached copies* are true, full and correct copies of the PERMANENT Rules(s) adopted on July 20, 2011 by the
Date prior to or same as filing date.

Oregon Department of Transportation, Driver and Motor Vehicle Services Division 735
Agency and Division Administrative Rules Chapter Number

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to become effective upon filing Rulemaking Notice was published in the June 2011 Oregon Bulletin.**
Date upon filing or later Month and Year

RULE CAPTION

Eligibility for a Hardship or Probationary Driver Permit

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

List each rule number separately, 000-000-0000.

ADOPT:

AMEND: 735-064-0020

REPEAL:

RENUMBER: Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

AMEND & RENUMBER: Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

ORS 184.616, 184.619, 802.010, 807.240, 807.252, 807.270 None
Stats. Auth. Other Authority

ORS 807.062, 807.240, 807.250, 807.270, 809.265, 809.380, 809.390, 809.419, 809.421, 813.500, 813.602
Stats. Implemented

RULE SUMMARY

OAR 735-064-0020 establishes who may apply for a hardship or probationary permit and lists those suspensions or revocations that disqualify a person from being issued a hardship or probationary permit. Under ORS 807.240(3)(d), to qualify for a hardship permit a person must show that he or she "is not incompetent to drive nor a habitual incompetent, reckless or criminally negligent driver as established by the person's driving record." A person who is convicted of driving under the influence of intoxicants is required to install an ignition interlock device (IID) to prevent the person from driving after consuming alcohol. ORS 813.602(6) requires DMV to suspend a person's driving privileges for tampering with an IID. Tampering with an IID shows the person is a reckless driver and does not qualify for a hardship permit. Currently, DMV will not issue a hardship permit to a person whose driving privileges are suspended due to tampering with an IID. DMV has amended OAR 735-064-0020 to specify in administrative rule that a person whose driving privileges are suspended for tampering with an IID may not apply for a hardship permit.

Authorized Signer Clyde K. Saiki _____
Printed Name Date

* With this original, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules.

** The *Oregon Bulletin* is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation. Notice forms must be submitted to the Administrative Rules Unit, Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310 by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday when Notice forms are accepted until 5:00 pm on the preceding workday.